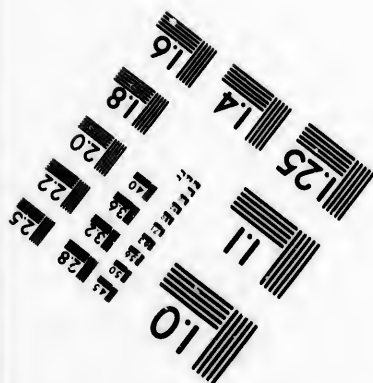
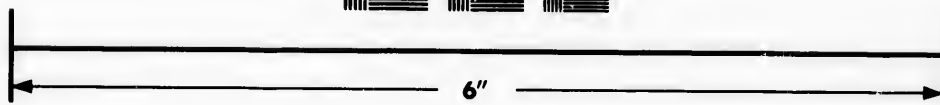
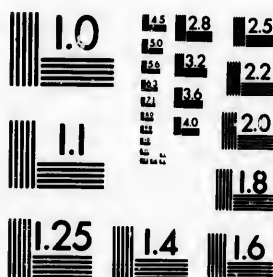


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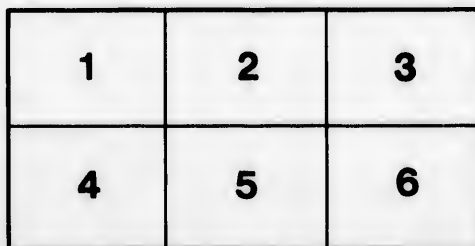
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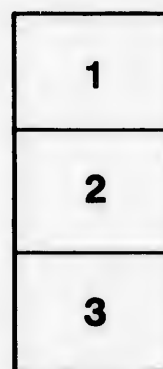
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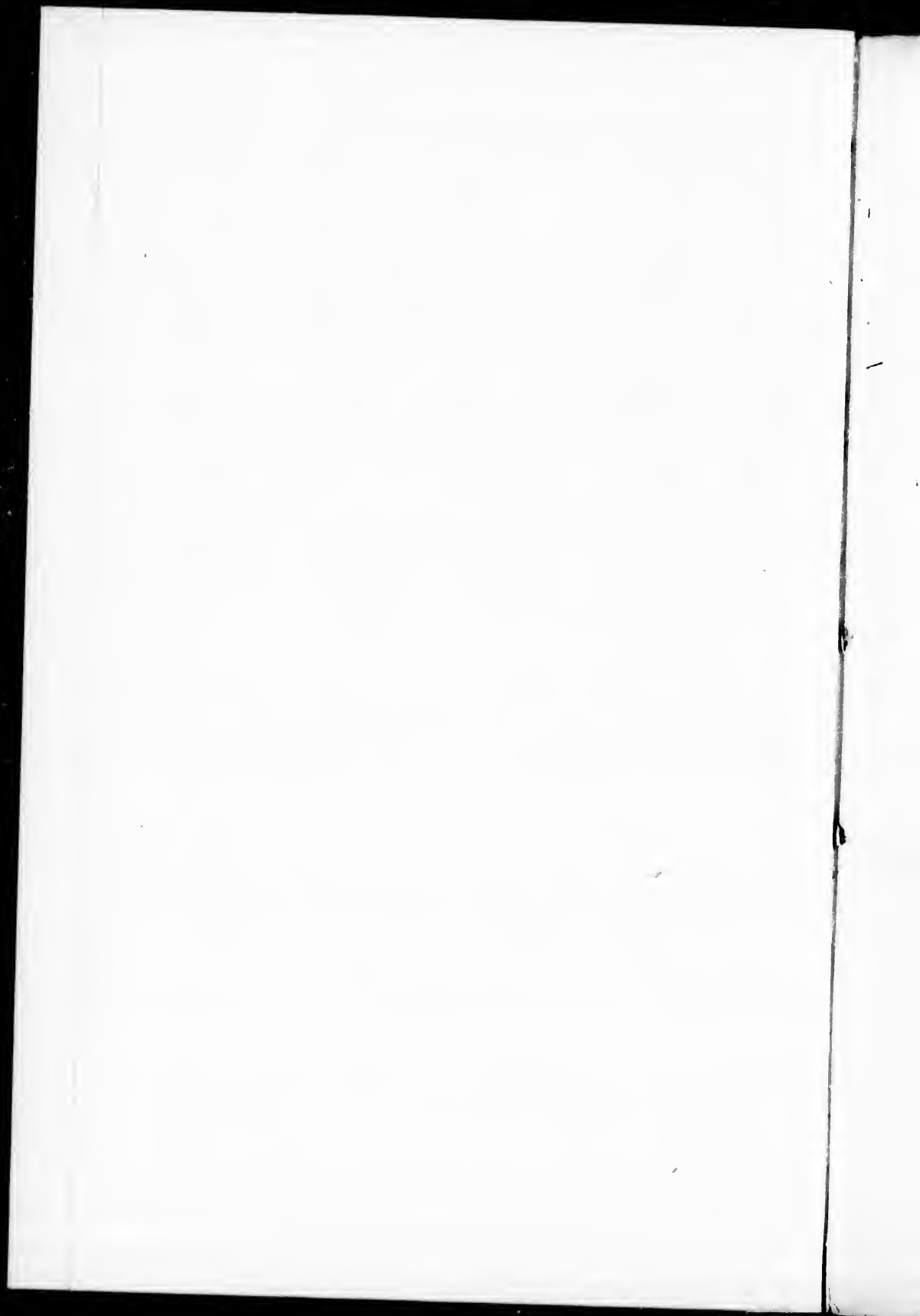
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CANADIANA:

CONTAINING

SKETCHES OF UPPER CANADA,

AND THE

CRISIS IN ITS POLITICAL AFFAIRS.

IN TWO PARTS.

" All that bear this are villains, * * * *
Not to rouse up at the great call of Nature,
And check the growth of these domestic spoilers,
That make us slaves, and tell us, 'tis our Charter."
OTWAY.

BY

W. B. WELLS,

BARRISTER-AT-LAW, AND MEMBER OF THE PROVINCIAL PARLIAMENT.

LONDON:

PRINTED FOR THE AUTHOR,

BY C. AND W. REYNELL, LITTLE PULTENEY STREET.

1837.

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PREFACE.

CIRCUMSTANCES over which the writer had no control have induced the present publication. He crossed the Atlantic with the intention, although not for the express purpose, of communicating to the Colonial Secretary all the information in his power concerning the present troubles in the Canadas. Two gentlemen of the highest intelligence and popularity had preceded him, who were, in a manner, the agents from the Liberals of the Upper Province. They were refused an audience by my Lord Glenelg, and great was the writer's surprise, on his arrival, in finding that they had already left England in disgust. The boasted right of petitioning was denied them, and the object of their journey failed. A verbal communication with men of intelligence, coming 4,000 miles as the agents of a numerous class of his Majesty's subjects, could at least do no injury to those interested in good government. It would naturally be supposed that they would be heard more as a matter of right, than of condescension on the part of the Colonial Secretary. Unwilling to encounter so harsh a repulse, but still anxious to be of service in the important crisis which even the Ministerialists are forced to acknowledge, the only resource left was an appeal to the public through the medium of the press, however unfit the writer found himself for such an undertaking.

Although the affairs of Canada have undergone much discussion, the subject can never be exhausted while their grievances remain unredressed. The zealous friends of those Colonies, in London, have done all in their power towards an amelioration of their institutions; but without success. Engaged in an arduous struggle at home, with interests at stake far beyond comparison with those of a new country, yet it is a theme of grateful acknowledgment that they have looked beyond the general question, to one of minor, but no less interesting, character. When the vacillating conduct of the Whig Government is now undergoing a general scrutiny, any collateral evidence from the Colonies, brought forward in corroboration of their inefficiency, may have an influence for the good of all.

Independent of the vast extent and richness of territory known as the Canadas, and the usefulness of their trade; laying aside the sympathy naturally felt for a people struggling for their rights, thousands of whom are emigrants from this land of their birth and early affections, the nation have a direct interest in investigating the result of Colonial policy. In these days of retrenchment, they have a right to ask, of what use has been the Colonial Official Establishment? And whether it is kept up at great expense, with all its train of under secretaries, counsel, clerks, &c., merely to multiply the machinery of government, and extend the conveniences of patronage? Or whether the Colonial Minister is to receive a high salary from the public revenue, for the sole purpose of appearing a worthy successor of Lord Hillsborough;* pocketing the emoluments, and acting as a mute conformer to Ministerial movements in the Upper House? While other diseased parts are undergoing proper treatment, the establishment in Downing street, affording so snug a lodgment for sinecurists and idlers, may demand an examination. Public opinion, well directed here, might save numerous items in the expenditure, while in the mean time the neglected Canadians would derive very great advantage from the investigation.

Since the present Secretary accepted the seals, he has done worse than nothing, by displaying the most determined hostility to what were once called Whig principles there. When the Reform Bill became a law, it was hailed in a different hemisphere with quite as much rejoicing as by its friends here. They expected immediate good results to themselves, as being a portion of the empire. The Earl of Ripon, Lord Stanley, and Mr Spring Rice, never did any good, but much mischief, by their superintendence in the Colonial Department. This was all passed over with patience, in expectation of better days, when the new system of things came more fully into operation. To them succeeded Lord Glenelg, and under his management

* This office was first created in the reign of Queen Anne, expressly for the management of the affairs of Scotland during the rebellion in that country. At the peace it was discontinued, until again revived at the commencement of the troubles in America, and Lord Hillsborough was made the Secretary. Under his direction the thirteen Colonies were lost. He is accused by "Junius" of displaying "neither abilities nor good sense;" that "his treatment of the Colonies, added to his refusal to present a petition from one of them (a direct breach of the declaration of rights), will naturally throw them into a flame. I protest, Sir, I am astonished at the infatuation which seems to have directed his whole conduct." Should Lord Glenelg, a Scotchman, whose countrymen first gave occasion for the situation he now holds, be the means of discovering its uselessness after still greater sacrifices, the whole train of circumstances will be surprising. The similarity of his character to that of Lord Hillsborough must appear striking.

never were their liberties so boldly invaded. To compare his sway with that of the professed Tory, Sir George Murray, would be an insult to the latter gentleman. Information as to the interests of the Canadians, emanating from the highest sources, has lately almost overflowed the Colonial Office, which was not conveyed to Sir George Murray; and yet the Administration of the Tory may well stand comparison with that of the miscalled Whig. The former at least did one good act. He soundly admonished Sir P. Maitland, and removed him, for his unjustifiable conduct, to make way for Sir J. Colborne; while the latter removed Sir J. Colborne, who began to show signs of yielding to the popular cause, and sent, in his stead, Sir Francis Bond Head, who has become too notorious in several different capacities to require observation on his character at present. The Major-General was succeeded by the Major in the waggon train, by which the Canadian aversion to military command was increased instead of diminished. Still more were they mortified by the much greater falling off in the civil than in the military respectability. His late conduct has led to complaints much louder than the wretched pauper is enabled to raise. That these complaints are well founded is attempted herein to be shown. Should it not clearly appear that the cause of Reform has been made to retrograde, instead of advance, under Whig management, the fault must be in the humble writer, and not in the conduct of my Lord Glenelg, and his *protégé* Sir F. B. Head.

The hopes held out by the Reform Bill—the anxieties and watchings for a prosperous change, which all were led to expect, have met with disappointment and insult. Were nothing more done, they at least fancied a Governor would be sent, who would preserve the dignity of his station, and outwardly appear an honest representation of Majesty. They had no reason to expect a bubble-blower; or one who, to suit his own purpose or that of his party, would not only go beyond the reality, but beyond what the conventions of society forbid to be termed innocent fiction.

The parturient throes in the vicinity of Downing street must have been grievous in the extreme, in inflicting on the Colonists a bantling of so ethereal a character. At one moment dancing attendance in the counting-house of his speculating employers, receiving his instructions for a descent upon South America—the next in full flight across the Atlantic—across the Pampas—down in the bowels of the Republican Cordilleras, thirsting for unfingered treasures—next he is found a lounge and scribbler at Nassau—again, he is lost in the rural parishes in Kent, an

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overbearing Assistant Poor Law Commissioner, at an humble salary,—finally, he is wafted to the unlucky Colonies, to spring a mine on their liberties not already prostrated, and perhaps overwhelm himself in the general confusion. A gentleman of such ubiquitous powers was no doubt very useful in command of the baggage waggons, and as a sutler to the army; but it is lamentable that the Whigs could find no other snug berth for him than the one he at present occupies. The history of Canadian affairs may be likened to a tragedy, in which all the incidents are made to heighten the catastrophe. The accumulation of domestic suffering has gone home to the bosoms of a brave and feeling people; but the last stab may well be described “the unkindest cut of all.” It was not expected from a quarter supposed to be friendly, and can scarcely be endured.

Should a stranger visit the country, and see the advantages conferred upon it by Nature, and learn the cause of its present desolation, compared with other parts of the continent;—if he has a spark of freedom or spirit in his composition, he will wonder at the forbearance so long maintained. It is only lately that the inhabitants are beginning to wonder at it themselves. While a reasonable hope remained, they indulged in its pleasures. The infant had, indeed, nearly been strangled by its mother, but still she *was* its mother! And now, should a separation be decreed by the negligence or oppression of those wielding their destinies, the parting will be more “in sorrow than in anger.”

In these remarks reference has been made chiefly to Upper Canada, principally because the writer has a more intimate acquaintance and connexion with that Province, from being a native, and hitherto a resident, of the same; partly because it is impossible to treat of both, when the grievances of one can only be slightly hinted at, without an undue occupation of time; and partly that fewer advocates have appeared in the field in her behalf, and more against her. The Lower Province has engrossed a larger share of attention than the Upper, although their interests and causes of complaint are the same. They have been enabled to fight the battle with greater advantage, owing to their superiority in numbers, and the almost unanimous spirit which actuates them. Moreover, they have an official medium through whom their wants have been expressed; although it is but justice to Mr Roebuck to say, that his ability and exertions have rendered an equal service to both Provinces, of which the inhabitants are gratefully sensible.

Upper Canada, from the superior skill of the Tories in accumulating large and petty offices, and distributing the patronage,

has been more subject to a division of opinion than has been of advantage. The party opposed to Reform, by means not available in the Sister Province, have been enabled to secure the return of such men to Parliament, now and again, as did not take the most effectual mode of obtaining redress. The people have suffered from this, and applied the remedy, but comparatively they are late in coming into the field.

The Canada Company and other monopolies have all had their advocates, not only in support of their private interests, but in aid of that power by which alone they may expect to derive profit. Some of these have unconsciously injured their clients, by over-stepping the bounds of hypocrisy and deception, in advancing those doctrines which they really entertain, but which the intelligence and spirit of the age consider base and contemptible. In thus identifying the Tory party in Canada with the Tories all over the world, they have done a service to the cause of Reform where an injury was intended.

Other writers have appeared in a more patriotic capacity, by whom ample information has been afforded on the true state of the country, but they have found the task unproductive of beneficial results. After such failures it may appear presumption in one of small pretensions to undertake any thing of the kind; but in the maintenance of a great cause, the efforts of all are required, and not alone those of the most capacity.

As these are not the times for mincings and lukewarmness, he has spoken his feelings frankly and strongly; more so perhaps than the cool philosopher will relish, or ordinary occasions would justify; but a *crisis* leads to sharp words, and sometimes deeds, and the present is emphatically a crisis. He could hope for nothing by affecting to write generally and obscurely, and as it is, there is not much room for hope that his efforts may be of service. But although all may object to the mode and temper of elucidation, the great principles of rational liberty cannot be depreciated, nor rendered less worthy of adoration. One finding it necessary to deal out so much condemnation, has no reason to expect great indulgence in return, but he has not set his heart upon individual distinction, and is quite content to remain among the multitude, where, if his voice cannot be heard, he at least adds one to its numbers. As to his impartiality, he need not say he asks no favours in the power of a corrupt government, and that he would feel degraded by the remotest connexion with them; and his countrymen have twice so amply gratified any personal ambition he might now be thought labouring to advance with them, as to put any such motive out of the question.

The First Part contains a running account of the early settlements of Canada, with a description of the soil, climate, &c.; a history of the inhabitants, their claims for good government, their genius, spirit, modes of life, and the sports by flood and field; in which some inducements are held out to emigrants wishing to renew life in that country. It also contains an account of the institutions at present existing; its internal resources, advantages, and prospects.

Part Second discusses the grievances of which they complain, the injustice of Whig and Tory policy, and the immediate necessity of correcting a half-century's misrule by wise and conciliating measures.

London, January 1837.

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CHAPTER I.

A GENERAL SKETCH OF THE FIRST SETTLEMENTS.

THE country bordering on the river St Lawrence, the great chain of lakes, the Mississippi, and their tributaries, was first taken possession of by the French upwards of three hundred years ago. Missionaries were immediately dispatched for the purpose of converting the Aborigines to Christianity; who, by fixing upon their stations and rearing houses of worship, were the first pioneers of civilization in the unknown wild. They maintained their ground for a length of time, unassisted by their lay countrymen, until the inducements for settlement caused many emigrants to leave the crowded kingdoms of Europe, for the freer range over the Atlantic. The most of these were from the rural districts of France, who, led on by that thirst of ease and happiness too apt to lead astray, grew wearied of their vine-hills, to seek an *El Dorado* in a world intrinsically and emphatically the *New*. The immense extent of inland navigation afforded by the St Lawrence directed attention towards it at once; but owing to the enchantments of the country, the delighted voyagers were quite contented to line the shores from the Gulf upwards, without penetrating farther to the south and westward. In process of time they had extended themselves three or four hundred leagues, occupying whatever they chose, by virtue of very useful and liberal laws—those of Dame Nature. It was not until about the middle of the seventeenth century, that inroads were made as far as the Mississippi; and, notwithstanding its superiority in point of mildness of climate, the bulk were contented to remain where they were.

Although, like the first English settlements on the Atlantic, the French were liable to be disturbed by opposition from the

various and powerful tribes of Indians to their encroachments: yet the labours of the pious and self-denying Missionaries were eminently successful in preventing that continued scene of hostility, which existed beyond the scope of their influence.

In the weakness of human nature, we are as apt to deny our reverence and respect to those who have gone before us, whose conduct and example have been really useful to the world, as we are to misplace our attachments on the worthless and undeserving.

The Canadians, claiming descent from the first settlers, have not been unmindful of the hardihood that could plan so bold a scheme of isolation from the pleasures of chivalrous Europe, or the determination which could carry it into execution. In annual jubilees they commemorate the first landing of their fathers. Vivacious merry-makings and harmless sports prolong the celebration. Then the buoyancy of feeling, inherited from the cheerful middle ages, fully displays itself. Surrounding their neat white cottages, the green re-echoes the mirth of the young, and the shades protect the patriarchs of the day. Those who are wont to admire the hospitality and simplicity exhibited by the rural population in France, will there witness it in happy exuberance. Adventures are recounted by those who have been *voyageurs* to the far north-west—the dance prevails—ditties are sung—

“In Provence call'd, *La belle dame sans mercy.*”

All is joy, festivity and good fellowship. Nor are the more serious rites denied, quite as sensibly conducted as those pious exercises to the memory of the “blessed Charles the Martyr,” and other *Saints* read of in the calendar.

In time, the rage of emigration began to increase, from the success of the first experiments; and multitudes flocked in, pitching their tents in such pleasant places as taste or judgment might direct.

A traveller, pursuing the route of the St Lawrence below the grand rapids, may view on either side, far as the eye can stretch, innumerable white cottages spread over the ample fields looking green and level in the distance. For hundreds of miles as he advances he may see these, and wonder at their number and beauty. But the one half has not been revealed to him. There are peaceful valleys far in the interior, swarming with inhabitants, and teeming with generous, hospitable, civilized life, with all its social comforts and enjoyments. They *will* be happy in spite of the tyrannous oppressor. Here, he may see different cultivated plots stretched along an upland, with the snug domiciles of the owners planted near the scene of their labours. Another range

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may crown the hill-tops, looking over "flood and fell;" while the valley presents the same thick clusters, like those found in England, and not less neatly laid out and cultivated. These are mostly the old family abodes of those who followed the footsteps of the patient Missionaries.

The King of France discovered in the course of time the vast importance of the Canadas, not only as an addition to his territory, but for their prospective value. He was not long in taking measures to secure the possession, and the delightfulness of the country suggested the name it afterwards went by, that of New France.

As a precautionary step against the inroads of the savages, or any foreign power, he caused a line of fortresses to be erected, reaching from the lofty promontory of Quebec, to the River Ohio, and afterwards from that to the Gulf of Mexico. They bristled over the waters of the St Lawrence, along the southern shores of Lakes Ontario and Erie, and across to the Ohio. This was not all. Dock-yards were established for building ships of suitable burthen, to further the trade, and afford protection and communication in case of war. Troops were also dispatched, by whom an intercourse was kept up between the most distant parts, for the common safety of the settlers.

In the lapse of time, these old monuments of the French King's solicitude for the welfare of his trusting subjects, have mostly disappeared. Some may be seen in all their mouldy grandeur, peering from the clumps of trees by which they are surrounded. They are useful lessons for the modern Canadian's study; reminding him of the duteous care once evinced for those whose place he now supplies, by their brethren and King. They teach him there was once a time, when those wallowing in luxury and the enjoyments of plenty, could yet find time to think of those struggling with every difficulty in a new and uncivilized world. I have stood where the plough has passed and turned up some antique memorial of other days: a rusty hatchet, a case shot, or the remnant of an *arquebus*, and felt all the delight of an antiquarian in calling to life the palmy times of the French ascendancy. I have reposed beneath aged trees, grown in the very centre of the quadrangular enclosures, since those were peopled by men of another age. They had usurped the place of mansions devoted to the safety or perhaps shelter of the surrounding inhabitants. The spots are well chosen for military purposes; the forts either commanding a wide expanse of water and low land, or seated in stately gravity on one of the numerous islands so beautifully adorning the broad breast of the river.

They unquestionably aided materially in extending the range of adventure.

From these materials, without the aid of history, it appears the country was considered a great acquisition, and looked upon as capable, at a future time, of returning a recompense for any outlay or trouble in rendering its whole extent safely inhabitable.

In the wars of the last century, between England and France, offensive operations were not confined to the eastern continent. Inroads were made by the English Colonies of the Atlantic, on the back settlements of the French. Indians were employed in these bloody rencontres, on both sides, and in fact the mode of warfare of the white man, by his practice in the woods, had become assimilated to the irregular tactics of his red allies. The Canadians had the more powerful tribes as their friends, and were successful in repelling these invasions, sometimes rolling the war back on them in turn. Notwithstanding the assistance of the English soldiery, who understood nothing of the modes of bush fighting, the Canadians were seldom or never beaten. Braddock's defeat is a memorable instance of Indian prowess, backed by a small Canadian force.

Lord Chatham at once saw the importance of striking an effectual blow to obtain possession of the country. It was certainly not for the mere purpose of crippling the enemy, that he dispatched General Wolfe with a powerful army, on the hazardous undertaking to storm Quebec. The sea-ports of France were open to attack, as well as the Indies, the reduction of which would do far more in ending the war. But the far-seeing eye of this statesman looked farther than the mere reduction of an inland Colony. He at once perceived, that by overcoming the enemy in this quarter, nearly the whole of North America would be under the sway of the British sceptre. By a series of fortunate circumstances the expedition proved successful, after a well-contested engagement on the plains of Abraham. The contest was a dear one, both to the English and French armies, costing the lives of many troops, and both the Commanders; but they well knew the immense extent of country depending on the issue, and met death bravely in the discharge of their duty. The English were afterwards confirmed in the possession, and continue to hold it; but the flag that waves from Cape Diamond has been disgraced and desecrated; and that too over the ashes of Wolfe, by the villany and rapacity of his unworthy successors.

A few years afterwards, the Maitlands and Aylmers and Dalhousies and Heads of that day, caused the insignificant revolt of only thirteen Colonies. Singularly enough, this happened to be

successful, notwithstanding all the redoubted blusterings of the Ministry and the heroic proclamations of the Lordly and Knightly Commissioners sent out to America. But the calamity to British arms was too disgraceful to be here dwelt upon. One thing is certain. The prosperity of these Colonies, as the United States, affords good proof that Lord Chatham was right in obtaining all the territory he could in North America, and afterwards expending his latest breath in preservation of it. The prophetic saying, "My Lords, you cannot conquer America!" was sneered at by the idiots and dandy Statesmen of that day: but, considering the difference in the times, and the spirit and intelligence of the age, they would have no reason to blush at a comparison with some others brought into existence by the Reform Bill.

Lord Chatham's ideas of political economy do not seem to have corresponded with those of Lord North and his compeers. Very few, however, are now found to dispute his immeasurable superiority, not only in that wisdom which directed all his actions, but in that patriotic feeling which gave his tongue eloquence to proclaim the rights and liberties of Englishmen or their descendants, resident in whatever country or clime. The similarity in the situation of the Canadas at present, to that of the thirteen Colonies, is singular and foreboding. True, they have not to complain of any stamp act; but they suffer *much more* under different other Acts equally grinding and insupportable. Restrictions and regulations imposed without their consent, equally affect their commercial relations. The same characters are sent out as Governors; and the Hutchinsonian system of secret dispatches, libelling and misrepresenting the Colonists, is now in vogue. With all the drawbacks on their prosperity, suffered by the ancient Colonies, they have few of their advantages. With one-third as many inhabitants in the two Provinces as the thirteen Colonies possessed at the time of the Revolution—with the success of one bold effort to cast off tyranny, recorded even in their school books, and a still more intolerable load of grievances to arouse every latent energy; will any one now be found to deny the instability of the connexion? By a most surprising coincidence, none but the men who ought to have a different opinion, and who alone have the power to apply the remedy—the Norths, the Hillsboroughs, and Wedderburnes, remain indifferent or inexorable. Were Franklin himself to rise from the dead, the old gentleman might wonder at the stupidity of those who profess to reverence ancient experience, and still throw away the kernel for the chaff; but it would scarcely be possible for even him to do much good under the present circumstances.

It is doubtful whether he would gain admittance in the Colonial Office; and were this possible, very likely another Wedderburne would attempt to scathe him with his own lightnings.

It is surprising how mawkish and sentimental the Whigs can be when it suits their plan of hoaxing. They commiserate in set speeches the uneducated and half-civilized slaves of the West Indies, claiming no descent from British ancestry, and whose state of bondage was far preferable to the two millions of starving paupers in Ireland, and the oppressed ones in England; but when they are asked to knock off the shackles from a priest-ridden and purse-ridden people, who are the very source of their power, their tone is changed and their religious enthusiasm ends. No delicacy prevented them at once annihilating the vested rights of the planters; yet they dread an interference with their own, lest some of the sources of profit should be cut off. Nor even in Canada will they put an end to the Church-and-State robbery, although they are not directly interested in the support of the thieving and detestable Oligarchy.

Notwithstanding the disrepute into which my Lord Stanley is fallen, it is almost to be regretted that he had not remained a Minister some time longer; as at one period he rated this same Oligarchy at their true value. Instead of insult and neglect, the Canadians might have received from him an equal measure of justice with the West Indian slave.

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CHAP. II.

UPPER CANADA.

" Art thou the land with which my fancy teems,
Whose golden plains once brightly round me shone?
Which oft hath shed sweet magic o'er my dreams,
And cheer'd me on with hope when feeble grown?"

At the Revolution of 1775 the rise against oppression was not unanimous. Many who had not felt the effects of bad government, or retained too much reverence for their Sovereign, and the laws, to throw off their allegiance, either remained passive during the struggle or took up arms against their brethren. The cause of quarrel is now generally admitted to have been just, and the fame of the United States is greatly enhanced at having achieved so glorious a triumph in the cause of liberty. Heaven knows these triumphs are not so frequent or lasting, that they should be deprived of any of the merit they so justly lay claim to. But those who opposed the Declaration of Independence have many claims for consideration in the part they took. Some of the States were quite as much republics then as they are now. In proof of this it is only necessary to state that after the separation they adopted the same charters as their constitutions, under which they before governed themselves. Many joined the revolutionists from pride and principle against being wantonly interfered with by a distant small island; but others were found fearful of the consequences of a separation, and opposed force to force from honest motives. It may be presumed that some were intimidated into the British ranks by the great force sent into the country, against which it was not thought possible to make a stand. The danger being greater to remain neuter, subject to the attacks of both parties, than in joining either one or the other, may also have driven not a few to bear arms.

What appears the most unaccountable, is, that the Canadians, who had been conquered, or rather turned over to the British Government only twelve years before, should be found in arms supporting that cause.

Deputations were sent to them by the Continental Congress, to induce them to join the confederacy, at the head of which the venerable Franklin placed himself. Yet no inducements could prevail upon them to join the disaffected. This is a curious fact, and the excessively "*loyal and constitutional*" gentlemen who are in the habit of maligning them, are called upon to explain it. These *disinterested* men, who attribute the present difficulties in the Lower Province entirely to the French origin of the inhabitants, and in consequence of their deadly hatred of the British institutions: who, taking the cue from the Boston Lordling, accuse them of being "*aliens in blood, in language, and religion*,"—they are called upon to account for this faithful adherence, at the time when the whole bone and sinew of the Continent were employed on the opposite side. Yes, the French Colonists, when the dishonour of their situation was still rankling in their bosoms, if they ever entertained such feelings, were impervious to the call of rebellion, owing to which, some part of North America was preserved to the empire. Not even the seductive appeals of a Franklin could make them swerve. Now, if no deep-seated hatred of the English was at this time nourished by them, it is impossible that they could have transmitted it to their posterity, and the conclusion is that their wrongs alone cause the disaffection at present.

Their national origin did not prevent them from bearing true allegiance to their Sovereign at that time, nor will it ever have aught to do with the question. Unhappily they have something more tangible which disturbs their pride and honourable feelings. As well might the calumniator raise a similar objection to the English, for many of them are of Norman extraction, their King claims descent from the French invader of this island, and as to the language, why the old statute books and histories bear evidence of its having been once not only the polite language of Europe, but the recognised and legal one here. The truth is, these allegations of the Oligarchy and their dependents, are brought forward for want of arguments, and to serve their own purposes, and are only worthy of them.

To say that the Lower Canadians are not proud of their descent from "*La belle France*" would be taxing them with a want of feeling known even to the most barbarous nations, and still cherished the more in adversity. It is possible, at first, like the Moor's wife, they may have perceived a "*divided duty*;" but like her, they have well proved the last affection to have been the strongest. But no matter how many "*honest Iagos*" breed the disturbance, they need not flatter themselves at the same consummation of their villany. They may create the divi-

sion, but there will be no trifling resistance at the smothering process. They may make up their minds that—

“ Pikes must shiver, javelins ring,
Blade with clattering buckler meet,
Hauberk clash and helmet ring.”

During the revolutionary war the Canadas were known as the Province of Quebec. At its close the party in the United States opposed to the separation found the country much too warm for them. When the British armies were withdrawn, the universal enthusiasm that prevailed, showed itself not only in thanksgivings and rejoicings at their success, but in sundry persecutions of those who had not espoused the popular cause. Their estates were confiscated and their persons treated with no little indignity.

At the treaty between the two countries the British Government retained a large tract of their former possessions, principally through the inflexibility of the Canadians. This is now divided into several distinct Colonies, and thither the United Empire loyalists, as they were termed, sought a refuge. They made choice of different parts, the majority fleeing to the western shores of the St Lawrence and Lake Ontario. The zeal and loyalty displayed by them was considered worthy of peculiar demonstrations of satisfaction from the Government. To them and to their children were awarded bounties in lands, and the settlement of what is now Upper Canada rapidly proceeded.

The Province of Quebec was governed by a Governor, and Council of his own choosing, who possessed the power of making laws binding upon the inhabitants. Such a power, reposed in irresponsible persons, was part of that policy which had alienated the affections of the old Colonies; and considering that many of these had charters, placing the whole administration under the direct control of the people, the denial of equal privileges to all, appears the more extraordinary. With them, as with us, it is too evident that the Ministry were not governed by principle, in a refusal so unjust, nor by any regard to “constitutional” principles, however much they may have deceived the country by such absurdities: but only by a desire to continue the patronage in their own hands, either as a source of emolument to themselves, or for portioning off their poor dependents or friends who looked to them for support. Men who could allow robbery by wholesale to support the extravagancies of “princes of the blood,” as they are proved to have done, could have no scruples in providing for themselves in the same secret way. The schemes for obtaining office and power, and the shifts made use of to continue in the enjoyment of the same, are too well known to warrant

implicit fidelity in their honour and patriotism. Men that have changed from side to side with every change of wind, may make protestations of devotion to the cause of the country, with very serious and elongated countenances, and flatter themselves every thing they say is gospel to the common herd; but they are liable to be mistaken.

So soon after the confusion caused by the seven years' war, and while their attention was chiefly occupied in securing a maintenance, the early settlers had little time to bestow on the imperfections of their government. Owing to the vast extent of territory over which they were scattered, and the difficulties in the way of frequent communication, they had but slight knowledge of its proceedings, or the manner in which those funds were expended which they were called upon to raise.

In eight years, however, something in the shape of a defined constitution was found absolutely necessary. Mr Pitt was at this time the leader in the House of Commons, and he is said to have drawn the outline of that which afterwards became a law, one morning, while taking his breakfast. It professed to be an epitome of the English Constitution. The Province of Quebec was divided into Upper and Lower Canada, and separate governments established in each. A Governor and Executive Council were to discharge the duties of the King and his Ministers. An Upper House, called the Legislative Council, was to answer to the House of Lords, and a House of Assembly to the House of Commons.

These three estates possessed the power of enacting laws for the benefit of the inhabitants, subject however to certain reservations. Furthermore, one seventh of all the lands were reserved for the maintenance of a Protestant clergy; but the local legislature was empowered to amend this clause as might be deemed proper. This act remains unaltered and unimproved to this day, and under its provisions the Provinces have dragged on a feeble existence, while other portions of the same continent have become mighty in wealth, prosperity, and glory.

There can be no doubt that it was passed with the best intentions of conferring every degree of liberty on the Canadians. They had deserved as much by their adherence to the British standard; besides they were neighbours to Independent States, whose free institutions and their effect in securing individual happiness and national greatness, would be understood and duly appreciated. It was Mr Pitt's policy to leave them nothing of which they could be jealous, and nothing but this *epitome* of the English Constitution could at that time be hit upon to answer the end. No one can for a moment suppose he brought it forward

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with any other intention than as an *experiment*, and great praise is due to him for doing thus much for a Colony, when the home country was labouring under many difficulties. None will have the madness to charge him with a desire of legislating finally for them, or that the simple enactment of one Parliament could not be altered or amended by another. His mind was too comprehensive, were he not imbued with the liberal Colonial precepts of his father, to entertain a notion so absurd.

The greatest difficulty he had to contend with was the creation of a second House of Lords. He who spurned at titles, and knew no greater honour than being a plain commoner, must have made merry with himself while creating a rival aristocracy to that in England. To the offended dignity of the Peers it can be said, he was by no means successful in equalling their wealth and antiquity of titles, while they are quite matched, if not exceeded, in superciliousness, perverseness, and stupidity. Were the reader to look upon the noble and lordly legislative councillors of Canada, while sitting in grave deliberation on matters of state, he would not be reminded of the descendants or namesakes of the bold Barons. Yet, on a more deliberate inspection, their temerarious opposition to measures of improvement, would indicate some claim to nobility of blood. This is not the time to examine their peculiar claims to the rights of Peers, but owing to their august station, one cannot pass them without some token of deferential notice.

The policy of Mr Pitt and his colleagues in attempting to preserve their hold in North America, was worthy of all commendation. That their intentions ought not now to be thwarted, we have from the lips of our gracious Sovereign himself. He told Sir Charles Grey, on his appointment as a Commissioner to Canada, that "*the Canadas must not be lost or given away.*" Such penetration in his Majesty indicates a much greater knowledge with respect to the value of the country, than some of his Ministers possess. Whether it is drawn from the best of all sources, that of visiting them in person, as he has done, or from the attachment they so nobly evinced for his family during two wars, is not for the humble writer to determine. Some have pretended to understand his Majesty to mean that *force* must prevent them from being *lost*, and that nothing shall be "*given away*" to them. But the clear meaning of the sentence is, that they must neither be *lost* for want of every necessary liberty; nor *given away* at least without protection or solicitude for their future fate. These are noble sentiments, and worthy the great and good patron of the Reform Bill. Were there no national honour, and even glory, in being connected with so vast an extent of territory, with all

its present and prospective advantages, it were folly to sever the connexion by indifference or neglect. If the nation desire a dismemberment, the magnanimous and straight-forward course would be to publish a Declaration of Independence at once, and not allow the first stone to be thrown. Besides, there would be something retaliatory in the protocol—"For that whereas certain thirteen Colonies did once insult our dignity by severing themselves from us—so we, in like manner, hereafter and for all time to come, do sever ourselves from you."

The cause of *legitimacy* can only be supported in these enlightened times by one of two ways—either by concession or by intimidation. In the most depressed countries, the latter has been attempted, and has failed. The successful revolt of the United States has inspired hope and stimulated resistance to the last. Need Texas, the whole of South America, Spain, Portugal, and Belgium, be mentioned. Where are now the brightest links in the oppressor's chain? Santa Anna is fastened by those prepared for securing the enemies of his tyranny, in America; and Dons Carlos and Miguel only avoid the same fate by a flight or a bandit resistance. Another King sits on the throne of Belgium, and Charles X. has just expired in a foreign land and among strangers, who laughed at his calamity.

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CHAP. III.

UPPER CANADA, (CONTINUED) WITH SOME DESCRIPTION OF ITS
ADVANTAGES AS A RECEPACLE FOR EMIGRANTS, &c.

" Oft have I listened and stood still,
As it came softened up the hill,
And deem'd it the lament of men
Who languished for their native glen ;
And thought, how sad would be such sound,
On Susquehannah's swampy ground,
Kentucky's wood-encumbered brake,
Or wild Ontario's boundless lake,
Where heart-sick exiles, in the strain
Recall'd fair Scotland's hills again."

Marmion.

It is not the intention of this production to give the reader a surfeit of complaining. In the ordinary occurrences of life, sufficient is found to annoy and distress, without recurring to pamphlets for a cause. The chief aim of every writer must be to obtain a hearing, and this is the absorbing wish of the present one. The manner in which the fine country spoken of has been abused and trodden down, necessarily renders a lengthened detail necessary. But, thank God! her oppressors cannot deface the benign gifts of nature, nor obscure her richness and loveliness. It is a pleasant task, therefore, to dwell on the bright side of things, and it is useful when an opposite view is taken. He hopes many a struggling being—the child of adversity—may find something here to encourage him to cross the Atlantic, although so faint an outline in pencil.

Those beautiful lines quoted above, from the bard of Albyn, are given in their antithetical force, but he would have been the very last man to become "heart-sick." The dull routine of precise topography is avoided; only such "random recollections" being put down as occur. The labours of Messrs Gourlay and Galt render such a course unnecessary.

The line between Upper and Lower Canada commences on the north bank of the St Lawrence, known there as Lake St Francis, at a stone boundary, west of Point au Boudet; thence north to the Ottawa river, and to its source in Lake Tomiscaning; thence due north till it strikes the boundary of Hudson Bay or

New Britain. Upper Canada includes all the territory to the west and south of this line, to the utmost extent of the country known by the name.

Instead of inquiring what particular soil abounds in Upper Canada, it would be better to ask, what soil does not abound there? Although a new world, it is very old in ripeness and mellowness. It is plump and ready, and asks to be pressed by the still hoof of the grazing horse, or donkey, or bullock, or the stout boot of the rosy-faced yeoman. Poets may find cushions of velvet, and dream their quiet dreams on its lap. Sages and philosophers will think more of the sweets of life, after enjoying its sweets. Painters may there study the choicest "landscips;" and musicians be put entirely out of countenance by the music of its sweeping forests and sounding waters. This may appear exaggerated, but it is no such thing. All countries have more or less attractions; and when Mr O'Connell justly praises the beauties of Ireland, and an uncounted host do the same worthy service for England and Scotland, it is excusable to put in a word for that country where you can witness the magnificent cascades of the Niagara, the St Lawrence, and the Ottawa, and behold as wild a scenery as ever enchanted the pencil of Salvator Rosa. Should any renowned Wouter Van Twiller arise, let him come and see.

The alluvial grounds bordering the great streams and lakes, are generally preferred. Perhaps they have a slight advantage for the new beginner. The vegetable manure, however, covering the whole extent of woodlands, increasing and diminishing in depth in different sections, renders it impossible for an Immigrant, unaccustomed to the country though he be, to pitch upon a spot that will not yield him an ample return for his exertion in scattering any description of seed in his catalogue—except, perhaps, the Dardan arrows. Here it cannot be deemed sacrilege to alter a word of the poet, and say *omnia vincit natura*; and in doing so, like all other conquerors, she spreads tempting treasures—delectable products—to the tongue and ardent eye of enterprise. One is tempted to scatter words, as she scatters her sweets—in graceful, inartful confusion.

With such an immense extent of level country, interrupted with very few ranges of highlands, possessing, as she does, such magnificently expansive inland waters, with intersecting streams of all depths and sizes, there will be a diversity of swamps and bog that it would not be profitable, in the present age, to reduce to a state of cultivation. These are not of great extent or frequency; and to the husbandman they offer an advantage, in the groves of soft timber, fit for fencing and other purposes.

The process of clearing the land from the encumbrance of trees and underwood, is simple and expeditious. Axemen are to be had at a moderate rate; and one accustomed to the work will do enough in a month to enable him to raise a crop for a twelvemonth's support of himself and family, to say nothing of the pigs, horses, cows, bullocks, dogs, bears, cats, and racoons, he will be sure to have quartered on him. By good fortune, and a due consideration of the business he has undertaken, the new comer may walk out on a sunshine morning, with hands in waistcoat pockets, and see improvement rapidly going on, without any exertion, and in fact without any expense. In the lower parts of the Province, which are within reasonable distance of the markets, men are found who obtain a livelihood, and not unseldom a competency, by chopping and clearing the lands for the moderate recompense of the first and perhaps second yield, besides the proceeds of the burning, which they convert into pot or pearl ashes for exportation. Not a few of these come from the territories of the Jonathans, and a long-armed, hard-fisted, deep-winded, brawny, set of slashing fellows they are, wielding the axe equal to any champion of old.

Should any sensible old or young gentleman have adopted the wise whim of repairing thither, his self-complacency will not a little be enhanced by witnessing his *own* domain disencumbered by these indomitable money-getters. Should he and his sons lend a helping hand at the root, not of the tree of corruption, for we have forsworn politics for a space—but of downright stubborn knarled oak or maple, they will eat the bread of contentment with a better relish, and exclaim with the poet;—

“ Ours the wild life in *forests* still to range
From toil to rest, and joy in every change.”

A gross mistake prevails that the new country is not so productive as the long-cultivated fields of England. They are more so by far, taking into account the amount of labour and expense. The error probably arose from the fact, that not so much is raised in the acre. This depends entirely on the amount of seed distributed. A farmer there apportions his ground to the quantity of seed, and never is so confined in his operations as must necessarily be the case in England. By giving “ample room and verge enough” to the scattered germs, he reasons correctly that a freer and stronger growth will be obtained. Until it can be demonstrated that the deep vegetable mould is inferior in point of fecundity to any other, and while Upper Canada is eight degrees further South,—and summer with its tears and smiles animates every thing for seven months in the

year—let no such incredulity prevail. It brings to mind the observation of the discontented gentleman who could find nothing in the water equal to that of London. This was not a pretext for commingling a little cordial with it: but a grave objection deliberately put down in his summary of difficulties. But he had too much imagination to speak correctly, and would call liquid diamonds less sparkling than the muddy Thames.

No weary course of ploughing ensues the clearing off of the rubbish. A harrow is drawn a few times over the ground, the seed are strewn, and the thick top of a small tree trailed along by oxen, suffices to cover them. After the first crop, a light or heavy plough will turn up a fresh soil each succeeding year. The first settlers, having their choice of the whole Province, generally located themselves on the banks of the largest streams, as much on account of the fertility of the soil, as the easy access afforded to the markets. We may imagine that taste had some influence in the choice, as the sailor will tell you there is nothing more companionable than the sound of waters, and anglers descant at length on the meditative comforts of fly-fishing.

The grants made to them were not stinted in quantity; but in those days the tiller of the soil had no conception of the importance and value attached to the country. So long as he had an adequate allowance for his maintenance, he sought nothing more. It was the monopolists who came after him, that took the advantage of his improvements, for their own benefit and the public detriment.

Wherever they took up their resting-places, the wilderness was indeed made to "blossom like the rose." Some of their children may have been tempted by the emigrant's gold to dispose of their estates, and remove further in the interior. Happily the old race are not all gone. They remain to guide the footsteps of the young in the path they have themselves trodden. Many a story of peril and deprivation attending their early struggles will you hear, while made welcome at their hospitable firesides. They will recount how much they have suffered in maintaining the supremacy of Kingly power; and ask, if it be just to submit tamely to imposition, merely because they have once shown themselves loyal to the throne, and therefore no dangerous mode of remonstrating is now expected from them. The same spirit, once shown in defence of what they thought a just cause, will shine out against the recent impositions of a party that do not fail to calumniate them as "*disloyal*," at the very time they are picking their pockets. Having once sacrificed their all in the reign of King George the Third, they are indignant at having again to suffer under his son;—not only in their fortunes, but

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characters—not from an outward enemy, but an internal faction, whose vile libels are not only believed, but acted on, in the face of facts, written in blood, to the contrary. The newcomer may glean from them volumes of information on his first outset, which, by being followed, must eventually lead him on to independence and opulence. Much depends on the manner of commencing his new life, and it were well for him not to scorn the precepts of experience, in a stubborn reliance on self. This has been the rock on which many have split. The modes adopted in the old country are not suited to his new circumstances, although in time they may be made useful.

The old farms are not easily purchased, and when for sale the prices are high. The improvements warrant the high value put upon them; the fields being clear of stumps and stones, well enclosed by walls or lasting fences, and well drained; moreover, you have a large stone, brick, or framed dwelling-house, with convenient out-houses, and all the farming implements included in the sale. The soil may not have preserved its original richness, but the means are at hand of reclaiming it.

Much has been remarked against the climate as injurious to crops; but the fact of Indian corn arriving at maturity in the most remote parts there, when it withers in England, sufficiently contradicts the fallacy. This grain and the potatoe are indigenous to North America, and arrive at extraordinary perfection. Irishmen, who are facetiously acknowledged to be good judges of the latter, are never heard to complain of its quality—and the former is sure to occupy a conspicuous bin in the farmer's granary. In addition to Indian corn, the climate of the Canadas, or rather Upper Canada, is peculiarly suited to the growth of the tobacco plant. Its cultivation has but lately been attempted, but it will shortly form a very important item in the exports.

Perhaps no country is better supplied with all kinds of fruit, not confined to the tropics. Plumbs, currants, cherries, and every description of berry, are spontaneous in the woods, and their tame species require no care after the time of transplanting from the nursery. Apples, pears, peaches, &c., grow in abundance, and although the lemons and oranges do not thrive, except in enclosures, as a less substantial luxury they are not missed from the orchard. The markets for all kinds of produce are generally high and encouraging to the agriculturist. The great consumption by the Lumbermen on the Ottawa River, renders that at By Town, at the junction of the Rideau Canal and the Ottawa, perhaps the best. But there are numerous traders through the country who purchase for the Montreal

markets and for exportation. Besides, the United States speculators find it often their interest, notwithstanding the duties, to come over and leave their cash.

At no time are the prices not amply remunerating for time and labour expended, and at this time the papers announce an extravagant and unusual rise.

There are many employments in this new life which partake more of pleasure than labour, if both are not usually connected throughout the year. One of these indicates the striking advantages of that country over this; viz.—sugar-making. Should the Southern parts of the Province be suited to the tea plant, the Immigrant may not have to send to his antipodes for his beverage, any more than to the West Indies for his sweets to increase its flavour, or that of his *aqua vie*; or to the United States for the wherewith to fill his hookah.

At the breaking up of the winter in the latter end of March, the lucky individual who has arrived in the country, feels himself endowed with new life, and having become renovated like the snake!—not that ferocious animal found in *South America*, which gives you a thwack over the head with his tail, and then in a cowardly manner grinds your bones to a jelly before you can recover from the salutation;—nor that spiteful reptile found in Indiana and Illinois, which pitches in upon you with his venomous teeth, and either settles you outright, or sends you thundering over the plain with fright, hanging perhaps on your boot-leg the mean time;—none of these infest Canada to put you in bodily terror—but the harmless little animal, like a garter, if that be striped, which puts on a new coat each spring, exceedingly beautiful. Having become thus renovated, you naturally look about for something wherewith to busy yourself. I say, *you*, because it is quite possible that many a bright eye now surveying these rambling pages, will yet “up to the moon be cast,” from the lovely shores of the St Lawrence, or “wild Ontario’s boundless Lake.” After a winter’s study or gaiety, you will naturally issue forth in the budding season, and spreading out your arms in welcome of returning mildness, ask some employment in the household affairs of Mother Nature. The sporting season has not yet arrived; waterfowl are shut out from the icy pool,—the fish have not commenced stirring much abroad,—but you will find equal excitement in becoming a scientific manufacturer of sugar. Do not fancy yourself planted in the midst of a group of Negroes in the West Indies, sweltering and blustering beneath a tropical sun. Sugar can be made without the cane or beet root!

In the morning you arise at peep of day, and proceed to exa-

mine the aspect of the weather. You find the air dry, and a hoar frost covering the fruit trees and the roofs of the buildings. John is called to put the horse in the cart, and putting on a warm jacket, you prepare for the day's business. Two or three large cauldrons are put in the cart, a number of pails thrown after them, and, as you take pride in being the head man in the undertaking, you trudge off with an axe on your shoulder, and John comes rumbling slowly behind in the cart. Arrived at the maple grove, which, if on the sunny side of a hill, gives you reason to thank your lucky stars, you commence the work by obtaining a suitable place for hanging the kettles. This is done from a stout branch of a tree, or a pole extended from one to another. You then proceed to make a diagonal gash in each tree, taking out a small chip, underneath which a conductor for the sap is inserted by means of a gouge. Should you have conductors prepared, made from small hollow trees, leading to the reservoir at the foot of the hill, much labour will be saved. Otherwise rough troughs for each tree will be used, made by your man during the winter. With little assistance you go on "*tapping*" the grove, until you have completed the necessary number. The sun comes up and instills the pulse of life into the frozen tree. John has prepared the wood, the sap is collected in the kettles, and while it is simmering to the crackling fire, you walk out in full enjoyment of the merry scene. The music of nature is around you and within your heart. The rippling of the little streams of nectar set in motion by yourself—the warm sun shedding a genial heat over you—the crisp and yielding leaves and moss beneath your feet—all inspire you with serenity and pleasure. A more stirring scene presently ensues. All is bustle in collecting the sap from the overflowing troughs and accumulating wood under the kettles. Your tent is pitched, and when breakfast-time arrives, your son is seen approaching with it, bringing at the same time your fowling-piece, in case you wanted it, he says, but with the sly intent of begging leave himself to take a range in quest of a partridge or black squirrel. The meal is despatched (consisting of, mayhap, a bit of venison brought down by you the last autumn), with what comfort, not the "vain lord of wantonness and ease" can tell. Carlo sits quietly at the tent door, licking his jaws, and looking good-naturedly at the movement of your's. John makes you a cup of beverage, after which you do not think it beneath you to bid him join you in the repast, and watch the honest expression of his homely countenance.

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well supplied, the reservoir is filled for the night-work, and wood prepared; presently

————— " the eve comes down,
The woods are dress'd in deeper brown ;"

and at its close you return homeward, leaving instructions against neglect in allowing the fires to go down, and in supplying the kettles. About noon the next day, the *materiel* arrives at the proper consistency, and the fire is slackened. Much care is required in the cooling, and after being stirred sufficiently long, it is finally transferred into pans to become hard. You may well pride yourself at the result of your labours in the possession of 2 or 3 cwt. of sugar, which, in point of brightness and flavour, would gain you the prize from the best West India planter. No little Negroes are stewed up in this, by way of getting rid of them; nor are cruel masters chucked into the cauldrons, to make cannibals of the tea and toddy-drinkers of London.

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CHAP. IV.

THE SPORTS OF THE FIELD AND FLOOD.

" Some love to roam o'er the green sea foam,
Where the shrill winds whistle free ;
But a chosen band in a mountain-land,
And a life in the woods for me."

It were an insult to the favourite propensity of worthy John Bull not to give some sketch of the amusements awaiting his arrival in Canada. With all his fame for fox, stag, and hare-hunting, and his break-neck intrepidity of horsemanship, it is a question whether he knows aught of the true mode of doing the business. This may be disputed by my gentle reader, but he here meets one who intends to be rather opinionated, to prevent the exhibition of dullness, and who is much better versed in aiming over the rifle than the pen ; and should he be convicted on his own evidence, he will stoutly hold out in true orthodox style. Let us go back to first principles—to the days of our "glorious ancestors"—and see what a vile falling-off has been here. They were never caught bagging a tame fox, to frighten the wits out of him when loosed, by a general hue and cry of a hundred dogs, and as many horsemen. Nor did they start puss from her soft nest to skelp after her to the death. Their's was better sport, requiring keen eyes and tough sinews, in such spots as merry Sherwood, Windsor, Epping, and Ettrick. Those were the times of *manly* exertion, and not that of dogs and horses. Perchance one slow hound might be employed when sharp-set for a supper—but fair play was then as much a matter of principle in dealing with the brute creation, as with man. Each had his task before him—the stag to avoid, and the man to beset. Success in either case became an honourable victory ; the antlers either adorning the arched neck and brow of the one, or the hall of the other. The hunter then became not a dainty, sleek, timid animal, but a stout rugged male, equal to the fatigues of war, and the vigorous preservation of his rights. Generous in his friendships, and open in

his enmity; unequal to the task of driving needles through your knee-pans, or traducing or backbiting anonymously. Such men excited the admiration of their age, not on account of property and titles, but for their substantial worth. The poet of chivalry was well aware of the modern degeneracy:—

“ His square-turned joints, and strength of limb,
Showed him no carpet-knight so trim,
But in close-fight a champion grim,
In camps a leader sage.”

“ For well could each a war-horse tame,
Could draw the bow, the sword could sway,
And lightly bear the ring away.”

“ Right up Ben Lomond could he press,
And not a sob his toil confess.”

Galloping a blood-horse over level fields and insignificant ditches, could never make such men. In Canada the race of hunters partake more of the ancient character, and certainly their field is wide enough, without being nicely lined with hedges, and artificially laid out. Their's is the true sport, and to speak more downright still, all other is but “leather and prunella.” It may serve to pass the time, but will not stand investigation. Such being the case, any unbeliever who lets his virtuous national pride get the better of his temper, is again earnestly requested to “*come and see.*”

As must be supposed, game of all kinds abounds in so great an extent of forest land. The larger animals, such as the moose and elk deer, for they are distinct among the hunters, are seldom to be found near the settlements. They give way to the encroachments of man, and retire to the northern swamps and fastnesses. The hardy hunter, however, not unfrequently pays them a visit, and brings away his dear-bought trophies. Many a desperate encounter ensues the attack of so mighty and determined an animal. Not only the rifle, but every implement within reach, is necessarily brought into play. The Tuscan boar would be a pigmy in comparison, and the long-horned buffalo of the East could not withstand the impetus of his overwhelming rush. With his huge horns and mighty bulk, he thunders in upon his assailant, and unless the rifle shot shall have been sent well home, a tree is the safest protection for him. Death is the only capitulation which may be read in his inflamed eye and portending aspect. While pursuing the unfortunate wight around a tree, should he make a successful hook, short time is awarded for absolution. He is pitched in the air merely to be caught in the descent, and if any spark of life remain, the fore hoofs of the animal stamp it

out. Your moose has no infallible laws of honour to direct his trial by "*battle*." He comes to the mark in hearty style ; advances—retreats—goes at you ram-fashion, then rearing, assails your ears with hoof, fibs, kicks, hooks right and left, back-handed and athwart, thinking nothing of losing an antler against a tree, and desperately wounding the other, provided he but overtake the scampering enemy. The strife not unseldom terminates in the death of both, their bodies having been found on the field together. Some hunters pride themselves on having caught him in the jugular with a tomahawk while whirring round the tree in pursuit; but the cases are rare, any spare time being generally used to climb beyond reach.

The experienced hands proceed very cautiously in advancing on the moose grounds. Provided with a heavy, sharp-ribbed rifle, a thick, strong-hafted wood knife, and a tomahawk, he walks noiselessly through their haunts, keeping his eye on the most suspicious places. If the animal gain the first sight of him, or scent him in the gale, a loud whistle gives the notice, and he and his companions set off on their long trot, crackling down the under-wood and small saplings in their way. Their trail can be readily followed, but a wearisome road it leads. If by luck the hunter again come up with them before night-fall, he fires from his concealment. Unless he then crouches lower than the panther, warm work ensues. Their tough hide and muscular strength often prevent the first shot from bringing them down, unless the best aim be had at the vital parts, and then death does not immediately ensue. A ball has been known to perforate the heart of the common deer, which was still enabled to run a long distance from the pursuer. A tremendous bound will indicate that the ragged lead has told. An eye no less quick than his ranges around for the wily intruder, and if a glimpse of him be caught, not much delay is made in the rush in upon him. If, however, nothing is discovered, a retreat ensues by slow degrees. Then he finds time to reload and make another discharge. By continuing to follow the trail, and keeping up a cowardly fire in the rear, the noble victim at length falls, and makes the wood echo its death groans.

The buffalo inhabits the country far to the north-west, having more delight in the wide extent of prairie and grazing grounds, than in the tangled forest. They are almost innumerable, and their bellowing herds strike terror in the gaunt wolves that surround them in packs, ready to attack a truant calf beyond the reach of protection. They are hunted on horseback, and the most successfully with the bow and arrow. The Indian in pursuit is fre-

quently overrun by them, and trampled into atoms by their heavy hoof. Many escape by the fleetness of their wild horses from the impending death; others have been known to throw themselves on the buffalo's back as the horse is going down, and thus escape by the fright giving superior speed to the astonished beast.

The fallow deer are the most plentiful within a reasonable distance of the improvements, and thronging as they do the whole range of woodland, you may lay in a good stock of venison for the winter season, by knowing the way to hunt them. This can only be learned from those experienced in their habits and resorts. True, they may be chased with dogs from the woods adjacent to all the large bodies of water, and caught therein. If this can be called sport, there are many opportunities of enjoying it, but no horseman can follow the hounds "over brake, bush, and scaur," and keep the quarry in full view. Excitement is often produced by such a pursuit, especially adjacent to the Rideau and other narrow streams, where the deer has a fair chance of escape. One has the dogs in charge near the covert, while others occupy stations on the river in slight bark canoes. If the country permit, a spectator, perched on a distant ridge, may get a glimpse of some good running. Perhaps a fine antlered old gentleman is started, whom it will do no harm to exercise for three or four leagues. Aroused from the loving arms of his spouse on a clear autumnal morning, he scents the danger, and they start off together, as the clamour of the dogs approaches. Presently his *cara sposa* leaves him for a by-path, but he comforts himself in thinking she may divert the pursuit, and allow him to get clear off. But the dogs are not so to be cheated. They take the strongest scent, and trundle away after the broad hoof prints. Anon they come in view, and then his leap becomes wider and wilder—his head is thrown back in an inquisitive manner over his shoulder, and as the danger increases his mettle gets up for the emergency. He scours through copsewood, up and down dale, over creeks and fallen timber, leaving his hungry persecutors far behind. Then if he take the water he is safe; but the tongue of the hound is again heard, and he takes a circle for his starting place, and finally arrives at the water, when the canoes are set in motion for his capture. They are generally unsuccessful, unless the rifle be used, which, where venison is plenty, is not often the case. A lasso may be thrown over his horns on approaching, but care is required in taking a quick turn around a tree, otherwise he will snap your boots and coat-tails off in attempting to hold him. Unless you are well accustomed to the bark canoe, there is danger in approaching too near him, lest he throw you out of the water with his hinder

feet; and you are subject to other accidents in being upset; when sitting astride your bark, you bellow for help to no purpose until the chase be done.

The old hunters hold this recreation in deadly abhorrence, as the noise of the dogs renders the game timid for the "still hunt." They embrace every opportunity of shooting them, let them be of the finest English or Scotch breeds. Many a quarrel ensues in consequence, at which wood knives are drawn and wounds inflicted.

Their mode of obtaining venison is more legitimate and common. They are regular professors in aiming the rifle, by which they not only supply their own families abundantly, but the markets in the distant villages.

About the beginning of October the fallow deer has shed his red summer coat for the thick grey one of winter. He is fat and plump, by reason of good feed and a life of ease in the fallows and rich oat and pea fields, or if such are too distant, in the blooming beaver meadows and cedar swamps. From February until this time he is never sought after; partly because it is contrary to law, and partly that his meat is indifferent.

In the latter end of September the hunter prepares himself for his expedition by laying in his provision, cooking utensils, blankets, and either sets out by land or in his canoe, for some favourite rendezvous of the deer. His rifle is not the thin, neatly-stocked one found in the London shops, but a strong, soft-mettled one, which he has travelled to the United States to obtain; of extraordinary thickness to prevent its spring, and to ensure a steadier aim. His knife, tomahawk, bullet-pouch, and flask, are swung by his side, with every convenience for a long residence in the solitudes.

His clothing is assimilated as near to the colour of the trees as possible, consisting of a warm *capote*, stout trowsers, with leather stockings or gaiters, and mocasins. He makes, perhaps, twenty miles the first day, and, striking a fire under a tree, cooks his dinner and supper together—takes his can of whatever has been provided—smokes his pipe—rolls himself in his blanket, and sleeps—

"—————While the bittern's cry
Sings him the lake's wild lullaby."

He thus continues on his journey until arrived at the hunting grounds, when a rude shanty is built in a short time, and the crevices stopped with moss. He starts in the morning in quest of traces to direct his operations. He first goes in pursuit of the game, but, owing to the dryness of the falling leaves, finds this

too noisy for success, and leaves the still hunt for the first fall of snow or the damp days. Unable to get sight of the deer by going to them, he erects scaffolds on their paths, and awaits their coming to him. These are either formed in the branches of the large trees, or by stretching poles from the smaller saplings that will not screen him alone. In the evening he repairs to one of these where the game may be expected, and secretes himself, sitting motionless, but with a quick eye ranging on all sides. Presently a noise is heard in the distance, which rapidly approaches. The buck comes lowing on, with perhaps two or three companions, and breaks into view, leaping and snuffing at the ground. The marksman singles the largest, and fires. With the quickness of thought the breech of his rifle is lowered, and he commences reloading by throwing in powder, letting the bullet roll down without a patch, and covering it with a slight wad. This is done in the steadiest manner. Usually the deer which is struck skirrs over brush heaps and fallen trees, unless his shoulder or back be broken, or the aim has been at the head. It is good policy to allow him to clear off from his companions as far as one respiration will carry him, as their astonishment at his sudden haste causes them to remain stationary. The sharp crack of the rifle does not often fright them, resembling as it does the noise of frozen bark bursting from the trees, which they are accustomed to hear. They may start two or three bounds, or perhaps remain stamping the ground, until another falls, and perhaps a third. The huntsman then descends, traces them to where they lay, dresses them rapidly, and suspends them with bark from a shady tree beyond reach of the wolves and other animals, ready to be brought away when the snow appears. In November the deer generally leave the ridges and smaller swamps, and take up a line of march for the deep forests, in preparation for winter. The hunter often obstructs their passage; but as they never travel except in the night, his task is more difficult. Frequently the rifle is thrown aside, and a musket, loaded with buck-shot, becomes the deadly implement. Perched on a tree, he traces a dark outline moving in the distance, and immediately discharges his awkward missiles with a tremendous vengeance on the unsuspecting buck, or perhaps a wolf following in pursuit. These practices are only resorted to by those with whom a stock of venison is indispensable in the support of their families during the winter. When the snow comes down, the season has arrived for "still hunting," and he takes the woods upon equal terms. He strips the skin from the hinder legs of a deer, with which gaiters are made for himself, the hair being outside as a protection from the snow, and to ensure stillness in his walk. This fashion

may have been derived from the Highlands of Scotland, or from the couplet by Sir Walter Scott—

“ The hunted red deer's undressed hide
Their hairy buskins well supplied.”

But the admirable expedient has long been known there. With these the woods are traversed as noiselessly as by the wolf or cat of the mountain. If he come across a fresh track, ascertained by feeling if the snow be hard in it, he does not give chase, but, knowing the localities, and judging where the deer is bound, he takes a circular rout to overtake him. In case he is first seen, the hunter stands motionless, and undergoes an inspection. If suspicion causes the animal to set off, no time is lost in giving him a flying shot, as the crack of the rifle prevents him running far, if the aim has been wide. Presently he again stops, and the hunter, having carefully reloaded, pursues on the track at a steady pace. Any quick motion will render the chase unsuccessful, the deer being now on the alert. An old veteran of the woods moves steadily on, undiscouraged by want of success, and draws trigger wherever he discerns the slightest glimpse of hair. By this continued pursuit he generally obtains his recompense in meeting others, or bringing down the one first started. The admirable niceties of the rifle in his dexterous hand are now made available in long shots from ridge to ridge, or through narrow openings in the wood.

The Indians have another mode of hunting by pursuing the fresh track with untiring velocity. It is a trial of speed and perseverance, and the reward is the more appreciated in proportion to the difficulties encountered. They pass you without notice on their long trot, intent as the bloodhound on their work. Although their pace is extremely rapid, no noise is heard from their footsteps. The deer are tired down by the close of the day, and a shot is obtained without difficulty. Their inferior guns render this mode of hunting necessary. During the light falls of snow they also skulk in upon the game while reposing in the groves of pine or hemlock, reluctant to move. Notwithstanding, they often miss their aim, or fail in overtaking a wounded deer, and they return home, and, like Dr Johnson, sign themselves “dinnerless.” While sitting in your cabin after the fatigues of the day, you may be intruded upon by them for a loan until they are successful, when you are sure to be recompensed, whether you desire it or not, either in as much venison or a rare skin. These and the stray hunters are the only inhabitants you meet in the solitudes surrounding you; and if you can “temper the wind to the shorn lamb,” your inward consciousness will render your

future rambles the more pleasing. In the middle of winter, if they have not a sufficient store, they "brouse" the game by cutting down the trees of which they are the most fond. These they come to eat either in the day or by night; and by having a scaffold within range, not much difficulty is found in obtaining them.

A novice requires many lessons from the knowing ones before he can become a successful hunter; but he is amply repaid by the healthful and romantic life he leads. He may be able to perform wondrous feats at the shooting matches, and still unable to hold a steady hand in the woods.

Notwithstanding the prohibitory laws against deer stalking during the spring and summer months, the practice is followed by the more needy in the back settlements. A secret mode is adopted, by repairing to a small stream at the close of evening, and embarking in a canoe which is allowed to float quietly down the current. The deer, driven by the flies, take shelter in the water, but they cannot do so without making a plashing; this is heard by the inmates of the canoe, and the one in the bow arranges a lamp made of bark on his head, and is paddled slowly towards the noise; when within a proper distance, the light is made to bear on the spot, which attracts the animal's attention: the reflection from his eyes immediately seals his doom. Unfortunately other quadrupeds have eyes which reflect, and many a poor bullock, who had merely put his nose over the bank to take a quiet drink, or sniff the breeze from the water, has been most foully "murdered" by some midnight gowk. More tragical circumstances often occur, by one hunter wounding another at these unseemly hours. A few years since two men were thus floating down the Rideau, near the Kingston Mills, and were near paying dearly for their carelessness. An Indian happened to be on the bank watching for the purpose of getting a breakfast for himself and comrades, and hearing them paddling, became fearful, and attempted to retreat; this, however, only called attention towards him, and, taking him for a retreating buck, the gun was immediately discharged, and the contents lodged in his shoulder. The unfortunate Alonghuin, not being fatally wounded, but smarting with pain, immediately gave the *war whoop*, much to the astonishment of the delinquents, who in some hurry sought the shore, and had the satisfaction of being pursued to Kingston by a bloodthirsty host of half-naked "*salvages*." Luckily the fear of one party gave them a greater impetus than the rage of the other, and, by pampering the wounded man with sundry presents, a treaty of peace was concluded.

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pleasure, but profit, as he destroys your flocks. He is such a daring brute that a public bounty of 1*l.* 10*s.* is placed on his head. He is not a Whig wolf, wearing a sheep's clothing, who does everything to make you believe him innocent, notwithstanding his gory jaws; but a right down Tory, that leaps your folds and throttles your innocents with the most matchless impudence and *nouchalance*; therefore he is marked and branded, and a price set upon his head. Notwithstanding his subtlety and cunning, his voracity often renders him an easy captive. When awaking in the morning you find a piteous spectacle in the destruction or mutilation of many of your flock: the wild dog has been having a feast, and straitway you get into a passion, swear vengeance, and collect your neighbours with their dogs. He is traced to the lowlands joining upon your premises, and the dogs are set in. Lines of circumvallation are drawn around the thicket, and presently the monster appears, his bloody countenance and unwieldy carcase denoting his late surfeit. Fearful of his escape you reserve your fire until he attempts the fence, when, having his full length before you, the ball is sent into his spine, and he falls stone-dead. This may be a sweet vengeance for you, but how can you be recompensed for your best South-downs? To prevent any recurrence of the calamity you busy yourself in setting snares and traps. One mode of taking them is by digging a deep pit, with a cage hung over the centre containing a lamb; the mouth is covered with brushwood, which, when he makes a leap, precipitates him to the bottom. He is also caught in an iron trap with large spike teeth, over which a bit of meat is hung: in leaping at this he is devoured up in the jaws of the trap. At the dead of winter these grisly monsters go in packs and make the forests re-echo their howlings. These are your true deer hounds, having the fleetness of the wind, and the cunning of the fox in directing the attack. In case the deer make a dcuble, centinels are always left on the path, and the race soon closes; then the feed is entered upon, and loyal toasts and whining speeches ensue to a late hour.

The bear is not only a destructive animal to your corn-fields, and, according to Mr Dunlop, of your pigs; but his flesh is good, and it requires some prowess to encounter him, which you wish to show you possess. A scaffold is erected near the wood where he will be likely to make his appearance to get a taste of your corn enclosure; but as he comes in the night, a musket is the readiest implement for use. His unwieldy pace is heard at a distance, and you make ready as he tumbles over the fence. A black object presently comes upon you, but you wait until he rises to pick the ear from the stalk, when you pour confusion in upon him, laying waste the country for twenty yards around with slugs,

spikes, and half bullets. He is not likely to want much more; but, unless you are fond of trying a fall with him, the scaffold will be your safest place for a few minutes. When wounded they attack all within reach, clutching with their fore paws and working their hinder ones, much to the detriment of your smallclothes, should you be the unfortunate object of their embrace. They are often dogged up a tree as the more preferable mode of dispatching them, when, by lighting a fire, you can use the rifle. The Indians hunt them in the wood during the day while they are cracking the nuts on the beech grounds, but often owe their safety alone to their swiftness of foot. He is also pursued in the water, but not without the danger of an upset, when beset too closely. He will not fail to take possession of your boat the first opportunity; and you will find it good policy to change situations with him as soon as possible. Instances have been known where he has been disabled by a single man armed with an axe, when both in the water. In walking the woods, their dens are often found, and then the hunter shows his pluck by challenging him out. Should he accept the challenge, he generally has a most unfair advantage taken of him as soon as his nose appears, by getting well pummelled with the tomahawk while his arms are confined in the narrow passage. Should he get out alive, all such salutes are avoided through his knowledge of the art of self-defence; and the only recourse left is by a regular gouge fight with knife and tomahawk well planted under the short ribs.

Spring guns and traps are also used, but the most admirable mode of taking him seems to be that mentioned by Mr Dunlop, the "Backwoodsman." This is none other than to give him hold of a pig's ear, for which little civility he allows you to batter his brains out with a shillelah. Such a method equals that of discomfiting a tiger by means of Scotch snuff, and shows the original genius of the inventor. Since the *deacon* was most unjustifiably perched on the stool of repentance by the synod, his wings seem to have been clipped, much to the disadvantage of naturalists. The bears of Canada are much obliged to him for this notice of their pacific habits. He deserves preferment, and would shine brightly as the *ursus major* in their firmament, if any such there be.

The panther, or, as he is more commonly designated, the *cat-a-mount*, does not often frequent the "clearings;" but furnishes rare sport occasionally to the amateurs. While watching for deer you may find yourself forestalled by his equally quick eye; and hearing his deadly pounce, and cry of joy on seizing his prey, disturbs your nerves for the remainder of the evening. Invariably he makes his attack from a tree, and when hunted,

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he is looked for in its branches. With a tenacity of life equal to the tiger, his light and agile form and dauntless courage render a rencontre with him more dangerous, particularly where the wood enables him to make an attack with advantage. The heavy rifle becomes a sore annoyance to him, however, when expertly used at a distance. A stripling of 16 has been known to destroy three in this way within a few hours; and, indeed, the more surrounding him increase the perils of the fight. Some of the hunters tell ludicrous stories of their escapes while on the deer grounds. One having hit upon a new plan to get near his game, by encasing himself in one of their skins, which had been dried for the purpose. With this he was proceeding through the woods, imitating the bleat of the deer, when he was marked by a panther, which sprang at him, tumbling him almost lifeless to the ground. But the nails of the animal not finding a soft hold in the dry skin, and the rattle it gave when crushed about the ears of the hunter, caused a cessation of hostilities, during which the parties separated in mutual wonder and astonishment. Another attempted deception of the deer had like to prove fatal to the one practising it. He had ensconced himself in the middle of the oat-field during the evening, and being impatient that nothing appeared, commenced imitating their bleating. This unwonted scheme attracted the attention of two youths who were watching in a neighbouring field, and they began creeping slyly around him for a good opportunity to let fly. Fortunately the piercing shriek of a cat-a-mount as he struck his prey at the edge of the wood, sent them all scampering home, bristling with fright at the double escape.

Those who have pushed their enterprise among the mountains north of the Ottawa, relate many stories of their ferocity. One had his dog taken from his side during the night, the panther coming down the opening for a chimney, and with one bound escaping the same way with the pup in his arms. The next day the chimney was closed and a loophole made ready for resistance in case another attempt was made. His fears were realised during the night, and he could distinctly see the creature stealthily approaching. Putting his gun out ready, he waited for him with no little trepidation, and on his coming near gave him a broadside. Wounded, but not disabled, with one bound the panther reached the top of the cabin and commenced tearing up the roof with his teeth and claws. Knowing the frail resistance opposed to him, the hunter shudders while describing his state of mind at the prospect of death in so horrible a shape. He made two or three ineffectual discharges, and finally took his stand in a corner with all his defensive weapons, determined in the last resort to

throw his powder cannister in the fire and blow up the whole establishment, rather than be devoured in cold blood as his dog had been.

The racoon is also hunted on account of his fondness for Indian corn, and his skin making a warm robe for your *ca'riole* in winter. He is very easily taken, either in a trap, or by putting the dogs in the corn-field at night. He is apt to take the tree, when you can bring him down with the gun, or by pelting him with stones.

The fox will probably indulge his love for poultry much to your annoyance, but unless you hire an Indian to set the traps his cunning will frustrate all your attempts to stop his depredations.

During the winter, a cap of soft fur and your coat collar lined with the same, will not be found amiss. Should these comforts be the fruits of your own rambling propensities, no little envy will be excited by the boast. Should your cap be culled from skins of the beaver, otter, marten, fisher, mink, weazel, and muskrat, the oddity will not detract from the warmth; but the great difficulty is in laying your hands on them.

The professed trapper communicates the secrets of his art with much reluctance, and unless a trip be taken with him for a number of weeks to ascertain the haunts of the animal and its mode of life, your attempts will be useless.

The beaver has become nearly extinct within any reasonable distance, and can only be found in sufficient numbers to repay the trouble of seeking him, in the north-west territory. A stray one may be found here and there, while gliding in your canoe along some silent creek on an inspecting tour to the otter and muskrat traps. His presence will be indicated by finding the young alders cut down at the waters edge, and the trunk carried away; not for the purpose of building a dam, but for present consumption, in his house not far away in the bank. By knowing where to set the trap, he may be caught, but his cunning renders the thing doubtful. It is impossible to shoot him even in the night, owing to his acute nostril and eye.

Those who venture far up in the Indian country may come away loaded with spoils; but they stand a chance of being beset by the red man, who has no qualms in levying a heavy contribution, perhaps the whole of your stock, including traps and gun. Daniel Davis, a noted hunter and trapper, once ventured on their grounds, and relates the manner in which he was treated.

He had encamped on the bank of a small stream, putting into the Madawaska, far from its confluence with the Ottawa, and was very successful among the beaver, otter, and muskrat.

Having missed one of his traps, he supposed some large animal had carried it off, unsuspicious that the Indians were near at hand. In the course of the day, however, he heard the call as from a human voice up the stream, which seemed to be answered by one still farther off. Again he heard a similar sound and a distant reply returned from the mouth of the river. Then he accounted for the loss of his trap, and became alarmed. An Indian had skulked down to intercept his retreat, and as the whooping communication approached nearer, robbery or death seemed inevitable. The shouts increased on all sides, and he was for a while dubious what course to take; he finally determined on a bloody resistance, and commenced fortifying himself. His plan of operations was to discharge his rifle as often as a red skin appeared, and if his hut were pulled down, to sally out, throw his tomahawk, lay on with a heavy bludgeon in his right hand, and play an interlude with the scalping knife in his left. The order of battle being thus arranged, he waited the enemy's approach. Presently a canoe came down, containing the chief and his attendants, while numbers lined the shore, above and below him. Unwilling to shed blood without a previous hostile indication, he awaited the chief's signal of attack before trying his rifle upon him. This the warrior suspected from seeing two fierce eyes glistening from the loop-hole, and immediately held out his hand in token of amity, putting aside, at the same time, his arms. Joyfully did the hunter respond to these signs of good fellowship, and still more cheerfully did he depart the same evening for the Ottawa, notwithstanding some of his best traps and finest skins had suddenly gone out of his possession, as a tribute to the lord of the "wide country."

Murder is sometimes perpetrated by the vicious Indians on the whites whom they find on their grounds; but they often meet those as ready for the broil as themselves, when on equal terms. A brawny trapper had been amongst them, and, by distributing gifts, obtained leave from the chief to follow his vocation. Having occasion to change his position, he swung his peltry on his back and set out. During the day he discovered traces of deer, and deviated in search of them, and chanced to come on his back track again, when to his amazement he found a large mocasin following his own. Suspicious of danger, he took refuge behind a tree and awaited the result. What that result was no one ever heard. His ranges have never extended in that direction since, owing, it is said, to the threats held out against him by the tribe. Indeed it is rumoured that several have gone in pursuit of him, who never returned. "Big Louis" keeps his own secrets; yet, when praised at the shooting matches for his

steady arm, he will say he has seen days that gave more occasion for the compliment. Another young hunter is more communicative in describing his having been pursued for miles by an Indian, whom he had unconsciously offended, and, after receiving several shots from his fusee, finally forded a small stream, and took up a position which gave him an advantage. The Indian thinking him actuated by cowardice in not having returned his shots, and in fleeing before him, also entered the water, with the intention of crossing, notwithstanding being warned to the contrary. Finding no other resource left, the hunter was obliged to take his life in self-defence, and thinks himself acquitted in so doing. It being impossible to enforce the laws in this wild region, all who enter it are liable to the like attacks, and go prepared to defend themselves with determination. In the winter the beaver are taken by means of a small harpoon as they come to play at the air-holes in the ice, similar to the Esquimaux mode of getting the seal.

The otter, from being a disciple of old Isaac Walton, is found in great numbers nearer hand. As he comes to exercise himself on the bank his haunts are easily ascertained, and the trap may be set on the beaten places, covered over with leaves.

The fisher, marten and mink, range the woods in all directions, and are caught in dead falls. The muskrat inhabits all the marshes, where he builds houses, and may either be watched and shot at sun-set, or caught in the trap. The black squirrel frequents the beach ridges and corn-fields, and is very cunning in keeping beyond your reach, generally seeking the top branches of the highest trees. Audobon speaks of *barking* them to the death, by tearing up the bark on which they rest. This may be done in Kentucky, where the marksman gets close at hand, but it is impossible for the sight to be so precise at a hundred yards distant up a tree, the Kentuckians say to the contrary notwithstanding. Unless you can disable these airy gentlemen, you need not look for success in the woods. Practice, however, will soon bring you to it. As a set-off to the Kentuckians, the writer wishes to chronicle feats within his own knowledge, that may be considered equal to them. He has seen the heads cut off the wild goose, the northern diver, and the shell drake, by a rifleman, and as the two latter are continually on the move, snuffing a candle and "barking" a squirrel are ordinary feats in comparison. He has also known the same person cut the head from a flying partridge at seventy yards distant. Perhaps these may be called chance shots, but there is no chance in the rifle. It is all mathematical precision, quickness, and steadiness.

Fowling.

Not only the beasts of the field but the fowls of the air, will come within your scope of pleasing, healthful, and useful adventure. There are overgrown eagles, vultures, owls, hawks, buzzards, ravens, &c. that stoop down upon your lambs and chickens every opportunity. So far, therefore, as they commit depredations, these are your sworn enemies. Their eyes are nearly as sharp as yours, except the owl, and he makes his descent by night, and as they scorn your acquaintance and communion, tied to the earth as you are, like a clod of the valley, you will not find many opportunities of conversing with them, even by means of sulphur and salt-petre. You may observe them watching on a high, withered tree in the distance, with their graceful outlines marked on the sky, and think them a marvellous fine mark, but on your approach, they sail away in the distance with a cry of derision. The eagle, quiet bird, from soaring in the starry field of the American flag, will particularly excite your antipathy, if you wish to boast of your supreme loyalty; but what cares he for that? The owl, stately old fellow, with the look of an emperor, he will come tu-whooping round your dwelling at night, well knowing you have too much poetry in your composition, and that there are too many associations connected with his habits, to prevent his obtaining a supper. He repairs to your poultry-house and dove-cot, "flutters the Volscians," and carries off a backload. He is above "mousing" or "moping" now, and calls that Will Shakspeare and Tommy Gray very shabby fellows for caricaturing him.

There are others of the feathered tribe that attract a larger share of your attention; such as the wild goose, duck, turkey, partridge, quail, pigeon, woodcock, snipe, plover, &c.

The first-named are only to be seen at the end of autumn and the commencement of spring. They come in large flocks and make but a short stay, but you will have time to diminish their numbers, for the Christmas or any other holiday festivity. They are extremely shy, and keep centinels always on the watch for the purpose of giving the alarm if you are seen approaching them at their feed. The most successful plan to circumvent them when near their abodes, is by lying in wait at their usual spots of feeding; nor can this be successfully practised by day. When seen in the morning rising from the marsh, their return the next night may be safely counted on, and thither you repair in your bark, if the marsh be navigable, for if otherwise your feet will become damp from standing so long in your high boots. You paddle to a safe lodgment in the tall grass and flag. If you

have two double barrels with you they may be found of service. Shortly they are heard plying their heavy wings towards you, with now and then a word of command from their leader. The least noise will divert them away to some other haunt, and you cannot even take a pinch of snuff, except between the shots, and then you will be too busy on other matters. After taking numerous wide circles overhead, they at length settle down and commence the repast. Should they be scattered over too large a space, a slight noise will bring them together preparatory to taking flight. The darkness may prevent them being seen, but their noise will indicate the right direction. Having the second gun ready, you at length discharge the first two barrels loaded with heavy shot, and as they rise the others are let fly. Sad havoc has probably been made, but the guns are reloaded in case the wounded ones should call them back to the rescue, in which case another dose can be administered. With a dark lanthorn the spoil can be gathered in, and another search made in the morning. They can also be found by day, sailing around the lonely thousand islands of the St Lawrence. With a long duck-gun and linked swan shot, they may be watched from the brow of a small rocky island as they approach its edge. Ascertaining their position, you walk slowly down, show yourself, and while they are timorously huddling together, send in the chain shot to the great peril of their long necks. While on an excursion among these beautiful islands, or amid the wild enchantments in the upper waters of the Ottawa, the time not devoted to geese will be bestowed on the innumerable variety of other wild fowl. Gliding along in your small canoe, with a bush in the bows to conceal your person, you enter among the flocks of ducks without exciting suspicion, and knock them down right and left. Or a station is taken on a small communication between an inland lake and the river, and while they sweep through the narrow passage their plump appearance offers the best temptation to the display of skill.

The curlew only appears for a short time in the spring, but the other species of plover are almost permanent residents. They may be found over the plains and at the edges of pools and rivers. Woodcock and snipe are found in great abundance in April and September in all the low waters and marshes. The former also frequent the thickets, where it is difficult to obtain them.

The wild turkey is only to be had in the more southern districts, where they are maltreated and run down by hundreds, for their large contribution to epicurean comforts. Frequently on waking in the morning you find a numerous flock perched on

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your garden rail in familiar discourse. The window is softly raised, and getting them in a range, you interrupt their confab by the horrible crash of a blunderbuss. The next moment sees you all in *dishabille* as you are, running stark mad through the fields after the limpers, crying "see boy" to Towser and Pup, and alarming the whole neighbourhood. Often they may be found perched on a tree, and by dropping the lower ones first, many can be bagged, or rather shouldered.

The Canadian partridge can scarcely ever be covered on the wing. He ranges the whole extent of forest, and finds no occasion to come into the fields for food. He is cunning and timid, and the sporting laws are necessarily laid aside while tracing him out in the thickets. His *drum* is heard in a cool spring morning for miles, but dropping from his position on the decayed trunk of a tree at any noise, much care is necessary in getting within a reasonable distance. The young, after leaving the hen, may be frightened by a dog to perch on the nearest tree, and destroyed like the wild turkeys.

The quail are numerous, and during the inclement seasons, frequent your farm-yard in bevvies. They are of a small size, and are easily approached.

A stranger will be astonished to witness the clouds of wild pigeons which wave through the whole Province at different seasons of the year. The account given by Mr Cooper in the "Pioneers," of their being slaughtered with a culverin is no fiction. Myriads are brought down with every kind of missile, from the single bullet to the brick-bat. They journey to the north in summer, where they have "*rookeries*" (?) miles in extent. The clangour there heard equals the din of the loudest tempest, or the sweeping wings of Milton's infernal troop of demons. In fact, if put on short allowance, an army might here take up its summer quarters, and live on pigeon pies very cheaply—a hint, deserving the notice of Mr Spring Rice, when planning a reduction in the army estimates. On returning in autumn they visit your wheat and pea fields, and coo and strut about your premises quite at home.

Angling, &c.

The Canadas can boast of the plenteous supplies of the finny tribe in their waters, as well as game in their forests. The largest description are the sturgeon, maskinonge, and salmon or salmon trout. The smaller species include the pike, the pickerel, trout, black, white, and rock bass, perch, chub, sun fish, cat's fish, bill fish, dog fish, white fish, herring, mullet, sucker,

and eel. Of course every mother's son has an itching to get some of these fine fellows on his plate, which can only be done in the absence of fish markets, by catching them, notwithstanding the imputed ill-natured remark of father Johnson about the worm at one end of the line and fool at the other. The friends of the rod have many supports, both ancient and modern; such as Isaac Walton, Donne, Hooker, Dryden, Gay, Sir H. Davy, together with a whole host of cockney amateurs, as may be seen in the print shops. Shall we not also mention that type of manhood and boyhood, the magnanimous Christopher North? Many others may differ in opinion, but like Dr Franklin, they will soon be converted in Canada. He never would taste fish until he saw the small ones taken from a cod on the Banks of New Foundland. The old philosopher then said, "you rascal, you eat your brethren and I will eat you," and no doubt a good feast he made of him. No markets being near you, in order to eat fish you must in the first place catch them. In consequence of certain testy criticisms on my hunting excursions, the bilious reader is at liberty to find how to do so in the New World by his own intuitive genius. In London one can find enough employment without being over communicative, especially over a dish of cod, sole, or plaice. But no! the temptation is too great; we must even wander off to lake, and pool, and coolbrook, and sunny fountain—up shady dells—on mountain heights—over wide sweeping waters,

" Five thousand feet in depth below."

Come then, complacent reader! now—as I hope you *will* come, right cheerily, at the same call, when we meet again 'neath—

" Cloudless climes and starry skies."

O! the cool—the delicious—the wild-rover life of a trout-fisher! Lost in breezeless nooks—amid silent wells and pebbly shores—now meandering with the stream, casting his fly athwart its deeply delved caves—anon whipping it over the shallows, tempting the speckled lurker from his shady retreat by the rock—now standing at the margin, sweeping below and above—then avoiding the brush-wood by wading the current—with the freshness—the peacefulness of creation around him—with the voice of wood robins and flowing waters in his soul, what can be more enchanting? The pandemonium of cities—the hum of needy industry—the sounds of barrel organs, trombones, and kettle drums, varied by the mellow voices of old clothesmen and fish-mongers—pleasant, although they be, can bear no comparison.

The angler sets out in the morning with his rod and scrip,

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containing his lunch, usquebaugh, and other necessaries, and repairs to the stream, running pure and cold from far-off highlands, determined on a day's enjoyment, to which a light school-boy heart already offers contribution. He rambles up the winding banks, leisurely twirling his line here and there at the deep and sheltered spots, until finally driven by the thickets to stem the stream; but here he carefully proceeds as the finest ones are generally taken from such places. Proving the way before him, the trout are undisturbed owing to the swiftness of the water, until they dart at the treacherous bait, and are consigned to some small reservoir to await his return. Again the shores afford room to cast his line, and again he takes to the waters. So he proceeds until the day wears away. Perhaps he may stumble into unseen cavities in the bottoms, but nothing annoyed, he swelters and plunges with very prankfulness, like a young hippopotamus, reinvigorated by the pure bright element, and calls his dog from the shore to have a gambol. Those who cannot endure such scenes are no trout-fishers at least, and had better stop at home to be dull, uninteresting codgers, fit companions for exquisites and spoiled children. The *salmon trout* are caught in the blue lake waters and adjacent rivers, both with hook and spear. A small herring is placed on the hook and sent down among them. By moving it slowly to and fro, the temptation becomes too much for their vacant maws. They make a voracious seizure, and the line runs out whizzingly, until you find it your turn to draw, and darting right and left he suddenly makes his appearance with a leap out of the water, as if courting the light of day. In the winter a hole is cut in the ice, over which a screen of bushes is erected that your form may not be seen. The herring is sent down, and if it be not caught it will be followed to the surface, where, as the salmon's head appears, you jut down a small one-handed spear, and bring in your lusty lashing prey.

The fresh-water *sturgeon* grows to a large size, and having the art of suction as perfect as some of our parsons and pot-valiantly-loyal gentry, he is uncommonly plump and well to live. They are fond of sporting in rapids and near waterfalls, but during the spring resort to small streams on account of their warmth, where the gaff hook is used in taking them, fastened on a long pliant rod. During this season they are dull and inactive, partaking so much both in appearance and habits of the swinish character as to obtain the name of the river-hog. With the gaff you carefully examine the suspicious places, and on encountering something yielding to the touch, you give a tremendous jirk back, and fasten the barb in his tough hide. The sluggard will not otherwise be disturbed from his lethargy; but cold steel has

a wonderful effect upon him, like some of his relatives out of water, and you require to brace up and keep a close haul upon him, owing to his strength of fin being aided by the swiftness of the water. Otherwise, you will probably follow him down the stream, and crawl out as best you may, well *soused*, and with loss of your hook.

Much dispute has arisen concerning the *maskinonge*, some averring him to be an overgrown pike; others, that he is a distinct species. However this may be, there is no mistake or disagreement about his quality on the removal of covers. It is difficult catching him, but at particular seasons this is done by trolling a small fish on the surface, at which he makes a ravenous leap, or by spearing him in the swift shallows, whither he repairs like the sturgeon. Their strength and activity are so great as often to wrench the spear from your hand, when you have managed to strike them, a task not easily accomplished.

The *pike* and *bass* are caught by "trolling" in great numbers, either with the fly or something resembling it. The poorer classes are thus enabled to pack down barrels for future consumption, particularly on the Rideau and the neighbouring streams. The smaller tribe can be taken either by angling or in nets. The white-fish and herring fisheries already supply the adjacent markets at all seasons of the year, and are destined to become still more useful and important in a national point of view.

There is, however, a mode of fishing by night, the most romantic and picturesque of any. Indeed those who have not experienced it on the clear, quiet waters of Canada, cannot imagine its fascinations; and those who have been more fortunate cannot find words for description.

Although practice will render you a sufficient adept in the use of the spear to enable you to supply your own table, yet the Indian is your true Triton, and seeing him poise his instrument once, leaves you without a particle of conceit in your own dexterity. Dependent on his skill for sustenance while taking those long voyages to the hunting grounds, the preciseness with which he strikes often secures him an abundance where a white would starve. No Trojan hero could be half as graceful or accurate in ringing his darts on the bossy shield, as the son of the forest lunges his taper rod through a much denser medium.

Fancy a moonless night on the St Lawrence, with tranquillity brooding on all around! On the yielding sand a light canoe is half drawn out, containing splinters of fat pine for the light. On the shore lies the three-pronged spear, ground sharp, and finely tempered, in which is strongly set a long rod, of the best material, to guide its course. A small grate is prepared to contain the

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ighted faggots, which is made to project above the bow, and all is ready for a start. A tall Indian has consented to be your companion, who with carelessness lifts the bark in the water, lights the wood in the grate, seizes his spear, and with you seated snugly in the stern, paddle in hand, steps gravely in his place in the bow. Presently you glide off into deep water, when a motion of the Indian's hand indicates the direction you are to take. The light blazes high, enabling you to see yards around, and admire the varied aspects the ground below you assumes, beautified as it is through the motionless transparency. You can almost feel the darkness closing in behind as you noiselessly cut along, your companion standing erect, showing no sign of life or anxiety, till behind a cluster of reeds a red fin is seen to move back and forth. Instantly his arms are distended and the spear whirrs down with almost imperceivable quickness. The rod soon shows its point above water, indicating by its tremulous motion that something is attached, which, when quickly drawn in, may prove to be a large pike, pickerel, or by good luck a maskinonge. The disturbance in the water awakes others from their repose, and your lank comrade lays about him much to your surprise and gratification. Not only the time and scene serve to excite, but the curiosity is continually kept up by not knowing what may next appear, whether a salmon-trout, sturgeon, wide-mouthed cat-fish, eel, or that busy aquatic gentleman, the muskrat, skimming his way homeward from a neighbour's house, after whom a regular *hoo-roosh* is made. You proceed along deep bays and rocky points, passing other adventurers, who envy you your success, till the lateness of the hour warns your return. Your stately friend repairs to his camp, bearing his share of spoil, and you hic homewards, while

" 'Tis the middle of the night by the castle clock,
And the owl has awak'd the crowing cock—

Tu-whit—tu-whoo—

And hark again to the crowing cock,
How drowsily it crew !"

CHAP. V.

THE CLIMATE.

"Land of Albania, let me bend mine eyes
On thee, thou rugged nurse of hardy men."

MANY who arrive in Canada, among other complaints, are very bitter against the climate. These eternal grumblers are, however, mostly of that class who soar above the "vulgar herd," and to convince the world that they have opinions of their own, are content to advance very silly and absurd ones. A new country not only offers an asylum to the worthy and energetic, but to many not accustomed to depend on their own resources, who expect to subsist on milk and honey, without labour or exertion. These useless beings soon find their proper level, and instead of cursing their own pusillanimity, are content to heap abuse on the country and inhabitants. "A shabby country" — "a horrid climate," are the usual outbreaks of spleen. Some of them are able to write, and do injury to their friends by such misrepresentations, as well as impede the advancement of the Province. Their complaints are therefore worthy of notice.

The writer may have been considered very bold in speaking so roundly of the general excellence of the soil. Experience justifies equal confidence in declaring the climate as genial and healthful as any country can boast. The round of the seasons in Upper Canada (which in running south enjoys an advantage over the sister Province) presents one continued variety of all that ought to make man contented and happy. The slothful Spaniard or Italian may lounge in the shade of their sable relics of antiquity, or beneath the orange and citron, and fancy themselves in the Paradise of the world: but they have not that free exuberance of spirits known by those in the more temperate regions, induced by the gradual change from

"Grave to gay, from lively to severe."

A few sharp days in winter, when the thermometer sinks a few degrees below zero, only serves to dissipate that *ennui* and

tedium ever felt where there is no change or novelty to attract. The "music of the spheres," the harmony of creation, instead of being unvaried and monotonous, discourse "most eloquent music" through every fibre of the heart, and keep up a continual excitement. Such weather reinvigorates and braces, however much the temporary inconvenience may discommode delicate ladies and young dandies. The voice of Nature in Upper Canada, compared with other countries, is like the rich and musical tones of an O'Connell, compared with the eternal whine of some of his opponents.

The winter may be said to commence at Christmas, although the snow does not usually fall for sleighing until a month afterwards. The oldest inhabitants discover a great change in the temperature since their first entrance in the Province. This is owing to the sun and breeze from the large bodies of water having more influence than when they had to encounter one vast wilderness of shade. In the southern parts, very seldom have they sufficient snow to increase the facilities of intercommunication. On the contrary, to the north and east an immense advantage is derived from such a convenience. With the former, rail-roads must of necessity be constructed to meet the interests of the inhabitants; but owing to the extent of navigable waters in summer, and the natural roads formed by the snow and ice in winter, the latter have already every encouragement for agricultural and commercial prosperity. With them the husbandman, situated far in the interior and distant from the markets, can always have an easy and safe access to them, unless driven by imprudence to make sacrifices.

The winter here is the most lively and bustling season in the year. While the snow covers the ground, and the ice the streams, not only does business occupy the attention, but it is the peculiar time for all those pleasurable interchanges of friendship and hospitality which the Canadians so richly enjoy. Sleighs, sledges, and all manner of odd vehicles, are freighted to the full with all description of cargoes, and fly through the air according to the best ability of the nags pressed into the service. Old and young, gentle and ungentle, squire and yeoman, dames and damsels, hardy wood-cutters and "strapping corn-fed wenches," all join in the enjoyments of "sleighing." On the rivers and lakes the skater disports himself, skimming over the glib level with an eagle's flight, his shape mirrored in every attitude of grace, as he wheels in wide circles, or pursues his tireless way till lost in the distance. The long evenings you enjoy beyond measure, sitting like your old forefathers amid a party of boon, social companions, or in their absence poring over

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your favorite authors, knitting together a story, or intolerable homogeneity of bad rhymes, or fluttering in wide rooms to the chime of light airs and frolic measures—dancing, singing, sighing, simpering, ogling, wassailing and other *fashionable* amusements, all serve to make a pastime of winter to the trifle, notwithstanding the abuse he heaps upon it. No doubt there are those who choose to deem “the gifts the gods provide” them too *plebeian* for enjoyment, or possess not the facilities for such enjoyment; but this is no reason for libelling what confers delight upon others. There is one comfort, that after such a triumphant refutation of their calumnies, they will have slight chance of being believed, and this is something consoling!

In March the snow generally disappears, and shortly the buds begin to put forth, the grass to spring, and every thing assumes a new aspect. At this time you walk forth like a new man, rejoicing in the change. The cows repair to the pastures, the sheep nibble choice repasts on the southern hill sides, and beautiful birds are heard warbling from orchard and copsewood. A thousand nameless streams irrigate the low lands as the wind liquidizes the last vestiges of winter. You need not cry in vain—

“O! for a beaker, full of the warm south”—

you drink it in grateful draughts from the overflowing bowl of creation. Poets have sung, from time immemorial, of the pleasures of spring, but they never witnessed aught like that in Canada. When they visit it we may expect something truly interesting, and to them is resigned the pleasing task of description. A poor prosier finds himself choked in the very commencement, besides, it is trenching on hallowed ground.

The Summer is warm, sunny, and delightful. Except in the narrow streets of the large towns, with a dense population, it is never found very oppressive. At noon-day, should it be uncomfortable, you have the same shades to tower over you from whence your warmth was obtained in winter. There can you repose at will, undisturbed by noxious vermin, or worldly cares and disquiets. All is calmness and security—fit abode of man—from careless peasant down to poet and philosopher. Such a country Messrs Southey and Co. should have pitched upon for their “Pantisocracy,” instead of “Susquehannah’s banks,” in a “disloyal” and Jacobinical country.

Instead of the murky, dirty atmosphere of small islands and seaports, you have the clearest and brightest prospects for days, without a cloud to obscure or interrupt your occupations or enjoyments. A brief shower may catch you now and then—but you are not eternally drenched and bespattered, like the forlorn

wayfarers in some other quarters of the globe. Besides, it moistens your arid lands—the music of birds and lowing of cattle give note of its refreshing qualities, and you also delight in the change, so long as it does not amount to actual drowning.

Winter and spring and summer are all very fine in their way, but to a reflecting creature Autumn claims the largest share of love and admiration. It is indeed “melancholy and gentlemanlike,” but after so much gorgeousness the mournful and solemn are not disagreeable. Man cannot always laugh! And who has not realized the poet’s concentrated thought of a “joy in grief?” Not that grief which overpowers, but that which softens; which dwells on the frailty of existence, and draws lessons of usefulness from meditation and a retirement upon self.

The face of the landscape is changed; the meadows are smoothly shaven; the corn-fields divested of their yellow harvest; the fruit hangs blushing from the o’erladen boughs; the forests appear in garbs of a thousand dyes; every thing indicates that state of ripeness verging towards decay. The human mind soon assimilates to the scene: a spirit of dejection steals into every breast; the profligate and frivolous dread the spectre shade, and strive to banish the fancied illusion; but the thinking man courts the lessons of wisdom thus held out to him; he rambles among the withered vestiges of departing grandeur, and laments not the fall of the sapless leaf in viewing the germ that shall be reanimated, and give life to a new world of youth and beauty. The wide-spread solitude may remind him of the departed,

“Who glide above his memory
Like shadows over streams,”

but an inward consciousness informs him that with him there will also be a springtide reopened, where desolation cannot come—where the gifted and illustrious, the humble and lowly, already reap their reward of virtue—whither he hopes

“On the morning’s wings to flee
Away, and be with those he loves.”

His body does not even perish, when it returns to his mother earth and sleeps beside his favorite tree in the vale of flowers:—

“Escap’d o’er fortune’s gloomy wave,
To anchor in the silent grave.”

The Canadian autumn stirs up other feelings. In it the husbandman reaps the honest reward of toil, and does not regret having cast his “bread upon the waters.” He sees his garners filled to overflowing with a self-satisfied air, and rejoices in having come to a land of so much promise.

All the self-styled travellers, bookmakers, and poetasters, have eulogized this season in every variety of strain; some of larger calibre have joined the diapason: so that we have, from Cullen Bryant, the best of transatlantic poets, through all the gradations down to Mr Nathaniel P. Willis, in its favour, and no one can dispute such good authorities. We can afford to plume ourselves upon this matter then, if nothing more.

There are, in fact, five seasons; one being what a bewildered and bewildering poet would call an autumn within an autumn. This bears the homely cognomen of the "Indian summer." Why so called it is hard to determine, unless it be that this is the only summer he enjoys, poor fellow, hunted and tormented as he is by that inveterate and rapineous intermeddler—the pale face.

The Indian summer generally sets in the latter end of October, and continues usually a fortnight, during which time the air is warm and balmy, as in September; but a continued haze robs the sun of his "fair proportions," not unlike that prevailing over London. Many wise heads have been engaged in accounting for this, but have not agreed in the solution of the mystery. The most plausible one is, that it is caused by the burning of the Prairies by the Indians to the south and west. This is problematical, from its recurrence being certain, notwithstanding the opposition of contrary winds. There can be no doubt, however, in one thing—that it is hailed with extreme good-will, and deliciously enjoyed. Dr Johnson once boasted that he never felt his spirits elevated or depressed by changes in the weather—not he! In a country where there are so few changes (for the better, I had almost added) he could so boast without much risk; but in Upper Canada, if he held out for the four seasons, he must have given in at the fifth. Here his burly frame would soon indicate such signs of friskiness as when he made that huge uproar and horse *gufhaw* late one night at Temble bar, or when he bought a cudgel for the purpose of not leaving Foote a leg to stand on, if he mimicked him on the stage. The old hero could not withstand the charms of an Indian summer, nor can any of his admirers: they would think themselves inhabiting the happy valley, nor wish to fly from its peacefulness and serenity.

CHAP. VI.

INTERNAL RESOURCES.

Not only is the Province blessed with a good soil and delightful climate, but it also possesses every other internal advantage for a great and powerful nation.

There are three or four iron mines already being worked that produce specimens of the clearest and finest metal. The ore abounds in different sections, although the demand for it has not yet directed much attention to its value.

Salt springs are also common, and companies have been formed which derive much profit from their investments, although the establishments in the United States are enabled to under-sell them, from the much greater spirit with which they conduct their affairs. The disgraceful tyranny of the Canadian Government prevents that accession of capital from other countries which would otherwise be employed to advantage. When equal and liberal institutions suited to the wants of the inhabitants shall have been yielded or in any way obtained, the imaginary line of the United States will not then be considered a barrier to all further enterprise on the part of her citizens, and British wealth will also pour in and accumulate in proportion as the channels of trade and commerce become extended. Steps were taken in the last session of Parliament for a geological survey of the Province, and information was obtained of the most cheering nature; but, owing to the lateness of the session, no provision was made to carry it into effect.

Lead is obtained by the Indians in a natural state, of the purest description, but information as to its locality no one can draw from them. They are fearful of being dispossessed of it in the way their lands were taken, and no doubt this would be the case. It is said to be in the bottom of a deep and rapid river, in which they dive and hack it out with their tomahawks. The country, however, gives every indication that this also exists in abundance, awaiting the hand of industry to become a source of wealth, both private and public. A lead mine has been lately discovered on the borders of the St Lawrence, in the neighbouring republic, which has already become most valuable stock. The same chain of highlands in which it is found intersect the river

and cross the country to the Ottawa. This circumstance has convinced their neighbours, if not the Canadians, that much value is to be attached to this portion of country.

There are also many indications of coal, but while wood remains in such abundance no necessity exists for seeking it.

The fisheries, if properly regulated, are also capable of being made useful. The singular fact that the salmon-trout and white-fish, and, except in one or two places, the herring, are only to be found on the northern coasts of the lakes, might be turned to advantage, had not the wretched Government encouraged rather than restricted foreigners from profiting by them. The inhabitants of the United States know well their value, and do not fail to take advantage of the degrading apathy in which bad government has involved the country. Were the fisheries properly protected, a traffic with the republicans could be opened, in the article of fish alone, which would far more than counterbalance the evil of their importations, and turn the balance of trade against them.

For a series of years the Lumber business has been the chief stay of the lower districts of the Province. The country adjacent to the St Lawrence and Lake Ontario has been mostly cleared of marketable timber, and the bulk of the trade is now confined to the Ottawa and its tributaries. No less than 25,000 men are yearly employed here in cutting and dressing for the English market, consisting principally of Lower Canadians and spirited Irishmen, and certainly a more hardy and daring race of men cannot be found. The dangers they encounter in running the timber to market through *Chats*, *Chaudiere*, and *Long Sault*, besides the expansive lakes to be crossed, are capable of intimidating any one in contemplating their feats, let alone taking part with them. In a storm last autumn no less than five-and-twenty were drowned on Lake St Peter, in the unavailing attempt to bring their rafts safely to shore. The provisions for their support while in the woods, together with the feed for the cattle employed, are generally supplied by the farmers in the adjacent districts. Those, therefore, who possess lands in these favoured parts, are sure always to receive high and remunerating prices for their supplies. Another advantage is offered to the poor man in winter, in his being certain of employment for himself and team when nothing can be done at home. This temptation, however, is apt to lead to ruinous consequences. With the hope of doing as well as others who have been successful Lumbermen, they often embark in an undertaking which they do not understand, and for the proper conducting of which they have not the capital. Their farms are neglected, and if they ever reach Que-

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bec, the speculators know too well how to take advantage of their necessities. The prices are kept down until he is obliged to sell, to discharge his men, and he returns ruined. His creditors above became clamorous: his farm is conveyed away, and at length the dungeon shuts him from his despairing family. Thousands have met this fate, furnishing faithful lessons to the new-comer against unnatural avidity.

Except the good effect on the markets of the neighbouring country, and its means of cheaply introducing the manufactures of Great Britain, Upper Canada does not derive much benefit from the Lumber business. Its profits are chiefly devoured by the hungry speculators in Quebec, connected in some way with British houses, who cry "Loyalty" and "Constitution" with all their might so long as they can be protected in their virtuous pursuits. These are a part of the same class who bring forward such false and calumniating charges against those very Canadians by whose exertions they are alone able to sustain themselves; and who are insulted by the epithets of "aliens in blood, in language, and religion," because they wish for a state of things that would put an end to their practices.* Owing to their doing business with such men, instead of shipping direct for England, or having connexion with the high feeling English merchant, the Lumbermen are scarcely ever successful in accumulating much property to be expended in their own vicinity or Province, so as to render his efforts available for the improvement and beautifying the Province. After combining for a reduction in the prices, unjustified by home intelligence, the speculators, many of them, have a very convenient way of closing their doors and offering a dividend on their bills, which the seller has been obliged to receive in exchange for his Lumber. Some of them often offer the astounding sum of two shillings and sixpence on the pound. There being no bankrupt laws, and if arrested the limits of the prisons give them a free range over the Province, they announce their failures with the utmost *sang froid*,

* To show more fully the disinterested *motives* of these men, it is only necessary to refer to the Records of Parliament in 1791. In the April of that year, while the "Constitutional Act" was under discussion, Mr Hussey presented a Petition from several merchants, traders, &c. in Quebec and Montreal, praying that the Bill might not pass into a law, because, on "weighing the consequences of it, they conceived it would be attended with *great injury* to the said Province, and *particularly to the trade and commerce of the Petitioners.*" This was at a time when there was a perfect despotism in name, as there has been in fact, since, in the Province. Yet these *merchants, &c.* would be injured by the least approach to liberty! They also employed counsel, who spoke on their behalf before the House of Lords, *against* the Bill. Such matchless audacity can only be found in that class, now the self-styled "*Constitutionalists*," forsooth!

not even deigning sometimes to exhibit their books. In mercantile affairs many of these, in the nature of things, are to be expected, but downright knavery—nay more—robbery, has been charged against not a few, without contradiction. Unless the Lumber merchant have a large capital embarked in it, he is entirely at their mercy, and very little he receives. Instead of dealing justly and honourably, as the honourable dealer is ever found to do, and as knaves, pickpockets, and pedlars do not; instead of conforming to the spirit of those laws which they would fain make appear they understand and admire exclusively—they engage in every paltry trick to accomplish their ends and put money in their purse. No man can deny the truth of this picture, or if a stray one should appear, hundreds will arise to reiterate the assertions and bear witness to their correctness. The Province derives a large resource from the sale of crown timber, purchased to be made into Lumber, but the precise amount has never been ascertained. It is found too useful as secret service money to keep the system working, to be placed under the control of the Legislature.

CHAP. VII.

FACILITIES OF INTERCOMMUNICATION.

By inspecting a map of the Province it will be perceived that the whole range of frontier is fringed by a succession of lakes and rivers, affording the most magnificent outlets for the purposes of commerce. With two impediments, the Falls of Niagara and the rapids of the St Lawrence, the whole extent is navigable for a greater part of the year, and swarms with every description of craft. To surmount the obstructions at Niagara, a canal has been for years constructing, of sufficient depth to admit the sloops and schooners navigating the lakes. Unfortunately it has not been fully completed, notwithstanding a large sum has been advanced by the Province for the purpose. It, however, is sufficiently advanced to be navigable, and its tendency to increase the trade denotes an immediate necessity for its completion.

The Province have embarked in another work to improve the St Lawrence navigation, by cutting a ship canal around the

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Not many years ago, the purse-strings of honest John Bull were loosened to the tune of a million sterling, in connecting Lake Ontario with the Ottawa. This has been effected in the most magnificent manner. Dams are constructed, unexampled in extent and stability, which throw back the waters of the Rideau for many miles, rendering the former shallows and rapids safely passable for steam-boats. Locks are erected of corresponding size; the level of whole lakes raised; ledges of rocks reduced; the course of streams diverted—every obstruction was made to give way before the indomitable spirit of British gold—and there it will remain a monument of architectural skill, and the good disposition evinced, even by Tories, to benefit and preserve the affections of the Canadas. So long as the work remains, it will ever call up in every Canadian's breast the purest emotions of gratitude for this instance of parental consideration. That ministry well deserve the contempt and execrations of mankind, who, by refusing to acknowledge and redress the grievances that afflict them, are the means of causing other feelings to predominate.

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It has been observed that the Government were impelled to this work for self-preservation, in consequence of having appointed stupid, bubble-headed commissioners to settle the boundaries between the Canadas and the United States, who gave up the whole navigation of the St Lawrence at one place to the United States. Now it is quite certain that the Yankees, as they are facetiously called, did manage to outwit the heavy-headed, jobbing British commissioners. When the islands in those streams along which the line runs came to be considered, it was a question how they were to be disposed of. Instead of dividing the river equi-distant from each bank, regardless of them, Jonathan slyly insinuated that a lumping bargain could be made of it, by allowing the whole island to go to those who took more than one-half, after such line was drawn. Wishing to show their liberality, and utterly regardless of Canadian territory and Canadian interests, under the flattery freely administered to their shallow capacities, this offer was accepted. Nothing calamitous was the consequence until they reached Barnhart's Island, in the rapids of the St Lawrence, which comes within rifle-shot of the Canadian shore, and which fell to the Americans. The channel being on the south side, of course the whole navigation is commanded by the Republicans, and in case of war the Canadians would have to defend the country alone, without that small assistance rendered them from England

during a former invasion. It is said, that to correct this humiliating blunder the Rideau Canal was undertaken; but the best motives ought always to be imputed for a good action, and we abjure all such interpretations. It was regard for the Canadians alone which induced it, and a warlike expedient of attacking in the rear those who at a future time may be enemies, was never once contemplated.

The facilities of communication by water are so great, that the same necessity does not exist for the construction of railroads as in other countries. Nevertheless no less than five charters were granted at the last session of Parliament for such purposes. It was well understood that the funds to carry their intentions into effect could never be raised in Canada. They were to be furnished by United States capitalists! Owing to the rivalry of Buffalo at the foot of Lake Erie, and Oswego on Lake Ontario, each being anxious to divert the emigration westward through their own streets, they were willing to take advantage of the natural facilities afforded them in Upper Canada, which, owing to years of bad government and extravagance, could not be turned to national honour and emolument by the Canadians. The vast extent of the Republic westward, continues to attract the restless spirits from the older States, and they move in countless masses thitherward, at all seasons of navigation. No less than 30,000 families passed through Detroit in one week during the last summer. A great saving in time and distance would be gained by crossing the Province to Lake Huron; and perceiving at once the chance of profiting by it, the citizens of Oswego offered to take the stock in the railroad from Toronto to Lake Huron, while those of Buffalo were equally anxious to join in one from the Niagara to the Detroit rivers, along the northern shores of Lake Erie. Four charters for different routes were accordingly obtained, and flattering manifestoes have since kept public attention directed towards them; but whether much else has been done cannot be ascertained. Lest objection should be taken to so manifest a plan to introduce Republican *institutions* and money, it is only necessary to throw all the credit on the Tories, the extremely and exclusively *loyal* portion of the community, who were its originators and most sturdy supporters. This must silence all remonstrance from the quarter whence it may be expected to come. The men of capital in Canada know well a good reason for not thus investing their funds, particularly those who have in some way accumulated it by means of their opportunities of putting a finger in the public purse. The excitement caused by the exposure of their knavery, and its consequences in stirring up the spirit of opposition against the

Colonial policy, at present so seriously prevalent, whispers something to them against trusting too much to the security of the Government, or the chances of private speculation. They understand the old proverb about "a bird in the hand," and keep their ill-gotten wealth hoarded by them, ready for being brought away in case of emergency. The capitalists from the wrong side of the water have therefore a fair opportunity of playing the game to their own liking. Could there be a better comment on Tory "loyalty" and patriotism?

CHAP. VIII.

TERRITORIAL DIVISIONS.

THE country is divided into districts, counties, townships, and towns. There are at present twelve districts, which are divided into thirty-three counties and ridings, and again subdivided into townships, commonly twelve miles square. Each of these counties sends one or more members to Parliament, according to their population. There are seven towns that also send each a member, making the House of Assembly to consist at present of sixty-two members.

Owing to the increase of population these divisions have been found far too extensive for the convenience of the inhabitants. That monstrous impediment to all wholesome legislation, the burlesque House of Lords, have too great a regard to the Constitution to admit of such innovations, and they contumeliously throw under the table all bills sent up to them by the representatives of those who are the sufferers. Even so unimportant a change they seem to dread as the prelude to the total overthrow of their infamous dynasty. Were they not totally blind to not only their own interests but that of their party, common sense would teach them that, by creating new districts, they would increase their patronage and power, by affording additional snug births to their relatives and dependents. Whig policy would be sure to sanction such favourite appointments, whereby a system of *espionage* and plunder could be more effectually kept up, and the fault-finders and *populace* kept down. But like the conscience-stricken Macbeth, they see an air-drawn dagger at every turn, increasing their dread of impending exposure, and adding the moody stubbornness of desperation to the intensity of guilt and the horrors of crime.

CHAP. IX.

COURTS OF CIVIL AND CRIMINAL JURISDICTION.

IN the Upper Province the civil and criminal laws of England have either been bestowed or adopted, so far as circumstances will admit. A Court of King's Bench was established by the Constitutional Act, having a similar jurisdiction to that in England. Three judges preside over it, one being the Chief Justice. In civil cases it takes cognizance of all debts amounting to more than fifteen pounds currency, if unacknowledged, and over forty where the amount is definitely ascertained. In all actions of *tort* it has unlimited jurisdiction. The Judges make but one circuit in the year through the outer Districts, for holding Courts of Assize, &c.; and only in the Home district a semi-annual gaol delivery takes place. Four Terms are also held, known by the same names as in England. It is found peculiarly cruel that the gaols should not be delivered oftener, innocent persons having often to pay the penalty of crime in a wretched and prolonged imprisonment. But the interests of the many are made to yield to the convenience of those who receive sufficient pay to serve the country faithfully.

Local Courts of Quarter Sessions are held in each district, for the trial of petty offences and the regulation of district matters, over which the magistrates preside. Individual Justices of the Peace have also an unwarrantable power of inflicting fines and summary punishments in certain cases.

There is also a Petty Court in each district, for the trial of those civil cases not within the jurisdiction of the King's Bench. This Court is held by a single judge, who receives his salary by the exaction of fees in each case, amounting often to an enormous sum for the slight duties performed. Individuals who are favourites of the Oligarchy often receive this appointment in several districts, besides holding other offices of profit and power.

Courts of Requests are established in each township, having jurisdiction in those cases not within that of the District Court, which are presided over by commissioners who receive emoluments in each case. The favourite policy of the Executive has been to reward their faithful followers by these petty appointments, half a score often being authorised to act in one division.

What with them and their retinue of clerks, bum-bailiffs, and pettifoggers, all litigants are managed to be kept in a very comfortable state of uproar and dissatisfaction. They are Judges in Law and Equity, and propound the ponderous tomes of English jurisprudence with as much gusto and gravity as my Lord Chief Justice. Their decisions are luckily recorded, for the admiration of those who may hereafter wish to know what *we're* once the under-workings of the Tory ascendancy.

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Attempts have repeatedly been made to introduce Trial by Jury, where the Magistrates or Commissioners have too much power, and to lessen the law expenses in all the Courts. But the facilities for ruining and intimidating political adversaries cannot be dispensed with, and all such attempts have been successfully resisted. So long as the Oligarchy cannot depend on the innate justice of their cause, and have so many relatives and dependents to provide for, the Legislative Council *will* set itself against such reforms. Bills have passed the Assembly, without a dissenting voice, for the abolishment of imprisonment for debt, rendering the property liable, or, in case of fraud, the person (the same description of measure as that so ably and feelingly advocated by Sir J. Campbell, the other evening, in the Commons), but they have been quashed at once in the Council without even debate. The inmate of a dungeon, suffering not only the loss of property but the punishment of the most heinous crime, will not be delicate in the choice of expressions in denouncing these direct participators in his ruin. Yet his intense indignation cannot be greater, on those subjects coming home to him, than that of the great majority of the people in what touches one and all. Were the faction alone to be put down, the people would have done battle long since for the purpose, rather than suffer so much; but their loyalty and attachment for England, and their expectation of its interference, restrained them. Year after year has passed, however, with nothing to relieve or encourage. On the contrary, since the Whigs have come into power, every shadow of hope has by slow degrees expired, and it were a libel on the most slavish country of Europe to deem it peopled by men without sufficient spirit to act in such an emergency.

CHAP. X.

THE LAW SOCIETY.

THIS society, for the regulation of the profession, is formed by a provincial enactment into an arbitrary, irresponsible corporation, consisting of numerous benchers, one of whom performs the office of treasurer, and is *ex-officio* chairman. Their offices are held for life, and the appointment of any new members rests entirely with them. They possess certain grounds purchased by the funds of the society, on which a range of buildings are in the course of completion, in imitation of the Middle Temple. These contain the library of the society, &c., and are laid out in suits of apartments for the convenience of the profession. At almost every term new rules and regulations are adopted, throwing more difficulties in the way of aspirants to legal honours. The student has now to undergo an examination, previous to being entered on the books, as to his attainments in history, mathematics, geography, astronomy, natural philosophy, the English and Latin classics, and, in fact, every thing necessary to a finished education. A fee is paid at his entrance—he is obliged to attend four terms during his studies, and at the end of five years, by obtaining the certificate of the barrister with whom he has studied, may apply for his diploma. Not, however, before undergoing a more strict examination in all the above branches, together with the Colonial Statute Laws, the English Common and Statute Laws, the Institutes of Justinian, and other ancient and curious documents. An acquaintance with the laws of the Medes and Persians will be a feather in his cap, as these are unalterable, and consequently cannot be *reformed*. After coming out safe through so fiery an ordeal, and paying another fee, and making a certain number of genuflections in token of fealty, and swallowing a specified number of oaths before my Lord the King's Justices, he receives authority to spout nonsense for hire in all the courts throughout the Province. The attorneys have to undergo no examination, but on presenting their certificate of five years' service, are admitted in open court, almost as a matter of course. Individuals are allowed to practise both professions there at the same time, and owing to this, English barristers, who, on producing the proper testimo-

nials and undergoing an examination, are admitted as such without further study, do not find the profession profitable. There are about one hundred individuals, practising both professions, scattered through the country; and owing to the bait held out to them, in the innumerable petty offices, they are mostly all subservient to the Tory cause, and have the *reputation* of "devouring widows' houses, and for a pretence making long" speeches at no common rate.

The impediments thrown in the way of humble and poverty-stricken merit are truly disgusting; but the monopoly throughout must be kept up, or the beautifully-working system must go down. There is one thing consoling in viewing this wretched system, which is, that the majority of these gentlemen of the long robe are sad and idle dogs, with no undue proportion of brains—so that even the young farmers, who make no pretensions to scholarship, are more than their match in the political discussions of the day.

This close legal corporation, arrogating to themselves the right of being sole judges of learning and genius, cannot long withstand the influence of public opinion. Not content with exercising the *jure divino* in politics and religion, these Tories would even send their beadles to control the smiling walks and gardens of literature. They have succeeded thus far, but the end of all these assumptions must be at hand.

One is led to inquire what necessity there can be for a diploma from a few, perhaps, incompetent individuals, under whatever mummery they may choose to act, when the public are the only rightful and true judges. The simple days of Greece and Rome, which we are in the habit of admiring so much for their productions in art and literature, knew of no self-constituted tribunal to ostracise whatever might appear formidable to personal ambition.

The forum and academic shades were open to all, and yet they are supposed to have had a few lawyers and orators, as well as philosophers, sculptors, and poets.

The statesmen who make the laws are not compelled to submit to any test or ordeal, except that of the public; and why ought those to be, who may feel themselves called upon to expound those laws?

CHAP. XI.

THE MEDICAL SOCIETY.

WHERE a man's health and life are at stake, he has not the same control over them as over his purse, nor is that delay allowed in the choice of practitioners, admitted of in the one case. A medical board is constituted by the Executive, in which the examinations are necessarily strict, but no unfair advantages are taken. Diplomas from most of the eminent colleges in the United Kingdom entitle the graduate to practise by obtaining a simple license from the lieutenant-governor, without examination into his capacity. The physicians and surgeons are far more numerous than the lawyers, in consequence. Generally speaking, the learned doctors are the most sturdy sticklers for their own rights, and those of the country. There were six of them in the last House of Assembly, all of whom were the most determined Radical Reformers. Among men of sense, who have a knowledge of the state of the country, their political bias will not be attributed to their intimate acquaintance with the people, and their dependence on popular support. Something far nobler actuates them than personal aggrandisement, which has been shown and verified on several occasions. They are too well versed in anatomy to apply soothing plasters to the surface, when the disease is deep and deadly. The scalpel is thrust at once into the strong hold of corruption, notwithstanding the kicks and grimaces of the writhing Tories.

CHAP. XII.

SEMINARIES OF EDUCATION.

CONCERNING these the writer is obliged to adopt the expedient of an Irish historian, who commenced a chapter on snakes, and contented himself by stating that "there were no snakes in Ireland." As a Canadian, he blushes to say there are few public seminaries

of learning in Upper Canada. There are several preparatory schools, one of which is dignified with the title of Upper Canada College; but it may emphatically be pronounced the nursery of bigotry and stupidity, established for the convenience of the Oligarchy, and useless to the Province. The Methodists have erected a seminary by private contributions, but it is scarcely yet in operation. A charter has been granted for a university, but owing to the Tories wishing to make it a prop to their Church and State doctrines, it has not yet been established. The district schools are of some little service, but Tory influence here obstructs their general utility. Whatever schooling the youth of the Province receive is obtained of private instructors, employed by each neighbourhood; while the clergy are devouring the best substance of the country, and the Oligarchy and their dependents seize the public revenues for any purpose they may deem proper. This subject deserves more minute attention, and shall be noticed again in the second part, where the villanies of the faction are recounted at large.

CHAP. XIII.

THE INHABITANTS.

"I think I hear a little bird that sings
The people by and bye will be the stronger."

LIKE the natives of England, the inhabitants of Upper Canada are descended from different nations, tribes, and races. The whole world is their "mother country," although that endearing appellation is confined to the British Isles with that steadfastness which years of Ministerial neglect and oppression cannot entirely overcome. There are Swiss, Spaniards, Italians, Dutchmen, Germans, French, English, Scotch, Americans, Irish and Canadians. It is difficult to give their proportionate numbers, but the native Canadians are far more numerous than all the others.

The first settlers of the Province, as before stated, were the soldiers and officers of the American revolution, together with others who did not bear arms on either side, and were opposed to

the separation. The favourite spots chosen were the banks of the St Lawrence, the shores of the Bay of Quinte, and the Niagara River. Owing to this, these are now considered the most delightful and highly improved portions of the Province. Many of the soldiers and officers either received pensions, or half-pay, and were thereby better prepared to meet the difficulties they had to encounter, than they would have been otherwise. The nearest place at which supplies could be obtained was Montreal, and they were not long in opening a traffic with their steadfast brethren in that province. Many privations awaited them in the outset; but during the long and unnatural civil war they were inured to toil and danger, and were not daunted by any new obstacles. They had the assurances of hope to cheer them in their exertions, in thus laying the foundations of a mighty inheritance to their successors. Were personal ambition, to be remembered after their departure, any spur to their endeavours, they did not labour in vain. Those who have left the scene are not forgotten in the beautiful haunts adorned by their care. They will also live in the future historian's page, like the Saxon fathers of England. Peculiarly can it be said of them by the noble waters of the St Lawrence and Niagara—

“ Each little rill, each mighty river,
Rolls, mingling with their fame for ever.”

Doubtless, in many an hour of fatigue and destitution have they sat down there and wept. Torn from their country and their ancient hearths, perhaps in the sear and yellow leaf of life, to encounter hardships in an unknown land, the well of human sorrow must oft have overflowed. And those, too, the gentle and resigned—the partners of their sufferings—the “Doric mothers”—where were they? In the rough-built cottages that served for a shelter—seated by the narrow openings, with the broad and solitary waters in front—the dismal forests in the background—was there no outpouring of anguish in memory of former times, and those “old familiar faces” that were wont to communicate joy? Yet in the silent unuttered grief there was also submission. Through the smoke that curled to heaven from the distant fallows, a bright vista was opened of future good,—their free-born sons were growing by their side to comfort and relieve, and life had yet some charms. This may appear high-wrought to those ignorant of the difficulties at that time encountered. But language cannot depict the desolation encompassing the U. E. Loyalists after the close of the Revolution. Their devotion to England has entailed a deadly curse, if all is to be forgotten in pandering to the rapacity of strangers, and neglecting them and their children. An inscrutable judgment would seem to hang

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over them in being thus delivered over to the tender mercies of the future "Pharaohs who know not Joseph." Yet their resignation to misfortune shows the sincerity with which they resisted their brethren in their struggles to shake off foreign restriction and interference.

The Province of Quebec was then ruled by a Governor and Council. The Government could not extend to every new settlement; and from the peaceable and orderly conduct of the settlers there was no necessity for any. It was the simplest of all systems, and society was then in its original patriarchal state. Except a combination for the general *good*, man requires no other. Where there is a superabundance of *evil* the remedy is worse than the disease. The best logician or sophist cannot make out even a tolerable case, that man was born to over-feed fat priests, or keep high-bred rogues in high places. A desolation created by bad government is worse than anarchy itself. In the former, villainy prevails over honesty; but in the latter, self-preservation must arm every man against it, and induce a better state of things,—for it can no worse. Many of the old Canadian patriarchs look back to those times as days of happiness. This may be from man's propensity to take pleasant retrospects; but it must be confessed that, under such Governments as Head's, Colborne's, Maitland's, and Gore's, they have too much reason to draw unpleasant distinctions. It is a new and strangely fangled doctrine, that where the population increases, so must their burthens. The augmentation of executive duties can in no case consume the additional tribute, without extravagance and knavery,—and to them there is no end. Unfortunately, differences of the most ridiculous nature arose after a while, to divide their little societies. Where companies had, during the war, been formed, officers were taken from the ranks, who were no more "*respectable*" than those whom they commanded, and over whom they had no right to assume superiority, except where the rules of service authorised it. On their first arrival nothing of the kind occurred to them; but in due time, when the present Constitution came to be promulgated, and many of them were made Justices of the Peace, Judges of Courts, Lawyers and Doctors, the case became different. They began to entertain high notions of their dignities, to look forward to the *Peerage*, and all other fantastical fopperies, so prudently introduced for their benefit by a British House of Commons. A glance of recognition to their unaspiring neighbours was considered a peculiar boon, and a smile of familiarity, or a patronizing grasp of the hand, was almost a compromise of their high breeding, and not often to be vouchsafed. So long as these whims did not interfere with their immediate

interests, what cared the hard-working farmer for them? The one had the same right to take such a course, as the other had of being amused at it, and despising the spirit that could so inflate itself. The unpretending portion, however, who were not grasping at idle shadows, continued to cultivate their estates with unabated energy, and far outstripped their neighbouring gentlefolks in beautifying and improving them. Their soil was rendered more productive, and in time, neat, substantial stone dwellings supplied the place of the humble cottages. Such successes created a wider division, aided by envy and humiliation on the one side, and independent feeling on the other. The panoply and show of the British Constitution had been introduced, and economy in the public expenditure was the last thing to be thought of. Conscious of being unable to maintain their assumed importance by their own exertions, particularly where the agricultural duties were considered degrading, the *noblesse* found dependence on the bounty and patronage of the Government their only resource. Wherever new offices were to be filled, who so capable as themselves of doing the thing genteely? Beside, their incapacity for drudgery gave them the first claim on the Executive. Nor were their former services omitted, nor the unction of flattery denied to the Executive. Loaded with appointments, it is not a little surprising that their yearly incomes should have been found inadequate to their maintenance without new impositions. Yet so it was, and here arose the first serious divisions, which have never since been healed, because the origin still remains. Those who were less favoured by Government patronage, but who had a taste for *high life*, were constrained to rely more upon their own resources, but anything was more "*respectable*" than the most independent life of all—that of an agriculturalist. Many purchased limited assortments of goods, and instead of shopkeepers they assumed the more dignified title of merchants. The buildings containing their wares were stores instead of shops. Others employed their time in setting their neighbours by the ears to increase law expenses, while some made it a point to dance constant attendance on the gallant General at head quarters, ready to pay court according to the most established rules of etiquette, and receive with avidity any God-send in the way. Land was not then of much value; but rather than remain out of employment, a few thousand acres were to be begged and laid by for future use to themselves or descendants. During all these curious proceedings the many were earning that honest livelihood which follows spirited exertion. They were untaught in the language of courtly submission, but having their hands and the energy of an independent mind, they required

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no official aid to sustain them. No envy arose in their breasts because others pursued a different course; but their hard earnings were not wrested from them to support their extravagances, without murmuring and complaint, although never so legally authorised. They had taken up arms for their King, because they had deference for his authority, and not for the selfish end of appearing in uniform, bullying in the plenitude of short-lived power, and depending on the bounty of others ever afterwards for sustenance. The same manhood which enabled them to act befitting a soldier, led them to active exertion in overcoming all obstacles to affluence and real and substantial honour. They were not unrewarded. They, or their descendants, are at least enjoying competences; yet no reproach saddens their hours of reflection, of their having been unjustly or dishonourably obtained.

In a few years, those who paid the most attention to public affairs, daily perceived fresh evidences of that corruption which has since proved so calamitous to the country. The storm was brewing in the distance, but its dangers were not diminished by the delay in its coming up. On the contrary, time was afforded for attracting all those noxious vapours, adding tenfold violence to its course. Whether shelter is to be sought under the broad *agis* of British justice, now that all its thunders are like to explode, remains not for the Canadians to say. Such protection has been sought, but the answer cannot by them be given.

In the year 1812 a war broke out between Great Britain and the United States, and although the Canadians knew nothing of its scandalous origin, again were they called upon to enter the field, and give fresh proofs of their loyalty. Owing to the suddenness of the declaration, scarcely had they time to recover from the surprise, when their frontiers were invaded. Heretofore the public affairs had not been managed to please them, but all was forgotten in the hour of danger. The tocsin was sounded, and they flew to arms like wildfire. During a three-years' struggle they left many evidences of their devotion on the field of contest. Many who had served in the former war, and had led a life of care and exertion since, were again called upon, in their old age, to seal years of martyrdom, by a violent death, in support of Tory folly. Their bones are mouldering in many an ample hillock, and shall they be profaned by the footsteps of tyranny without any to come to the rescue? Time will show!

During the whole of that contest the conduct of the British Government can only be justified by the degrading acknowledgment that the Tories were in power. A few rickety ships were

dispatched on the coast of the United States, and shamefully overcome. A few regiments of foot were sent into Canada under the command of such officers as Provost and Proctor! The burthen of resistance was thrown on the Canadians of both Provinces, and without their assistance the flag of England would have been trampled in the dust as at New Orleans. But they *were* not wanting. The base wretches who now libel them deserve to be given up to their vengeance. Well will it be if they are not soon called upon to resist domestic aggression, with the same determination that nerved their arm against the common enemy. The struggle might be sharper, but it would be shorter. This the Whigs ought to know, but the point of the bayonet seems necessary to stir them on to every step. They *ought* to know that, in so distant a country, the struggle would be at an end the moment of its commencement; after which meek and humble temporising would have no effect. In such a *crisis* their delay deserves the punishment of crime; and yet they seek the applauses of the present age as the saviours of their country, and wish not to be disturbed, as if the public were as ignorant of their treacherous conduct as they are of their own duty! No wonder every sensible politician is anxious to discard the name they bear. It makes one blush to read it in history, even in connexion with such names as adorn its page, and lie cherished in every breast. When the last brutal and unhallowed war broke out, between Englishmen and their brethren in America, the annals of barbarity cannot afford a parallel to the atrocious spirit which influenced both parties. The old wounds of the Revolution had not yet been healed. That fiendish malignity, actuating the King's Ministers in 1775, which insisted on exterminating the Americans rather than yielding to their claims, had been sufficiently humbled to leave a dark, inhuman passion behind. Instead of uniting together for mutual advantage and self-defence, and setting a signal example to the whole world, of forbearance and magnanimity, an unjust pretension must needs be raked up from the pestilent charnel houses of Toryism, to commence the unnatural war anew. A right of search in all American ships was claimed, but the true intention was to divide and throw into confusion that Government where the people were acknowledged as the source of all power. Scandalous schemes, dishonourable to any nation, have been exposed, clearly showing this to have been the latent motive. For this purpose, the hell-hounds were let loose, and those of the same blood, language, and habits, at the beck of the Tories, were thrown headlong into the bloody arena. It was worse than a civil war, and equally as disastrous in its

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results, particularly to the Canadians. The Americans were no mean enemy to cope with. Their regiments contained many natives of the old country, and although, on particular occasions, the raw recruits shrunk from the shedding of blood, yet the British officers readily bear testimony to their valour in the later periods of the struggle. The Canadians, therefore, were engaged in no child's play in resisting their invasions, and rolling the war back in return. The field of battle was no place for enquiring into the cause of taking up arms, and was it degrading in them to rely implicitly on British honour when so many millions had the same confidence? Here the son, standing by the father's side, learned that practical lesson of pride and heroism, worth all the boasted chivalry brought down from past generations. The battles of La Cole, Chrysler's farm, Lundy's Lane, Chippewa, Fort Erie, and Detroit, bear witness that no want of moral courage can be laid to their charge. Some of these, in proportion to the numbers engaged, were of the fiercest and most destructive character, and the foul slanderers of the natives of both Provinces can never tarnish the glory thus acquired.

The young Canadian, from his habits of life—his muscular frame, inured to every toil and climate, his constitution, robust in health—presents the best possible subject for active life and hard service. As a natural consequence, his mind will not submit for the purpose of protecting his outward man. If you grind him, it must be done by assuming the character of a *friend*, and not in open opposition to his wishes. Untutored he may be, but this is the fault of the rulers of his country, and not his own. He has sufficient education, however, *to know when he is oppressed*. He may not know why a government should be *bad* when it ought to be *good*; why a *wrong* path should be chosen to attain a destination in preference to the *right*; nor that the God of Nature ever made one man to become a slave to another. But this is the refined logic of schools, and therefore he is not culpably ignorant. The squalid fools who assume a superiority over him he laughs to scorn, and it is indeed a fit subject of merriment. *Principle* and *expediency* he considers handmaidens, whose separation would be alike disastrous to both. His father has told him why he adhered to his natural allegiance, when others were driven to desperation, in the olden time; and why he sought to still maintain that allegiance by emigrating to a new country. It was not to live without liberty! Not to leave an inheritance of misery to his children! His aged monitor may have gone down to the grave, but he hears his melodious voice in every breeze that passes. He owes it to *his* memory—

to *himself*—to his beloved country, not to submit to the usurpations of the few at the expense of the many—not to countenance tyranny in any shape or form.

So constituted and reared—inhabiting a country so peculiarly favourable to free thought and independent action, joined upon that land where an unrestricted discussion of the affairs of Government seem the life of their institutions; it is much safer to silence him, although in the wrong, by the convictions of reason, than to reject or disregard his complaints.

No Government can do this at the present time with impunity. People not hitherto thought warlike have risen and will rise, with a desperate determination in self-defence. Belgium, Spain, Portugal, South America, Mexico, and Texas, are apt examples. The French, Poles, and Greeks might be expected to do so from their love of chivalric action; but the world was taken by surprise in the sudden outbreaks from the other quarters.

Among the pious and devout we see an amazing enthusiasm for a reform in morals. They are conscious of acting in a good cause, and are not intimidated by dangers or difficulties. Life is willingly resigned in the service. Man brings the same natural disposition into the discussion of national affairs. He has an equal ardour in what he considers the cause of truth. Thousands have shed their blood in its glorious defence, and met death with a smile; and thousands in the present age are ready to exclaim, in the bold tone of Patrick Henry, "Give me liberty, or give me death."

Even imaginary wrongs are increased in importance the more they are dwelt upon, and often lead to unfortunate conflicts for want of conciliation and attention. The prowess of the South Americans was never known until they were goaded on to fight like demons. The Texanese were unheard of until their revolt. They were unaccustomed to war, and yet with what unequalled coolness did they come up to the assault? Instead of rushing on, blindfold with passion, they came in sight of the enemy and quietly sat down and partook their scanty breakfasts. When the word was given they were not long in scaling the entrenchments, and putting the quaking minions of tyranny to rout with tremendous slaughter. The Mexicans have since been attempting to raise another invading army, but they dare not again come to the trial. The result is as certain as if peace were already declared. Such determined *Libertadors* cannot be put down except by extermination. Such things have been accomplished by an armed peasantry unaccustomed to the martial array of camps. But the Canadians are different. *They* have been inured to war—have a natural bravery—place great

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confidence in their strength and activity—more in the deadly aim of the rifle, and all in the merits of their cause. A forced submission to ill is therefore out of the question. This can be made still more evident by an examination into their situation and circumstances. Skilled in the use of the rifle from childhood, it deals death at their pleasure. The estimate, in the *United Service Journal*, of the musket's power, places it in an unfavourable light for war purposes. Instead of doing execution only five times in a hundred shots, the rifle would not go wide the five times. At the battle of the Thames the day was decided by a charge of mounted riflemen against an array of British muskets in the hands of good stout Highlandmen, and in the face of Teeumseth and his sharp-shooters. In a charge of bayonets the musket is of course serviceable, but nothing of the kind could be effective against *Guerilla* parties. In a wooded country, like Canada and the United States, nothing can withstand the latter. This was fully proved in the Revolution. The choicest British regiments were cut up in detail, without hope of retaliation. It was one regular scene of slaughter from the retreat of Lexington until the termination of the war. Their knowledge of the country would also give the Canadians a vast advantage over any that came to oppose them, together with their facilities in obtaining supplies. Thousands of men might be huddled in the one or two dilapidated forts, but the country could not be conquered. They would be starved and cut off by piecemeal, or gladly mutiny for "liberty," with the prospect of a happy settlement. The few soldiers already stationed there desert across the lines in bodies. A few Tories might make a show of resistance, but they would rather lean to expediency. In truth, the Canadian Tories are not very valiant, if we may believe all the jokes passed upon them since the late war. Some were taken untimely ill—others had important business to attend to in other Colonies—others were fonder of being near the baggage waggons and taking care of the wounded, than facing the foe (query—may not a fellow feeling have rendered the gallant Major Head so wondrous kind to them?) One is accused of having doused his ensign of battle, by selling his red coat. Others are said to have had such rascally legs as would never allow the body to remain long within sound of the thundering plaudits of "grim-visaged war." But to recount all the *tattle* concerning such officers would be making too much of them. What is worse, perhaps, is that their followers had a remarkably sympathetic feeling in both politics and valour. A worthy and patriotic Adjutant of Militia, who has seen good service, and struts at the annual trainings in a very fierce-looking way, to the

no small terror of the disorderly, recounts the many charges he was compelled to make into the swamps and haystacks in search of these valorous delinquents. This delight of the Canadian Militia, and pride of the clan M'Leod, has more than once asseverated his belief of every Tory being a coward. The eloquence with which he lays down his premises, adduces his arguments, and enlarges upon the subject, is truly edifying. The writer has seen him spouting for two hours to an applauding assemblage, from the capacious pulpit afforded by a wheelbarrow, during the hot times of an election. In the absence of a correct report of his adventures in search of skulking Tories, the following description by one who knew them well may serve to point out the animal to the curious emigrant when he arrives:—"And what is a Tory? Good God! what is he? I should not be afraid to go with an hundred Whigs against a thousand Tories were they to attempt to get into arms. Every Tory is a coward, for a servile, slavish, self-interested fear is the foundation of Toryism; and a man under such influence, though he may be cruel, can never be brave."

Foreign aid could not be brought against the Canadians, from November to April, so that, were there to be a rising, nothing could interrupt the arrangement of a strong independent government. But were there open communication for English troops the year round, would such troops be sent? The experiment has been tried heretofore and did not succeed. The Ministry might be favourable to a repetition, but would the nation? It is probable they have too much regard for universal liberty, and detestation of tyranny, whether in Europe or America, to countenance any such folly. On the contrary, many volunteers would be very apt to follow another Evans "*to combat for freedom in freedom's Holy Land.*" They would not look quietly on, and see the minions of either a Whig or Tory Ministry attempt the subjugation of those driven by wrong into rebellion.

With all these things well understood in Canada, and societies established in all parts, by means of which an army of thousands could be made to concentrate at once at any given place, the question may be put, why a revolt has not heretofore been the mode adopted to throw off bad government? This has before been answered by saying, that they claim some consanguinity to Englishmen, Scotchmen and Irishmen, which they are loath to cast off. The tie on their part is *strong* indeed, and cannot be broken except in a crisis like the present. They know the Ministry will not do them justice; but they are yet to know whether such is the will of their *masters*, the people. The "thimble-rigging" policy has convinced them of the one—they

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will soon learn the other. They have been grasping at shadows until they are ready to grasp something else. All true hearts and sound heads must wish them well out of their difficulties, let what may occur. Those who now aid in averting a calamity, will do a service in the eternal cause of justice, humanity, and truth. His name will live after him; not in paltry brass and marble; but wherever peace and liberty shall abound, and in the future greatness of a boundless country.

CHAP. XIV.

A FEW HINTS TO EMIGRANTS.

"Far as the breeze can bear the billows foam,
Survey our Empire and behold our home."

BYRON.

EVERY man who embarks for the New World, for the purpose of gaining an honest livelihood, carries in his breast a sincere conviction of the necessity of a wise and economical government to protect him in his civil and religious rights. He leaves his native land with a natural desire of bettering his fortune and living more independently. He affords *prima facie* evidence in favour of reform. Unfortunately in a few cases his subsequent conduct does away with first impressions. We may fancy a case of the kind. On his arrival in a land of strangers he draws unpleasant comparisons at his present and former condition. His former troubles have lost much of their intensity from the lapse of time and in being mingled with many regrets, whereas difficulties, both real and imaginary, now start up before him at every step. In his travels onwards, not being himself communicative, he may have no great attention paid him, except by those having ulterior objects in view, or whose intimacy he may not be proud of. He meets with impositions from menials, who rob within the bounds of the law, much after the English fashion, on a small scale. If he be passionate and inconsiderate, perhaps the first employment he sets himself about in right earnest is to condemn the country and inhabitants by wholesale. This he may do from a

sudden desire to appear *fashionable*, or in bitterness of spirit. He takes all those transient speculators and others found in all commercial towns, who have imported themselves and their vices from, perchance, across the Atlantic, as a fair specimen of the inhabitants. He is greeted in no friendly way. All is confusion and money-getting. Even in obtaining the necessities of life he pays more than in London, because he is cheated. He cannot find fault in the price of the luxuries, but this does not extenuate the other offences. He grumbles until it becomes a habit. He may be induced to purchase a wild lot of land of the Canada Company from the puffs he sees. The money is partly or wholly paid to the agents in Montreal or Quebec, and away he proceeds to take possession. He is told to beware of "Radicals," "Republicans," and "Democrats," and stick by the Constitution and the Executive, right or wrong. In passing upwards fresh impositions increase his irritation, until finally he arrives on his lot in the midst of the Huron tract, yet within the pale of humanity. Here a regular scene ensues—he stamps and tears his hair, and makes use of expressions conforming to the desperation of his case. His money has been paid, and nothing remains but to make the best of his bargain. He cares nothing about public affairs. Wonders what all the outcry is made about, deeming the most degrading slavery too good for the inhabitants of such a country. In the most hopeless condition he may go to the metropolis for employment of some kind, leaving his two hundred acres of forest to take care of itself, as heretofore. Falling in with some of the Government faction, he hears them cry "Loyalty," "No Popery," &c. and on obtaining some petty situation under them, he joins lustily in the cry. Should he get a title of some kind, then his importance increases. He thinks the Constitution unequalled—that it is the theme of the world's *admiration* mixed up with not a little *envy*—the Lieutenant-Governor is rather a decentish statesman, but the people are a herd of swine, deserving to be driven down steep places into deep seas. Thus he forms his opinions without knowledge, and where the judgment has nothing to do in the matter. Although a reformer at home, he does not feel himself degraded by becoming a grasping, vicious, out-and-out Tory here. Knowing the thief's expedient of changing his name in order the more securely to carry on his depredations, he may be ashamed to assume the old title of Tory, and may call himself a "Constitutionalist," or a "Conservative;" but his actions betray his true character, and the deception answers no purpose. This is a sad picture of depravity, and luckily is not common. With delight we turn to its opposite.

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sufficient philosophy and good sense to surmount them with patience. He submits to a few impositions on his journey, and either smiles the annoyance away, or comforts himself with the reflection that things are ordered equally bad in England. Instead of purchasing unseen land of the Canada Company, let it be never so much puffed in pamphlets, he proceeds on to the Upper Province, where he begins to look around him. He abides a fortnight at a country inn, and takes inspecting tours through the adjacent parts, comparing the different localities and advantages. Mingling with the inhabitants for the purposes of information, he finds them honest, hospitable, and communicative, as the peasantry of most countries are. He meets with no imposition as at his arrival, but feels at home in the midst of simplicity and unsophisticated human nature. In the range of beautiful counties bounded by the St Lawrence and the lakes, he sees a soil to his liking, with comfortable buildings, and for a moderate price makes a purchase. Some country attorney draws the conveyance, which is registered, and henceforth he is lord of the soil, with none to brow-beat or intimidate. In the fulness of joy he exclaims aloud, while standing on some breezy hill. Every assistance is afforded him by his neighbours in arranging his small matters, and his pleasing duties commence. Implements of husbandry are loaned until he can purchase. If his funds be low, credit is freely offered him at the nearest shop. Cautious in his undertakings, he asks advice and gladly receives information. While his rash countryman plunges headlong into difficulties and absurdities, fortune gradually smiles on him, and he eats the bread of contentment. Naturally anxious concerning public affairs, from their effect on private concerns, enquiries are made concerning them, and he finds every man a politician. He pays a pound a year for a newspaper, which a courier brings to his door from the nearest village, in which are found extracts of home news, and who are the oppressors now, together with local information. Perhaps not getting a perfect insight into the true position of parties, he attends a meeting called by one of the members just returned from Parliament, to render the best account he may. Much is said about Reform amidst the huzzas of the multitude, who all seem to like the word, except a few long visages in the rear not quite so well pleased. Perchance, being a new comer, he may be requested to communicate information on English affairs, to which he consents, and is "carried onward in his discourse" by hearty yells of applause at the brightening prospects to all true hearts. After being "mightily borne through," like all who discuss the true interests of old England, he descends from his rostrum amidst an un-

couth uproar of loud voices, and makes way for some other holder-forth. At the adjournment he is accosted by the member, especially if near another election, and after being congratulated on his arrival, which is really a cause of congratulation to himself and every Canadian, he hears his principles explained and receives fresh information to guide his actions. It is needless to say he must be a Reformer for his own protection and interests. By examining more closely the workings of the system, he will soon discover the beauties of Toryism. When he witnesses the superciliousness of the officials, the upstart pride of the would-be aristocracy, and their witless attempts to divide society, and show their ill-gotten power, by fondling one and injuring another—their monopoly of all the lucrative and honourable offices—their idleness and cold-hearted depravity—he must be not only averse to the party, but earnest and uncompromising in his opposition. When he further finds that one-seventh of all the lands have been set apart for the support of an omnipotent priesthood—that a spurious House of Lords has been established—that the fountains of justice are poisoned in bad jury laws, &c.—that the Lieutenant-Governor has been solemnly convicted by the Parliament of falsehood, deception and tyranny—that the freedom of elections is destroyed—that Orange societies are encouraged—that the revenues are squandered—the public lands given away to monopolists, and a public debt hourly accumulating, and that the Province has so suffered for years, he must be constrained to acknowledge that the worst species of Toryism has been imported from England, and got spoiled in the voyage.

A third class consists of those useless, lack-a-daisical creatures, infesting every country, and despised as generally. Too idle and ignorant to depend on themselves, they become the willing instruments of any one contributing to their support. All populous towns contain more or less of them, and they are bought up like sheep by the Tories, by whom every expedient is made use of, to add to their numerical strength. A bad cause is perhaps benefitted by such support, but a good one needs nothing but its merits, to be upheld.

Taken as a whole, the emigrants are generally advocates of reform and retrenchment, being unwilling to perpetuate old country abuses in a new land. Oppressed and degraded beneath their proper level heretofore, an enthusiasm for equal rights and privileges seems natural and sincere. The Scotch and Irish are perhaps more alive to their interests than the English, from having interfered more in public affairs at home.

The Orangemen among the former are, strange to say, anxious

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to perpetuate the institutions which have been put down in Ireland by Royal command. They receive encouragement from the Executive in so doing, and led on by worthless and cowardly creatures, they are urged into riots and breaches of the peace by these miscreants and some of their official companions, when precious good care is taken not to run into danger themselves. Language cannot paint the disgust and abhorrence generally felt against them, and a repetition of their conduct for the last few years would astound the readers of the *Newgate Calendar*. Notwithstanding the will of his Majesty, the High Church party in Canada have induced this faction to raise the cry of "No surrender," and nothing can more truly exemplify the perfidy of these wretches than the fact of the Orange compact being broken up where it first originated, and still continued for party purposes by the Tories in Canada. Men high in office have joined them for the purpose of destroying the freedom of election in one particular county. At the last election a Deputy Grand Master was returned in this way, although at several peaceable trials he was defeated by an overwhelming majority. He had for his colleague a judge of four different courts, besides being in other offices; who had also vainly essayed several times to obtain a seat. A warfare had been waged for years between the Deputy Grand Master and the Judge, in which mutual exposures were made, but all was forgotten at the prospect of becoming Members, at any sacrifice of private consistency or public order and liberty. The Orangemen, or those who were such in more propitious times for them, are perfectly peaceable and orderly when not wrought upon by underhand cowardice and villainy.

Emigrants of late years from the United States have been few in number. The vast range of Western States has attracted mostly all. Many of those who come over join at once the Tories for the profit, and swindle their way in the best manner possible. They think they have the same right of speculating on their principles as others of more pretensions. The majority are more honest, and become hard-working, peaceable, and frugal inhabitants.

The Dutch and Germans, and their descendants, have generally arrayed themselves under the Reform banner. Notwithstanding the trouble taken by the Tories to establish a German paper for the dissemination of falsehood and deception, they remain firm and uncorrupted. One county, bearing the odious name of Dundas, is inhabited principally by the Dutch, and they send two well-tried Radicals without opposition. Mynheer will not be denied when fairly engaged in a cause, and the Tories are obliged to leave them to their fate as malignants and reprobates.

It was in this county that the unequal battle of Chrysler's farm occurred, wherein was shown the desperation with which men defend their firesides and native soil. The Dutch language is commonly spoken, but no one dare accuse them of being "aliens."

The great county of York contains very many Dutch families, and during seven different elections caused by the expulsions of the intrepid and patriotic W. L. M'Kenzie, by a Tory faction, they stood as unconquerable in maintaining the liberties of their country, as in the less trying conflict of arms. The case was similar to that of Wilks and Middlesex; Mr M'Kenzie being returned without opposition on nearly every occasion. In this contention against the invasions of a corrupt Executive and its dependents, they merited and received the gratitude of the whole Province.

The emigrants from other countries are so few in number as to render any account of their political sentiments impossible. Doubtless they are found on either side, according to the dictates of their intelligence or ignorance. In noticing the inhabitants, perhaps the native Indians living within the settlements ought not to be omitted. These original owners of the soil are lamentably degenerated. Different villages of them are scattered about the Province, but their numbers are lessening every year. Many have become half civilized, renounced their old superstitions, and been admitted into Christian churches. They have their reserves of land, including hunting grounds, and the pursuit of game seems their favorite mode of obtaining a livelihood. The fisheries also afford them abundance, and the Legislature have passed enactments giving them an exclusive privilege at certain stations. Their situation is melancholy and foreboding. Their pride and chivalry have passed away, and they are gradually following their fathers to the "great village under ground." Consumption, small-pox, and cholera, have thinned their ranks of thousands, and civilization seems also to affect them like a disease. The glory and power of their ancestors are recounted in high-wrought, figurative traditions, when their dominion extended from the morning to the evening sun. All has passed away at the advance of strangers and intruders. Their hunting-grounds are trodden by others, and not much is left but misery and dependence. The ties of affection to the places of their birth and the graves of their sires are too fine to be severed, else in the vast regions of the West they could roam at will with none to disturb. The night wind sighing over their houseless heads, speaks intelligibly of their doom. Grief and care can be read in their swarthy visages and downcast eye. In the dead of winter they may be found going

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from house to house, with a few baskets or other handiwork, glad to get in exchange a morsel of bread. Many perish by their partiality to the "fire waters," in the enjoyment of which they seek a cessation of trouble. All are passing away, and the places which now know them will soon know them no more. Tradition may carry down the story of their virtues and heroism, but they will have departed. The creed of those who are still Pagans is simple and enchanting: they believe themselves going to join their tribe in delightful regions beyond the sun's setting, prepared by the Great Spirit. Endless hunting-grounds, abounding in all sorts of game; lakes filled with their favorite fish; dark-eyed maids, languishingly bright; all are pictured to their vivid imaginations. On a long summer's day they may be seen lounging on a bank, indulging in these reveries. If a stranger approaches, they retire from his presence, but not in anger. Their eagle pride and spirit has sunk in the conflict with vexation and sorrow. The Manitou has decreed their extinction, and they await his call to depart for the glorious hereafter. In the language of an American orator, "Slowly and sadly they ascend the distant mountains to view the setting sun; they are fast shrinking behind the last wave that will soon settle over them for ever."

The true sample of the red sons of the forest are however to be found without degeneracy. They inhabit the wilds and prairies to the westward, which remain uncontaminated by the foot of the white. The most powerful and warlike of these tribes are the Sacs, the Foxes, and Sioux. To them the British Government distribute useful presents yearly, amounting to a large sum. Taking Lord Byron's whimsical indication of a nobleman, they are the true nobility of nature: small hands, feet, and ears, are distinguishing characteristics of some tribes. Invariably they are tall, with an almost disproportioned length of limb. They have small but high heads, entirely divested of hair, save a small tuft on the crown. This is not left to afford a good grip for Mahomet to draw them into Paradise, but to serve an enemy's purpose, *when* he can catch it. They are broad-shouldered, with high breasts, which, from the manner in which they are laced to the cradle while young, are too prominent for symmetry. Their length of limb gives them extraordinary fleetness in the chace, although wild horses are generally made available for that purpose. In them is preserved all the wild genius and virtues read of in the Atlantic tribes now extinct. Eloquence, courage, generosity, and truth, give them a high rank above all uncivilized nations. In their intimacies with the white man they are very apt scholars in acquiring the fashionable vices of drinking and plundering. They make use of fire-arms, although the bow,

tomahawk, spear, and knotted war-mace, are still in high requisition. Their dexterity in drawing the "cloth-yard shaft" equals that of Wat Tynulinn or bold Robin Hood, and was found of no little avail in engagements with Kentucky riflemen during the last Black Hawk war. While the gun is being charged, a dozen arrows are let fly with jagged stone or iron points, and being drawn to the ear after the old English style, they obtain a fearful impetus, and slip through a leathern or cloth doublet with the force of a bullet.

Who has not heard of their famous warriors, Pontiac and Tecumseth? They still have men among them of the same noble spirit. Oseolo in Florida confounds the whole United States army, and well he may do so, when surrounded by such revengeful spirits contending for their native soil. When no other hope is left, every man becomes a hero. If reason and argument fail, this must be the last resort. The Republicans hunt the Indians, but the British Cabinet hunt the Whites. The one are in rebellion, the other are in the last stage of remonstrance. It is not probable many more petitions will be sent, or much more outcry be made. Fervently is it to be hoped that the Canadians may receive a just measure of reform, by which their wants will be satisfied, the connexion indissolubly preserved, and the British national character be again exalted and untarnished.

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CANADIANA:

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THE CRISIS.

PART SECOND.

" Oh! Liberty, pride of the good,
And dread of the tyrants of earth,
Though cradled in strife and in blood,
Oh! blest be the day of thy birth.
For thy pole star is up in the skies,
And thy flag o'er the nations unfurl'd,
And they shall not depart from our eyes,
But shine and wave over the world."

BY

W. B. WELLS,

BARRISTER-AT-LAW, AND MEMBER OF THE PROVINCIAL PARLIAMENT.

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CANADIANA.

CHAP. I.

CAPITULATION OF GRIEVANCES.

"The Canadas ought to be governed to their satisfaction."—*Mr Pitt, on the Quebec Bill.*

"Their (the United States) former internal government was Republican, overruled by a Monarchy."

"The laws of nations bind us to afford the Canadians an *equitable* Government."—*Mr Burke, on ditto.*

"Wherever there are foreign Colonies, the power of the Crown ought to be kept low." * * *

"The Constitution is more like to be ruined by an increase of the power of the Crown than of the people."—*Mr Fox, in the same Debate.*

THE First Part having been more particularly devoted to intending emigrants, urged by hardship or choice to seek a new home beyond the seas, and in pointing out the natural advantages of the country; it is now necessary to review its institutions, and the manner in which it has been governed. That the demands of the Canadians are not exorbitant, must be freely admitted by all duly appreciating their circumstances, and the claims which so many years of patient suffering have strengthened and enhanced. That they are many, is owing to those who have unjustly refused satisfaction in due time.

For the more clear elucidation of this difficult and painful task, a catalogue of the principle reforms sought for is given at the outset.

1st. They require a Lieutenant-Governor, who is an honest man, and desirous of fulfilling his duties faithfully.

2nd. They insist upon an Executive Council, chosen in the spirit of the "Constitutional Act," to advise the King's representative "on the affairs of the Province," subject to the opinions of the people as expressed through their representatives; answering to the Cabinet Council in England.

3rd. They require a remodelling of the Legislative Council on

the elective principle, so as to render it effective for the purposes of legislation.

4th. An equal representation of the people in the Commons' House of Assembly.

5th. A proper control over the revenues.

6th. They claim to manage their own affairs in all respects compatible with their situation.

7th. They wish the appropriation of one-seventh of all the lands for the support of a Protestant clergy, to be diverted for the purposes of education and internal improvements, and that there shall be no attempts to breed religious strife and animosity by a connection between Church and State.

8th. That King's College charter shall be remodelled, depriving it of any sectarian bias.

9th. They require a reform of the Land-granting department, to render it serviceable in furthering the settlement and improvement of the Province.

10th. That the 500,000 acres originally appropriated for the establishing and endowing Free Grammar Schools in each district, which have been given away and bartered for others of an inferior quality, be restored, and the benevolent intentions of his Majesty carried into effect.

11th. That the charter of the Canada Land Company be annulled upon equitable grounds.

12th. That the laws of primogeniture be abolished.

13th. That the mode of voting at elections be by ballot.

14th. That the mode of choosing juries be altered in such a way as to ensure the strictest impartiality.

15th. That the inferior offices be filled by the nominees of those most interested in a wise administration of the laws—the people.

16th. That the salaries and fees of office be equitably proportioned to the duties performed.

17th. *Fiat justitia ruat cælum.*

In juxtaposition to this, it is but fair to set forth the wants of the Tories. Should some trifling errors creep into the statement, they may be excused in one not particularly interested in furthering their views. Besides, they are not backward in asking for themselves.

1st. They want place! place!! place!!!

2nd. They do *not* want to be reformed out of it.

3rd. They want a Governor to be all-powerful, fond of flattery, and not over-honest.

4th. They want to tell as many falsehoods as serves their end, without being exposed.

5th. They want a Colonial Office precisely like the present, where admission to the reformers is refused, and where exposure when made does them no harm.

6th. They want not only to live upon the public here, but that priests should be bribed with fat benefices to lay in a snug place for them hereafter.

7th. They want as much more as possible, and subscribe freely to

“ The good old rule, the simple plan,
That those may keep who have the power,
And those may get who can.”

The necessity of the Governor being an honest and humane, as well as an able man, appears by the common acknowledgment that none other is worthy of being the Vicegerent of Majesty, or of exercising important functions. Whether the rulers in Canada are of this stamp will be inquired into in the course of the following pages.

THE EXECUTIVE COUNCIL.

When Mr Pitt brought forward the Quebec Bill, giving Constitutions to the two Canadas, he acknowledged what was plainly evident, that they were to be assimilated as near as possible to what was understood to be the British Constitution. A Governor, or Lieutenant-Governor, was to exercise the Kingly authorities and prerogatives. A Legislative Council was to be a House of Lords, and the House of Assembly a Commons. But these did not include all the leading features of the British Constitution. The King has not the power of refusing his assent to the measures of the other branches, at his own sovereign will and pleasure. Were this the case, the subject would be left without redress, except by a violation of allegiance, and the Monarchy, instead of being *limited*, would be despotic. It would not be *the* British Constitution. Something else was required, to give the Government a popular character, conducing to its stability, and securing to the people their liberties. This is the Cabinet Council, of which Mr Pitt was then a member, and the director of its proceedings. In this situation he was well acquainted with his power, and how he was accountable for a correct use of it. Exercising as he did unlimited sway over the Sovereign and the Parliament, the most forcible impression of his mind must have been the singular invention by which so much authority could be obtained and upheld by a subject.

It could not possibly have escaped him, in his epitome of the British Constitution, which was to work in opposition and con-

trast to the vainly-supposed tottering Republic of the United States, that to omit so important a feature, reposing so much power in the people, would be denying at the outset the greatest essential to its harmonious working. Nor was it omitted. The Act provides for an "image," or "transcript," of the Cabinet Council, to be known as an "Executive Council." There is no separate clause pointing out the formalities in the appointment of such Council, it being mentioned in different places throughout the Act. In the 34th clause the following may be cited—"together with such Executive Council as shall be appointed by his Majesty for the affairs of such Province." Also in the 38th clause the Lieutenant-Governor is to act "with the advice of such Executive Council as shall have been appointed by his Majesty, his heirs, or successors, within such Province, for the affairs thereof." Since the Act has been in operation, therefore, an Executive Council has always existed. Sir Francis B. Head, the Whig nominee, but Tory Lieutenant-Governor, (if the distinction may now be drawn), has been the first to dispute the duties of such Council, and declare them to be *his* mute, irresponsible servants, instead of the servants of the public.

In addition to the obvious intention of the British Parliament to copy from the Cabinet Council, as well as from the Lords and Commons, the very oath taken by the members of the Ministry is required to be taken by each Executive Councillor. They are sworn to advise to the best of their "cunning" and "discretion" equally with the rulers of the Empire; and, taken by itself, this oath implies the same necessity in the Lieutenant-Governor to be guided by such advice, as the King. It is as follows:—

"You do swear, that so far forth, as cunning and discretion sufficeth, you will justly, truly, and evenly counsel and advise the King and his Representative in the Government of his Province, in all matters to be communed, treated, and demeaned in the Executive Council, or by you as the King's Councillor, without partiality or exception of persons, not leaving or eschewing so to do, for affection, love, doubt or dread of any person or persons.

"You shall keep secret the King's Council, and all that shall be communed, by way of counsel in the same, and shall not discover it by word or writing, or in any otherwise, to any person out of the said Council, or to any of the same Council, if it touch him, or he be the party thereof. You shall not gift, meed, good, or promise of good by any man, or by promise of any other person, accept, or take, for any promotion, favouring, letting, or hindering any matter, or thing to be treated or done in the said Council.

"You shall, with all your might and power, help and strengthen the King's said Council, for the good of the King and this Province, and for the peace, rest, and tranquillity of the same.

"You shall withstand any person or persons, of whatever condition, estate,

"or degree, that should attempt, or intend the contrary, and generally, you shall observe, keep, and do all that a good and true Councillor ought to do unto his Sovereign Lord, or his Representative, in this Province."

The first Lieutenant-Governor, Simcoe, sent out directly after it became a law, who was a member of the House of Commons at the time of its passing, in his opening speech to the first Upper Canadian Parliament, told them it was not a new or untried Constitution that he brought with him, but one that had stood the "*test of ages, the very image and transcript*," of that of Great Britain. This could not have been the case were there no responsible Council. Yet Sir T. B. Head says—"But the Constitution which his Britannic Majesty George the Third granted to this Province ordained no such *absurdities*." Wherein is shown great ignorance, if I may use the term, in attributing an Act of Parliament as the grant of "*his Britannic Majesty George the Third*," and great self-complacency in characterising such enactments as "*absurdities*."

If the Council are only to give advice on the expediency of issuing a few patent deeds, why call it the "*Executive*" Council? The lexicographers define the word "*Executive*" as "*having power to act*." If Mr Pitt intended their power of advising to be restricted, he could have called them the Privy Council, or by any other name suited to their duties.

Were this Council not modelled after the Cabinet Council, and intended to have corresponding powers, upon what principle of expediency or necessity was it formed at all? Why make it to advise "*on the affairs*" of the Province, and confine it to one affair, the Land-granting department? Why make the members bolt an oath of the most general and formal character, and oblige them to forswear themselves by doing nothing, except being the tools of the Lieutenant-Governor, to screen him from dreaded censure, and bowing implicitly to his supreme dictation? Where in the whole globe can be found the counterpart of such a Council, and what name would be bad enough for the villain practising such a deception? But Mr Pitt did not intend any deception, nor have the Canadian Oligarchy the slightest grounds for their construction. This question being of the most vital importance, and it being necessary to introduce documents in order more clearly to understand the position of the controversy, it is proper first to premise that Sir F. B. Head, on his arrival in February last, set himself about the work of Reform, apparently in good earnest. The Executive Council then consisted of three members, viz.—The Hons. Peter Robinson, Commissioner of Crown Lands, G. H. Markland, Inspector-General, and Joseph Wells, Bursar of King's College, who were Legislative



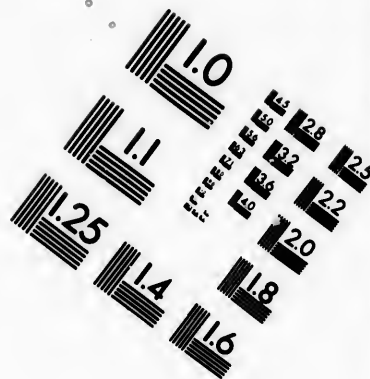
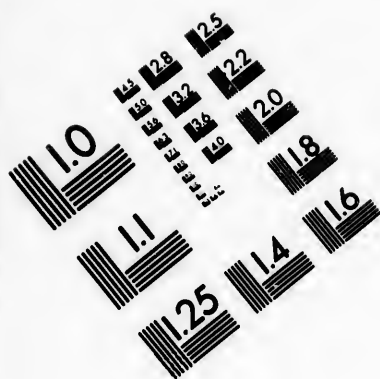
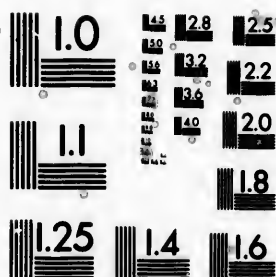


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Councillors also. Sir Francis Head forthwith entered into negotiations with Robert Baldwin, Esq., an eminent barrister and a reformer, requesting him to choose two friends, to be called with himself to the Council, and it was finally settled that he, with John Rolph, Esq., a gentleman universally esteemed for great ability and patriotism, and the Hon. John Henry Dunn, the Receiver-General, should enter therein. They were accordingly sworn, and took their seats. After so glaring an admission of the principle contended for, in following the rule adopted in England, it is truly surprising that any different doctrine should so soon afterwards be advanced by him. By his calling Mr Baldwin to form the Council, he unquestionably admitted the analogy to the Cabinet; else why not name such as he himself thought proper, without reference to the opinion of that gentleman. Notwithstanding this apparent desire of securing unanimity, his subsequent conduct too clearly proved him to be aiming at arbitrary power. The old Councillors were supposed to be Tories—the new were known to be entirely the opposite. In their deliberations there would evidently be a clash; they would nullify each other's votes, and Sir Francis, like the monkey and the cats, could step in and act as he chose. This was marked at the time, and his conduct since renders this solution of the affair correct.

Three weeks after these appointments, a circumstance occurred by which he found he was dealing with men possessed of both discernment and principle, of a description far above submitting to humiliation for the sake of place. A fair trial was awarded him until the course he intended pursuing was well ascertained, when the following manly and patriotic Address was presented to him, signed by every member of the Council. An extract from his answer is also given, upon the receipt of which they at once resigned, amidst the regrets of the whole Province at the loss of their valuable services, but approval of their honourable conduct in refusing to deliver up the interests entrusted to them.

REPRESENTATION.

Executive Council Chamber, at Toronto,
Friday, 4th of March, 1836.

TO HIS EXCELLENCY SIR F. B. HEAD, &c.

May it please your Excellency.

The Executive Council, impressed with the oath they have taken to discharge the duties necessarily resulting from their appointment "to advise the King and his Representative in the Government of the Province," in the terms of the Constitutional Act, "upon the affairs of the Province," deem

it incumbent upon them most respectfully to submit the following representation :—

The Executive Council recognise the truth of the opinion expressed by Lord Glenelg, that "the present is an era of more difficulty and importance than any which has hitherto occurred in the history of this part of his Majesty's dominions." This unhappy condition they ascribe, in a very great degree, to the hitherto unconstitutional abridgment of the duties of the Executive Council. It appears from the proceedings of the House of Assembly, and from the reiteration of established opinion in the country, that neither will public expectation be satisfied, nor contentment be restored, until the system of Local Government is ordered and conducted according to the true spirit and meaning of the Constitutional Act. The delay of this just and indispensable course has already excited, in the great mass of the people, a lamentable jealousy and distrust, and has also induced the discussion of constitutional changes, the desire for which, unless speedily arrested, by affording the unrestricted operation of the 31st Geo. 3, chapter 31, will not only become more fixed, but rapidly increase to a greater and irretrievable extent.

The policy and measures which have led to the present condition seldom passed under the review of the Executive Council, or were submitted for their advice. Nevertheless, its members have been undeservedly subjected to the heaviest reproach throughout the country, from a prevalent belief that they have been called upon to fulfil the duty imposed upon them by the Constitution, as advisers upon public affairs. But amidst the obloquy thus thrown upon them, they have studiously avoided any attempt at exculpation, by disavowing, in their defence, any participation in the conduct of the affairs which they were erroneously supposed to have approved. The consequence of this silent endurance of political odium has been the perpetuation of the misbelief that the Executive Council are conversant with the affairs of the Province, upon which they are appointed to advise; and although an opposite practice has generally prevailed between former Lieutenant-Governors and their Council, yet it has ever been notoriously contrary to the state of things presumed by the community to exist.

Public opinion respecting the Executive Council and their duties has been founded upon the terms of the 31st Geo. 3, chap. 31, to which Statute the people used to express a firm attachment, an attachment which the Council believe never would have been impaired had the Constitution been administered either according to its letter or its spirit.

In several clauses of 31st Geo. 3, chap. 31, the Executive Council is mentioned in general terms. In the 34th clause the terms are "together with such Executive Council as shall be appointed by his Majesty for the affairs of such Province," and not as it would otherwise have been expressed, "together with such Executive Council as shall be appointed by his Majesty *for that purpose*." In the 38th clause the terms are "with the advice of such Executive Council as shall have been appointed by his Majesty, his heirs, or successors, within such Province for the affairs thereof," and not as it would otherwise have been expressed, "with the advice of such Executive Council as shall have been appointed by his Majesty, his heirs, or successors, within the Province *for that purpose*."

The same may be said of similar terms used in the latter part of the seventh clause.

With respect to which clauses it may be further remarked, that had it been contemplated that the Executive Council were to act only in the matters therein specified, the words "on the affairs of such Province" might have been omitted, without in the least impairing the legal effect. In the

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amber, at Toronto,
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construction, therefore, of this Statute, the above expression cannot be treated as surplussage, but must be taken to impose the duty which it imports.

From the language of this Statute, therefore, it appears—

Firstly,—That there is an Executive Council.

Secondly,—That they are appointed by the King.

Thirdly,—That they are appointed to advise the King and his Representative upon “the affairs of the Province,”—no particular affairs are specified; no limitation to any particular time or subject.

As the Constitutional Act prescribes to the Council the latitude of “the affairs of the Province,” it requires an equal authority of law to narrow those limits, or relieve the Council from a co-extensive duty.

Every Representative of the King, upon arriving from England to assume the Government of this country, is necessarily a stranger to it; and the law has provided for a Local Council as a source of advice, which, when given, is followed or not, according to his discretion.

In certain cases specified, in the 38th clause of the 31st Geo. 3, chap. 31, the concurrence of the Council is required to give effect to certain Executive Acts. But these exceptions prove the general rule—viz. that while the advice is to be given upon the affairs of the Province generally, it is only in the particular cases that it must harmonize with the pleasure of the Crown, to give that pleasure effect. Indeed, if the law could be construed to limit the advice to the particular cases, it would follow that the Council could not legally and constitutionally advise upon any others; a proposition which, besides its manifest repugnance to the terms of the Act, is contrary to received opinion and usage.

But while the Constitution has assigned to the Council this duty, it is only to a very subordinate and limited extent that they have heretofore had opportunity afforded them to perform it. It is submitted that the exigency of the Statute can only be answered by allowing the affairs of the Province to pass under their review for such advice as their consciences may suggest, preparatory to the final and discretionary action of the King's Representative, upon those affairs.

The Council meeting once a week upon land matters, while the affairs of the country are withheld from their consideration and advice, is as imperfect a fulfilment of the Constitutional Act as if the Provincial Parliament were summoned once a year, to meet the letter of the law, and immediately prorogued upon answering the speech from the throne. In both cases the true meaning and spirit of the Constitutional Act require that the Parliament should have a general and practicable opportunity to legislate, and the Executive Council to advise, upon the affairs of the country. In the former case the Representative of the King can withhold the Royal assent from Bills, and in the latter reject the advice offered; but their respective proceedings cannot be constitutionally circumscribed or denied, because they need the expression of the Royal pleasure thereon for their consummation.

The extent and importance of the affairs of the country have necessarily increased with its population, wealth, and commerce, and the Constitution has anticipated the difficulty, by a division of labour and responsibility, from the active attention of the Executive Council to their duties. With the exception of those matters of so weighty or general a character as not properly to fall under any particular department, and therefore fitted for the deliberation of the Council collectively, it is recommended that the affairs of the Province be distributed into Departments, to the heads of which shall be referred such matters as obviously appertain to them respectively. Upon this principle (recognised by the existing Constitution of this Province and of the mother

country) the people have long and anxiously sought for the administration of their Government, under the Representative of the King; and the Council most respectfully, but at the same time earnestly represent that public opinion on the subject is so fixed, and becoming so impatient, as to preclude the possibility of denying or delaying the measure, without increasing the public dissatisfaction, and leading to the final adoption of other views, as already too universally manifested, uncongenial to the genius of the Constitution, and most dangerous to the connection with the Parent State.

The remedy, it is feared, is now proposed too late for all the advantages desired; but the longer it is withheld, the more alienated and irreconcilable will the public mind become. The present comparative calm and thankfulness arise from the belief that the Council will second this exigency, in establishing a system of Government, according to the principles recognised by the charter of the liberties of the country—an expectation which the Council are most anxious to realize.

Should such a course not be deemed wise or admissible by the Lieutenant-Governor, the Council most respectfully pray that they may be allowed to disabuse the public from a misapprehension of the nature and extent of the duties confided to them.

(Signed)

PETER ROBINSON.
GEORGE H. MARKLAND.
JOSEPH WELLS.
JOHN H. DUNN.
ROBERT BALDWIN.
JOHN ROLPH.

EXTRACT FROM THE GOVERNOR'S REPLY TO THE ABOVE.

The Lieutenant-Governor assures the Council that his estimation of their talents and integrity, as well as his personal regard for them, remain unshaken, and that he is not insensible of the difficulties to which he will be exposed should they deem it necessary to leave him.—At the same time, should they be of opinion that the oath they have taken requires them to retire from his confidence, rather than from the principles they have avowed, he begs that on his account they will not hesitate to do so.

Gov't House, Toronto, March 5, 1836.

Immediately on the resignation of the old Council Sir Francis had the opportunity of suiting himself from the Tory ranks, and four were found to accept the situation on his own terms, in which they remain to the present time, notwithstanding the execrations heaped upon them and their master.

The city of Toronto were not long in taking up the question, and at a general meeting an Address was adopted insisting on the right of the Council to be consulted, and held responsible for their advice to the people, and that it was his duty to recal the old Council and yield to their constitutional demands.

Not only were addresses sent by the citizens of Toronto, but

from all parts of the Province, and the House of Assembly took up the question, to the exclusion of any other business, so startling were the assumptions of Sir Francis. The following resolution was passed by a majority of 51 in a house of 53 members:—

On the 14th day of March, on which day there was a call of the House, it was moved by Mr Perry, seconded by Dr Charles Duncombe, that it be

“Resolved—That this House considers the appointment of a *responsible* Executive Council to advise the Lieutenant-Governor, or person administering the government on the affairs of this Province, to be one of the most happy and wise features in our Constitution, and essential in our form of government, and as being one of the strongest securities for a just and equitable administration of the government, and full enjoyment of our civil and religious rights and privileges.”

This resolution was supported by an Address to his Excellency to the following effect:—

May it please your Excellency:

“We, his Majesty’s dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to inform your Excellency that we have with deep regret learnt that your Excellency has been induced to cause the late Executive Council to tender their resignations to seats in the Council under circumstances which still enabled your Excellency to declare that your estimation of their talents and integrity, as well as your personal regard for them, remained unchanged; and that under the present excited state of public feeling in this Colony, occasioned by the recent proceedings between your Excellency and the late Executive Council, and the appointment of a new Council (as appears by the *Gazette* extraordinary of Monday, 14th March instant), composed of Robert Baldwin Sullivan, John Elmsley, Augustus Baldwin, and William Allan, Esquires,—this House feel it to be a duty they owe alike to his most gracious Majesty, and to the people of this Colony, whose representatives they are, to avail themselves of the first opportunity to declare at once to your Excellency the entire want of confidence of this House in the last-mentioned appointments, and deep regret that your Excellency consented to accept the tender of resignation of the late Council, and humbly request your Excellency to take immediate steps to remove the present Council from such their situation.”

MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly,
24th March, 1836.

Being an author, Sir Francis saw fit to indulge the *cacoethes scribendi* to so unmerciful an extent, as to render it impossible to give at full length what he is pleased to term his *speeches*. That in reply to the above was a reiteration of his sayings to the citizens of Toronto, except in the two opening paragraphs, which are worthy of remark, as containing an admission that he felt bound to satisfy the Assembly and the people in his Council, and as evidence of his duplicity and unparalleled dishonesty in a pretended lamentation at the old Council’s resignation, after he had obliged

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"In reply to your address, I assure you I very sincerely regret that the House of Assembly should entertain a want of confidence in the Council I appointed on the 14th instant, as I faithfully declare that, under the circumstances in which I was placed, I made every exertion to select gentlemen that I thought would be *most acceptable to the* House and to the people.

"I can assure the House that no one lamented more than I did the resignation of the late Council, three of the members of which, namely, Messrs Dunn, Baldwin, and Rolph, I had myself especially selected."

Before this answer was received the House had appointed a Committee, with full powers to examine into the question and report thereon. Spirited petitions from the inhabitants through every part of the Province were daily received by them, praying their determined interference forthwith.

In the course of the Committee's deliberations circumstances were brought to light directly implicating the veracity, honesty, and correct intentions of the Representative of his Majesty, all of which will be handled in a closing summary of his administration.

In due time the Committee made a report, which was adopted by the House. This report criminated Sir F. B. Head, and was immediately sent to the Colonial Secretary, with an address to his Majesty and the House of Commons. But, as if to show the falsehood of the Lieut.-Governor's assertions of being accountable for his conduct in England, my Lord Glenelg laughs at the charges, and thinks him the best man to be found for the situation. Well he may indulge in his merriment, when any charge against his own neglect would probably receive the same attention which the impeachment of Sir Francis has received. This has been the usual treatment for the last thirty years. Whether the Commons of England, Ireland, and Scotland, have too much other business to transact, and cannot attend to this remonstrance against oppression, and petition for redress, ought soon to be made appear. The address of the House of Assembly was an impeachment sufficient to remove the Governor from any but a *British* colony. On this question the supplies were stopped, to show to the world the extremity to which they had been driven. But this was merely nominal, and did nothing to bring the Executive to terms, possessing as it does the casual and land revenue to squander at discretion.

After a perusal of the above documents, it must be evident that the subject of a responsible executive council is one of engrossing importance, and the most exciting topic of discussion. Should any other arguments be required, every day's experience will furnish them without end. The necessity of a responsible local government is, indeed, greater in that Province than of a ministry

in England. Here the King is born and bred in the country, and is supposed to have a knowledge of the genius and spirit of the people. There they are liable to have a novice thrust upon them, possessing neither knowledge, responsibility, or capacity—the nominee of a weak colonial minister, or some under satellite who lends a helping hand to an old friend or bottle companion in indigent circumstances. Or, as is said to be the case of Sir F. B. Head, one who owes his elevation to *sinister* influence, as degrading to all parties concerned as it is unjust and humiliating to the Canadians. The sophistries of Head and his servile clique are mere exposures of the weakness of their position. They declare in a vaunting manner that the Licut.-Governor is himself responsible. Admit this, although the position has been shown to be false, since the impeachment of the Assembly is as nothing. The King himself is responsible to the people, as two revolutions have proved; but this does not detract from the Ministry's responsibility. There is a double account kept, making "assurance doubly sure," and for all good purposes it cannot be balanced too often.

The really glorious feature in this institution is its effect in placing the ablest men of the country at the head of affairs, at least when the controlling power is pure and uncorrupted. It is an inducement to honesty and to patriotism in the young, and, like a beacon on a lofty headland, spurs on to renewed exertion the weary mariner in threading the shoals and quicksands in the sea of knowledge. It is the true temple on the hill of science, not inaccessible to humble merit, but gained only by that perseverance and exertion which benefit the state and confer favours on mankind.

Recent events have served to strengthen its necessity wherever monarchy prevails. The continental powers have instilled its vital principle, where, owing to the diseased state of the subject, no good may result, but their faith in its efficacy adds weight to our own experience. Even in republics, where the chief magistrate receives his dignity directly from the people, a responsible cabinet council is found necessary.

This accountability, properly enforced, leaves no option but retreat and disgrace even to an honest though inefficient minister, and the wilfully corrupt and unjust have good reason to fear its retribution. No puerile evasion ought to impede its healthy action; and if there remains a particle of good old English spirit, the vengeance of the oppressed, whether within the realm or the distant colonies, must overwhelm the oppressor.

The petty insinuation of Head, that the Province does not contain men capable of giving advice for the common good, could

only have proceeded from his disposition to say any thing. It is not true. The Province can produce those far beyond comparison with some of the British Ministry, in any point of view, and this does not attribute to them more than the common properties of manhood. I have seen and heard all, and may be allowed my humble opinion.

In conclusion, whether the Constitutional Act does or does not establish an executive council, the Colonists must either have that, or the choice of their own governor, with power to manage their own affairs in their own way. At the beginning of a contest so frank an acknowledgment would perhaps be improper and impolitic, but after thirty years of mealy-mouthed supplication the boldest tone becomes the only justifiable one. The language of diplomacy and of the underlings in the Colonial Office may be less objectionable to the cool observer, but sincerity and truth require no ornament to attract the notice of the public.

CHAP. II.

THE LEGISLATIVE COUNCIL.

"The experiment of hereditary Nobility, he was afraid, could not be attended with any good effect, but would be rather a dangerous and unnecessary scheme. If there should be fit persons for such at that moment, what utility could their appointment be to the other inhabitants?"

LORD RAWDEN *in the House of Lords on the Quebec Bill.*

IN speaking of the Legislative Council, one acquainted with their composition and proceedings, will find it difficult to keep within the rules prescribed to a public writer. His spirit moves him to throw down his pen and burst into an uncontrollable storm of indignation. This monstrous legislative abortion, and nondescript machine of disturbance, has so long been the theme of loathing and detestation, that nothing would be gained by adding to the stock of epithets already heaped upon it and its supporters. Mr Pitt showed great want of judgment in attempting to imitate, what, from the nature of things, is inimitable. In entailing on the Canadas, up to the present time, this wretchedly misshapen caricature of one of the most powerful, and at the same time, in

certain cases, most dangerous institutions of the iron ages, he did the worst thing for his own character as a statesman, as well as the peace of the Colonies, which he could possibly have hit upon. No doubt, in his contentions with that powerful array of intellect on the opposition benches, he was frequently driven to large draughts on his imagination, in preventing his followers from deserting to his adversaries, armed as they were with facts, and gifted with eloquence in bringing them forward. The cant of "glorious Constitution," happy balance," "admirable check to popular extravagance," &c. was found as useful in those days as at the present, and probably, as now, formed the rallying cry when the liberties of the subject were to be invaded.

The Bill was debated at several different times, and disaster attended it in its very incipency. It was on one of these occasions that the friendship between Mr Fox and Mr Burke was dissolved after twenty years contention, side by side, for the rights of the people. The insane speculations concerning the French Revolution no doubt had a bad effect on the interests of the Colonies. The old Tories were frightened out of their lives, and could not perceive any thing but *absolutism* for the world's security. Unfortunately the voice of Mr Fox, cheered as he was by the triumph of the masses, for Robespierre was then unknown, could carry no conviction to such minds. An epitome, or transcript, or image, of the Lords, was the only poise between the Commons and the Executive, and so it was ordained. Instead of giving a free charter to the Canadas, like those formerly enjoyed by many of the United Provinces, and which are still retained and considered sufficiently liberal in the Republican Union, the people were to be punished for the excesses of the French Revolution, notwithstanding all they had done for British supremacy. A ridiculous mass of incongruities must needs be patched up in the Act for the purpose of intimating Tory aversion to the *new doctrine*, as Mr Burke called it, of the Rights of Man, which have sown the seeds of ill blood and acrimony, so as nearly to bring about the same consequences attempted to be guarded against. The clause respecting a Legislative Council has done more injury than can be remedied. The Canadas must ever lag behind their neighbours, in consequence of the advantages already obtained over them. Nothing can recall the forty years, during which they have been given up a prey to the destroyer. The mistake, to give it the least offensive term, was not the smallest one committed during fifty years of Toryism. And what is worse, it has the appearance of leading to still more fatal results.

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that great man increase in number as the cause he laboured to advance becomes triumphant. Little thought he, when proclaiming the only true foundations upon which any Government should be established, that a distant and unfortunate Colony were to prove, by bitter experience, his words to be correct. He did not consider the science of Government an occult science, unknown to any except some mighty magician, who, by the stroke of his wand, was to set all the wheels in motion, and without him nothing could be done. He believed that "the people" knew what was for their own good, quite as well as any single individual, and were not so liable to abuse their power, as he was for them. His proposal to make the Legislative Councils elective, was hooted at as Revolutionary, Jacobinical, &c.; but notwithstanding the Boroughmongering outcry, he pressed his motion to a division, and thirty-nine, in a house of a hundred and twenty-seven, were found to support it. Mr Grote had not a much greater proportion in favour of the Ballot, even in a Reformed House. This was a question of the utmost importance at the time, and gave scope for the display of statesmanship, more, perhaps, than any other on which Mr Pitt and Mr Fox differed. Those, therefore, who are fond of comparing the two, have the best opportunity of doing so in investigating the contest. Whether Mr Pitt was sincere, or merely brought forward his arguments to carry the House with him, rather than yield to his adversary, cannot be known. As it is, he has proved himself, and time has shown him to have been, immeasurably inferior.

That no second House of Lords can, or could be made, is self-evident. No body of men in the world can equal them in their wealth and titles. As to intellect, that is not taken into account. The antiquity of the Peerage is what they most pride themselves upon. Where could Mr Pitt find a match for them here? Had he collected together the descendants of all the robbers which have existed before and since the time of William the Conqueror, without the title, where would be the Peer? Had he proved their ancestors to have butchered every Saxon and Englishman they came across, this would give them no claim. And as to their wealth, all admit that riches do not make a man noble. The *peculiar* manner in which these riches were obtained constitutes the chief excellence. Where could he find another set of men, enriched by the plunder of churches, of public lands, of the public treasury, of weaker private individuals, kept up through so many years that the memory of man runneth not to the contrary? He might find individuals descended of Kidd, Black-beard, and Ward, but where the body to constitute a Legislature? And failing in these, all the men of ability the world contains could

not make a counterpart or image of the House of Lords. The simple embellishment of mind was of trifling importance. However difficult it may seem, the experiment, in this respect, succeeded admirably. Stupidity and superstition form the only recommendations of the Councillors. With a cunning man for their leader, they hang out the ragged ensign of "no surrender," in defiance of consequences. Intractability constitutes their chief claim to Peerage honours, and this is the virtue idolized above all others by the Tories. The people, to be sure, are rather more interested in having something, than nothing, done. But it must be remembered they have nothing whatever to say. They are not coordinate, but subordinate. Hence arises the difficulty.

Discussions have arisen on the expediency of any second Chamber whatever. With the multiplicity of business in the Lower House, amidst the hurry of conflicting movers and the heat of debate, many errors are liable to creep in which could be remedied by a patriotic and working Council, thereby preventing delays and the trouble of double legislation. But there can be no doubt with whom the power should rest of naming such Council. If the people be made for the Governor, and not he for them, and all legislation be for his, and not their benefit, then with him should rest the power of nomination, but not otherwise.

To deny the capability of the country to elect a Council, is accusing them of incapacity in the choice of an Assembly. But the Constitution acknowledges their right and qualification in the latter instance, and entrusts them with power over the purse, &c. which is not asked for the Council. The only objection the Tories can urge is, that it will give too great a preponderance to the popular side. They are met boldly by saying, if there is to be a preponderance, it must rest with those who are the source of all power. *Their* prosperity will render the Government prosperous; but the Executive determined on securing itself in wealth and power, detracts from the common welfare. Long experience proves the urgent necessity of something being done to render this Council useful to the country, and less dangerous to its peace and good order. The proposition made by Mr Fox is the one sought to be adopted, *viz.* rendering it elective by the country. In the elaborate Report on grievances, adopted during the last Session of the Legislature, the following extract shows many eminent men favourable to it:—"The opinions of Mr Fox, Mr Stanley, Earl Grey, Lord Erskine, Mr Ellice, Mr Hume, Sir James M'Intosh, Mr O'Connell, Mr Warburton, and many other eminent Statesmen have been expressed in favour of elective institutions as the most suitable for the Ca-

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"nadas: and it appears to your Committee that Mr Stanley "correctly describes the Legislative Council as being at the root "of all the evils complained of in both Provinces."

Whether those opinions are entertained by some of these gentlemen at the present time, does not appear. *They* may have changed, but the Canadians remain firm to their point, and can make out a case for themselves.

In canvassing the merits of the present Councillors, they shall be spoken of in pity more than anger. This may be not only generous but just—many a man having honours thrust upon him without sufficient capacity to answer expectations.

The truth is, the old gentlemen are Tories, and carry out their principles to perfection. Not more than a dozen generally attend to their legislative duties. Their chief merit consists in saying *no*. Sitting for a short time each day, the Bills of the Assembly are dispatched under the table with unexampled celerity. Deputations conveying up popular measures, no sooner have their backs turned, than the process of strangulation commences. Bills that have undergone discussion for days in the other House, and have been amended and perfected with the greatest care, no sooner arrive in their august presence, than their fate is sealed.

Of those who attend to their duties, two-thirds are dependent on the Government for either salaries or pensions. It is not harsh to say that they become the willing tools of the hand that feeds them, instead of looking to the interests of those from whom they indirectly derive their support. Such gratitude may be very amiable, but it is no qualification for an independent legislator. The *Grievance Report* before referred to, adds:—
"In continually rejecting the many valuable measures earnestly "prayed for by the people, they may be fairly presumed to act "in *obedience* to the power from whence their appointments "were derived." In fact, for no other purpose do they seem to have been chosen. Where principle has predominated for a moment it was crushed in the bud. Numerous humiliating anecdotes are related bearing on the point. The following is another extract from the above Report:—

"The dependence of the Legislative Council is strikingly manifested by "the facts stated in the evidence of the Hon. Colonel Clarke, and the Hon. "William Dickson, members of that body, before a Select Committee of the "House of Assembly during a late Parliament. It appears that several "Legislative Councillors had objected to a measure strongly urged by the "Executive, and its failure was inevitable. To ensure its passing, coercive "means were adopted, and those Members who were dependent on the "Government were told either to vote directly contrary to the opinions they "had thus publicly expressed, or be dismissed from their offices. After this "disgraceful attempt to coerce men to disingenuous and inconsistent conduct,

"those unacquainted with the threats which had been used were astonished at the sudden, unexpected and unexplained change in the conduct of several Members; and when this surprise was expressed to the late Hon. James Baby (who was also an Executive Councillor, and the senior member) he shed tears at his humiliation, and only exclaimed, 'My children! my children!' and the late Honourable Chief Justice Powell replied to a similar enquiry of surprise, 'I have received a new light within the last ten minutes.'"

This "*New Light*" received by Chief Justice Powell may have been something like that mentioned by Butler:—

"Some call it Gifts, and some New Light;
A liberal art, that costs no pains
Of study, industry, or brains:"

however that may be, it very often comes upon the Councillors quite unexpectedly. Such is the result of the Council being nominated by the Executive, and so will it ever be. They are complete catpaws, but the opprobrium does not all fall upon them. The Executive are supposed to be at the bottom of all, whenever they array themselves against the people, and the "paltry screen" could therefore be removed without placing it in greater jeopardy. It could not well be despised more than at present, and innocent persons might escape.

Within the last eight years no less than 325 Bills, passed by the Assembly, have been rejected by the Council, averaging more than forty each session. Considering the age of the Colony and the number of inhabitants, there is no computing the mischief thus done. How such a nuisance could be so long tolerated is beyond comprehension. It must be recollected that during this term of time, by means hereafter to be considered, the Tories succeeded in obtaining a majority in the Assembly for the space of four years, during which no bill of a reform nature was allowed to pass, and therefore did not come before them. The Assembly must either be fools or madmen, passing bills for no good purpose; or the Council have a heavy debt of turpitude to answer for. The country have decided on the latter, but the punishment is waved in the heat of contest against the constitution of that body. Their exorbitant salaries, fees, and perquisites, ought to satisfy them, without immersing the country in enormous expense by a yearly repetition of the same legislation. But we forget, it is the Tory policy to accumulate the debt, and distress the elector, to prevent that healthy action of mind leading to independent feeling and conduct.

There are precedents for the elective institutions in the history of British legislation. They were, as before observed, successfully tried in the chartered Colonies of North America, render-

ing them far more peaceable and prosperous than the others, and the King's authority does not appear to have been the less esteemed or upheld. Were this the case it would be a grave objection, but it was not the case. On the contrary, they were the last to join the confederation against the truly infamous Government that attempted to bind all to its chariot wheels.

The elective principle is in force to a limited extent in Scotland and Ireland, in the appointment of Legislative Peers. Here are noble arguments both for this question and the Ballot. All that is necessary to be got rid of is the artificial distinction of title, to place man on a level with regard to his rights. Why not, then, give this privilege to the Colonies at once? Arbitrary power has not certainly gained sufficient ground of late, that they can be called too liberal. The people are too intelligent to abuse such power; and whose business is it but their own, should they do so? That man must either be a perfect desperado, or be in a place of security "4000 miles off," who would attempt to use such an argument. The truth is, good laws are always respected and bad ones are abused. Justice, with her flaming sword, will ever protect the former; but the arch fiend himself, with all the powers of darkness, would be overcome in enforcing the latter.

Laying aside, however, English precedents, let us look to other countries to ascertain how they work. As the most prosperous nation on the globe, reference to the United States is particularly made, without any vindictive remembrance of our former feuds. There they have not only one general Government, with the second Chamber formed upon the elective principle, but twenty-four distinct and separate ones, all in admirable operation, working as smoothly and regularly in their several stations, as the finest wheels of the chronometer, and presenting in the combination an equally correct standard of excellence. The Senate of the United States is formed of the choice men from the State Senates, the members of which are chosen from much larger districts than the Assembly-men;—four Assembly-men being generally sent to one Senator. By this means none but a deservedly popular man can obtain a seat. This seems a much better plan than a higher property qualification for the Canadian Council. For instance, let two Members of the Council be chosen by each District, or only one if it be thinly populated, under the same regulations as the Members of the Assembly. In this way you would probably have all the oldest and most faithful Members of the Assembly returned to the Council, who, from their Parliamentary experience, would be admirable critics and improvers of the Bills coming hot from the Lower House.

The aspirants for Legislative honours would thereby have a field spread before them, eminently calculated to awaken their energies and animate to exertion in their country's cause. Instead of that "nice balance," that "wholesome check," of a few dependent incapables, there would be a laudable rivalry between the two Houses in doing good. It is not in the nature of things that they would coalesce to do harm. None but the most arrant knave could harbour so criminal an idea respecting them. If the Canadas are too suspicious to be trusted in this, the Government are in duty bound to *attempt* depriving them of every liberty. But the Colonial Secretary will not suspect them after what has occurred. Bred a Tory, unfortunately he is so fond of the usurped prerogatives, that nothing will drag them from them, although of no use or profit to himself.

Instead of yielding at once to the urgent demands of both Provinces, a Commission at the expense of honest John Bull, must be hatched up, to inquire into the *necessity* of yielding. Were the House of Commons to address his Majesty on any subject, and receive an answer that he would enquire into the *truth* of their statements, they would undoubtedly think it very strange. So the Commission was not only considered a very strange step, but a very insulting one, by the Canadians.

It was no doubt got up for delay, and to afford a snug situation to particular friends, and so far has answered the end. No doubt the sapient Secretary thought it would "last his time," and pity it did not. This paltry, tantalizing, and corrupt expedient can no longer be pleaded as a cause of delay, the investigation, if such there were, having ended. But there is no hope of any thing being done. With the Tory Sir Charles Grey to make a Report, undoubtedly it will be a mere excuse for doing nothing.

The weightiest reason for yielding the Elective Institutions to Canada is, that they are loudly called for by both Provinces. If their wishes are to be consulted, grant them like men, and not like sneaking cowards, wait for a physical demonstration to extort them. In Lower Canada the House of Assembly have for a series of years pleaded and besought, all to no purpose. The Upper Province has joined in the demand with that spirit due to the important consequences involved. The following is another extract from the "Grievance Report:"—"It appears, therefore, that the Legislative Council, as at present constituted, has "utterly failed, and never can be made to answer the ends for which it was created; and the restoration of Legislative harmony and good Government requires its reconstruction on "the Elective principle." The Assembly spoke in equally

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decided terms in answer to Sir J. Colborne's speech at the opening of the last Session. Sir John wished them to recognize the Commission sent out by the Whigs, although it was only to act in Lower Canada. He was met in reply as follows:—"Without recognizing the Royal Commission mentioned by your Excellency, we presume that their opinions will not be regarded as paramount to the wants and wishes of one million of the people constitutionally expressed by their Representatives in their respective Legislatures." Sir John tried further to entrap them by casting undignified insinuations on the Lower Canadians, with the intent to divide the two Provinces. Their interests are too nearly allied to allow any dissension. French Canadians and English Canadians all join like a band of brothers, and long may it continue. The Assembly of Upper Canada thus replied to the Lieutenant-Governor:—"We deeply regret that your Excellency has been advised to animadvert upon the affairs of the sister Province, which has been engaged in a long and arduous struggle for an indispensable amelioration of their Institutions and the manner of their administration. We respectfully but firmly express our respect for their patriotic exertions, and we do acquit them of being the cause of any of the dissensions and embarrassments existing in the country."

Of course the Oligarchy, who enjoy the profits of a bad and extravagant Government, do not wish for any change, and this circumstance has given an excuse for delay, when none other existed. Under the several Administrations of the Whig Secretaries, this has been a ground to fly back upon. With the assistance of a Mr Stephen they have been able to send out long dispatches, containing mighty sentences, which unfortunately are laboured more for sound, than for appeasing complaint. Such dispatches have become a proverb, and instead of being hailed with gladness, they are ridiculed and contemned.*

The Chief Justice of the King's Bench presides over the Council, and does not scruple to enter the arena of political warfare on every important occasion. He is the main support of the Tories, and without him they would be scattered like the flock without a shepherd. The fact of the highest Judge in the land first mixing in party strife and bickering, and then ascend-

* This Mr Stephen really deserves further notice. He is supposed to be the only working-man in the office, but it is not by pursuing the course of Mr Hay, the "canker worm," that he is to gain credit. From the evidence he gave before the Committee of the Commons in 1828, something was expected from him. But he is now satisfied in lulling my Lord Glenelg to sleep with his long-winded mellifluous sentences. He cannot, however, like Peter the headstrong, defend his citadel by mere proclamations.

ing the seat of Justice, held sacred in all other countries, requires no comment.

The Committee of the House of Commons on Canada in 1826, perceived the necessity of something being done with the Council. A change was recommended in its *composition* instead of its *constitution*. This has been tried and proved ineffectual. The irresponsibility of the Members is what causes the difficulty. The doctrine that any body can of right possess Legislative powers independent of the public, for whom the institution was created, is truly monstrous. Where they are *dependent* on a corrupt Executive, the grievance becomes insupportable. The principle is abhorrent, and would create disaffection were it carried out in the most satisfactory manner. But this is impossible. No good has ever arisen, or can arise from it. The self-protecting power can alone silence complaint. The sacrifice would be nothing to England, but the benefits would be great to Canada.

EQUAL REPRESENTATION.

A great many useful measures are dependent on having the Council cooperate with the Assembly in the work of Reform. Every grievance, therefore, adduced, wherein they have shown no desire of a change, must add weight to the objections against its present construction.

The Upper Province has laboured under the same difficulties, with regard to the representation of the people in the House of Assembly, that were experienced in the United Kingdom before the passage of the Reform Bill. The rotten borough system has been introduced, and unless a check be at once put to it, it threatens the same fearful state of things. It is evidently necessary that the mechanics, artizans, and others residing in the different towns, should be represented, and possess a different franchise from the freeholders of the counties. But in Upper Canada, only the *district* towns, where all the public offices are kept, and where the officials reside, are allowed representation. These towns become representable whenever they contain 1,000 inhabitants; but others, far more prosperous and populous, are denied the privilege. They have also an undue advantage over the counties. As an instance, the county of Stormont contains 7,000 or 8,000 inhabitants, the voters in which must be in possession of a freehold of the annual value of 40s. sterling. The district town of Cornwall, situated therein, contains barely 1,000 inhabitants, and not to exceed forty 10 $\frac{1}{2}$ household voters, and

yet it sends one member, while the county is only allowed two. The county of Leeds contains 18,000 inhabitants, and sends only two members, while the district town of Brockville sends one with only 1,500 inhabitants. The other towns have similar advantages over the counties. This affords a just cause of complaint, but it is a Tory plan, to swamp the Assembly. Other than district towns are denied the elective franchise, because the officials would not have the same chance of bribing and corrupting the voters, as immediately in the vicinity of their offices. The mechanics are, with very few exceptions, Reformers, and where they live independently, generally sustain the cause; but without the vote by ballot, the patronage and intimidation of the Tories has the same effect as is felt in England. This borough system of course succeeds. Not one town has a Reformer for a representative. Every election indicates the same corrupt influence, in such excellent operation during the palmy days of Mr Pitt. But the system is unsuited to the climate, and cannot long resist the attacks made upon it. The deluded creatures who think to maintain their supremacy by such means in the New World, after being scouted from the Old, have made a false reckoning. The counties are intent upon an equalization of their privileges, and the unrepresented towns are also declaiming against the unjust preference shown to their rivals. The Council, of course, will offer the service of the *shield* to the Executive, in token of fealty and submission, but the barrier must soon be beaten down by so much strength and unity.

When it is considered that Canada is an agricultural country, and so will continue until the land becomes dearer, and the population more dense, the injustice of outweighing the farmer's wants by this contrivance appears the greater. To the credit, however, of some of the district towns, the Tories have enough to do in securing their returns. Every possible expedient is used on their part ever tried by their brethren in England for attaining their end; and they are all necessary. Of late Sir F. B. Head has afforded them an excellent argument in the last emergency. This is none other than "you are quarrelling with your own bread and butter," which, when well put, has an astonishing effect on the wavering mechanic. The only redeeming feature in this boroughmongering, is that they have to disgorge some of their plunder to succeed. In getting Tory votes they have to pay well for them, and when the cause cannot thus be maintained, it must die of inanition.

In the last Parliament there were thirty-six Reformers, representing a population, according to the returns, of 230,000, the remaining twenty-four Tories representing only 75,000. This

shows, in a glaring light, the monstrous iniquity in the system. It is only in the small constituencies that Toryism, with its bribery, intimidation, riot, and ruffianism, can hope to succeed. While there, the Reformers are more numerous if fair play could be obtained. In most of the larger counties they carry every thing before them, except when inundated by Governor Head's patent deeds.

Happy are we that an example has been given, that the greatest evils may be overcome by concord and determination; and the day is at hand when all those who resort to crime and dishonesty to accomplish their purposes, must be sent howling to that doom due to the enormity of their offences.

CHAP. III.

CONTROL OF THE REVENUE.

THE Oligarchy that has hitherto controlled the affairs of the Colony have taken precious good care not to countenance any of those English constitutional principles which might serve to transfer power from themselves to the people. All the old worn-out fallacies of Toryism are readily palmed upon them as British institutions; but the modern remedial measures have been kept out of reach, as only applicable at home. In this course they have been upheld both by Whig and Tory Ministers, to whom the people have petitioned in vain for redress. The chance of exposure being so remote, owing to the apathy prevailing respecting the fate of the Colonies among the leading men of the nation, that they have indulged freely in those arbitrary and aristocratic propensities inherent in their natures, notwithstanding the double faces which, for the sake of office, they manage to put on. Will it not astonish every politician, in learning that the Upper Canadians have only a partial control over their revenues? That large sums are sent to England yearly, or placed entirely at the disposal of the Executive, who refuse to render an account of the expenditure to the Assembly, and set them at defiance in the enquiry? And yet it is not astonishing that such should be the case. Without money how could they keep the system working, and what inducement would there be for adherence to that party which violates all the sacred obligations, and tramples down pub-

lic and private liberty? Money is with them "the sinews of war," without which the cause could not be sustained a day on its own intrinsic merits. Their tenacious hold of the purse-strings is the last thing to be parted with in such a case, and vainly has the attempt been made to relax their grasp. The Oligarchy have their all at stake, and their resistance can therefore be accounted for; but why should the British Ministry countenance so wicked and unconstitutional a fraud? Is it that, in having to render a strict account of the national revenue at home, no chance is left to pocket those little abstractions so convenient to be sported in the club-rooms, at Newmarket, or Epsom, or for secret services in other walks of high life? Fain would we hope to the contrary; but viewed in any light, this exaction from an already hag-ridden Colony is both pitiful and unjust. Robbery at home and robbery from abroad is rather too much.

The Commons are justly jealous of their undisputed control over the revenues. In a Report of the Commissioners on the Revenue in 1831, among whom were Sir H. Parnell, the Right Hon. Poulett Thomson, and Lord John Russell, they say—"We think that no portion of the public treasure should be arrested, under any *plea or pretence* whatever, on its way to the Exchequer, and that no portion of it should be issued from the Exchequer without previous Parliamentary sanction." In another part of the Report they maintain the same doctrine held by the Canadians, and by every person knowing the results of a different system:—"To accomplish with perfect security and efficiency these objects of safe custody, legal appropriation, and record, it is obviously necessary that *all public monies whatever* should, in the first instance, be paid into the Exchequer." Without this power over the purse how can there exist any check to extravagance, or where will be the bridle to bad government? The Executive may well laugh to scorn any attempt to stay their headlong career, so long as they have the key of the treasury. The Assembly may stop the supplies so far as they have the power, but where they cannot effectually do so, the boasted constitutional right is all mockery. Some of the revenues are of necessity under their control, but nearly a hundred thousand pounds annually, a large sum there, are entirely under the finger of the Executive. When the supplies were stopped at the last session, in consequence of Head's despotic conduct, it had no other effect than to show the utter futility of attempting the thing. With the whole of the casual and territorial revenue at his command, he threw accountability to the winds, trusting to escape with impunity under the wing of the Colonial Minister, and he has not as yet been disappointed. The Whigs countenance his conduct,

and wink at the barefaced spoliation. The revenue has been yielded in Lower Canada, and the repeated stoppage of the supplies has done much in bringing the Governor to his senses. Still there is a military chest to fly to, out of which the gang derive their support, although there cannot be said to exist any Government there. It is the patience of the Canadians alone which allows it to retain the name. As usual with the Whigs, there has been much coquetting on the subject with the Upper Canadians. Mr Stephen's tact at special pleading has been found of eminent service. They dare not come out and confront the people with manliness. Duplicity marks the whole course of their correspondence. In 1854 a proposition was made to a Tory House by the Colonial Minister, that he would forego all claim to the revenue on the condition of the Assembly making a provision for the civil list for seven years, or during the lifetime of his present Majesty. Instead of this the Tories granted a permanent civil list, eternally to their disgrace; but when the law was passed, the Colonial Secretary refused to comply on his part. Sir John Colborne, the then Lieutenant-Governor, wrote to him that he had made a better bargain with the House, and emboldened by this seeming laxity, the plunder was refused to be given up. If the claim could of right be substantiated by the Secretary, one would think the bargain would have transferred it, but where it had not the shadow of justice in its favour, it is difficult to find a name for the transaction. Jockies and blacklegs could scarcely be guilty of the like conduct, and if they were, the law would be open to the injured party, but State offenders can juggle with impunity now-a-days.

With this sum of money—with millions of acres of land to grant on any emergency—and with the present election laws, a Lieutenant-Governor can obtain a corrupt majority in the Assembly, and seem to conduct everything quietly, and still have three-fourths of the people against him, and on the eve of taking up arms to abate the nuisance. And will any one uphold the plan by which such excitement has been fomented? This single grievance of having their revenue filched from them, would drive the Commons of England beyond all restraint; and the Canadians know too well of, how much value their revenues are, applied to the internal improvements of the country, and the manner in which they are squandered by such as Sir F. B. Head, to put up with the loss, were there no honourable and natural indignation excited by the imposition. And yet there are those who continue to cry "loyalty" as a mask to their knavery, and slander all who do not bow implicitly to the dictation of worthless Lieutenant-Governors, and yield passive obedience to their masters in the

Colonial Office. If loyalty be nothing more than this, few will be found to possess a spark in their breasts, and those who indulge in it to the exclusion of every moral and political virtue, are welcome to their boast.

CHAP. IV.

INTERFERENCE OF THE COLONIAL OFFICE IN LOCAL AFFAIRS.

IN the many sudden and adverse changes of the incumbents of office, the Colonists have experienced much evil and vexation. Each new Minister must make his authority known as soon as invested with it, by some ridiculous proceeding, displaying not more his assumed power than his vanity and ignorance. The most pompous dispatches are sent out in their plenitude of greatness, in which the lofty language of the tyro is in ludicrous contrast to the amount of wisdom conveyed. Perhaps the first thing done is to undo what his predecessor had partly accomplished, probably as in the case of my Lord Stanley and the Earl of Ripon, contrary to the wishes of the people. This need not be a matter of wonder, considering the number of Colonies so unwisely committed to the charge of a single Minister. His knowledge and parts are not to be envied who fancies himself capable of interfering in things he knows nothing about, with happy results. Yet many evince an anxiety to create new grievances by interfering in the local affairs of the Colonies, rather than by a bold, yet safe, stroke of policy, touch at the root of the evil in the Constitution, the defects in which every well-informed statesman can at once perceive. But there is more danger of losing office in the latter than in the former undertaking, although the honour following success would fully compensate for any risk. Fame does not, however, seem to trouble the present incumbents. It will not fill an empty pocket, or if that be out of the question, it will not give equal powers of patronage for friends and dependents, nor real power and importance. So long as a certain number of dispatches are sent off per month, one now and again by a special messenger, as if the "fate of Cæsar and of Rome" depended on haste, the end is answered, and no uproar arises in Parliament from enquiries of the Opposition. If that wholesome responsibility anciently enforced were

now to be revived, and the delinquent Minister were to have the pleasant prospect from Tower hill ever in his imagination, there would not be so much trifling with the duties undertaken. My Lord Glenelg would start from his *otium cum dignitate*, and either retreat to his original state, or set about redeeming lost time in a way which the preposterous crick in the neck would warn as the safest. Sir George Gray would not again venture such statements as exposed him in the House of Commons; and even Mr Stephen would find something else to occupy his time, than drivelling out desperate long dispatches, containing a plentiful superabundance of absurdity. Were all to indicate their unfitness, by a retirement, to make way for men of discernment, resolution, and love of liberty, the terrors of the halter would not be held out in vain. By indifference to the cause of the Colonies, blood may be made to flow like water, and shall the many be sacrificed at the whim or caprice of the few, and those few not meet punishment? Lord North escaped in violation of both the civil and divine laws, after sacrificing thousands to reek his unhallowed vengeance on one country; but it is doubtful whether a similar line of policy will bring his successor safely off. The following spirited remonstrance was adopted by the House of Assembly in 1833, when there was a majority of Tories, and, astonishing to say, every Member except one gave it his support. These Tories had certain bank charters, to secure a banking monopoly to themselves, which were in danger, and for once they supported a correct principle, although some may be apt to think upon personal grounds. This address has been called a Declaration of Independence, but it will not bear so strong a name. It, however, evinces some degree of spirit, for which there was sufficient need.

EXTRACTS FROM AN ADDRESS BY THE HOUSE OF ASSEMBLY OF UPPER CANADA
TO HIS MAJESTY, ON THE DISALLOWANCE OF THE BANK ACTS.

"Most Gracious Sovereign,

“ We, your Majesty’s most dutiful and loyal subjects, the Commons House
“ of Assembly of Upper Canada, in Provincial Parliament assembled, in full
“ assurance of your Majesty’s earnest desire to promote the welfare of your
“ people, beg leave humbly to address ourselves to your Majesty upon a
“ matter of the deepest interest to your faithful subjects in this Province. *
“ * * * We humbly represent, that, although the disallowance of
“ these acts may appear to be authorized by the letter of the Statute of the
“ British Parliament, * * * * *yet it is contrary to its spirit and*
“ *meaning, and to the principles of a free government.* We believe that this
“ provision was made to remedy the evil which might be occasioned by the
“ Royal Assent being given in the Colony to a Provincial Act that should be

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Y OF UPPER CANADA
 BANK ACTS.

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 We believe that this
 be occasioned by the
 Act that should be

"found incompatible with the rights and interests of other portions of the
 "empire, but we cannot think it was intended to give a power of interference
 "with our internal affairs. *Against such an interference, we respectfully,*
 "*but plainly and solemnly protest, as inconsistent with those sacred con-*
 "*stitutional principles which are essential to a free government; since it*
 "is manifest, that if your Majesty's Ministers, at a distance of more than
 "four thousand miles, and not at all controllable by or accountable to your
 "Majesty's subjects here, and possessing necessarily a slight and imperfect
 "knowledge of the circumstances of this country, the wants and habits and
 "feelings of the inhabitants, and the mode of transacting business among us
 "can dictate a different course, in relation to measures affecting ourselves
 "only, from that which the people by their representatives, and with the
 "concurrence of the other branches of the Provincial Legislature, have
 "chosen, we are reduced to a state of mere dependence upon the will and
 "pleasure of a ministry that are irresponsible to us, and beyond the reach
 "and operation of the public opinion of the Province; and no one can
 "rely upon our Provincial laws, although they may be constitutionally and
 "deliberately formed, but the most unhappy uncertainty and want of confi-
 "dence will prevail and extend their disastrous influence over all our busi-
 "ness transactions. *We respectfully claim the same right in behalf of*
 "*your Majesty's subjects in this Province, to be consulted in the making of*
 "*laws for their peace, welfare, and good government, which our fellow-sub-*
 "*jects in Great Britain enjoy, in respect to laws to which their obedience*
 "is required; and although, from the necessity of the case, power must be
 "granted to the head of the empire of preventing colonial laws being adopted
 "and enforced which are incompatible with treaties between your Majesty's
 "Government and foreign States, or with the just rights of any other of your
 "Majesty's Colonies; yet with these exceptions, *we humbly submit that no*
 "*laws ought to be, or rightfully can be dictated to, or imposed upon the*
 "*people of this Province, to which they do not freely give their consent,*
 "through the constitutional medium of representatives chosen by and ac-
 "countable to themselves.

"The force of our humble and dutiful remonstrance *against the principle*
 "*of an interference of your Majesty's Ministers with our internal affairs,*
 "we are not willing to diminish, by insisting upon the inconveniences and
 "evils likely to follow from the exercise of power which, &c.

"We therefore respectfully and humbly pray that your Majesty, taking
 "these matters into your favourable consideration, will be graciously pleased
 "not to disallow these Provincial Acts, and not to permit your Majesty's
 "Ministers to interfere with our internal affairs; but to leave the same
 "entirely to the discretion and control of the Legislature of this Province."

If the connexion is to continue, the Canadas require free and
 liberal Constitutions, with privileges suited to their condition, and
 security against such interference as is above referred to. Why
 should such Constitutions be denied them? They cannot be
 kept bound in iron chains. They would be rent in a thousand
 atoms. And what necessity is there for such a degrading bond-
 age? Are the interests of the Empire served by it? Is the
 trade increased? Are the imports or exports greater? Are the
 people more powerful, prosperous, and happy? Far to the con-
 trary. Then why refuse to accede to their reasonable demands,

which have hitherto been asked so respectfully yet urgently? Should any false spirit against being dictated to, be harboured by Lord Glenelg, it is unworthy of one in his high office, and will not be participated in by Britons, because, in fact, there has been no dictation. If there be a fault, it is the extreme caution with which their claims have been advanced, considering their long troubles and agitations.

The connexion can only be retained by the bonds of amity and old attachment, and these are the only shackles that ought to be binding on a free and intelligent people; none other will be insisted on by the British nation, let its servants think what they like. Send out a Governor—his power will be acknowledged as the King's Representative. Allegiance will be dutifully acknowledged to a good King. Your surplus population will be received in welcome, and gladly recognized as a part of the great family. Their trade will become more valuable, and well worth preserving. Their loyalty must be beyond dispute, inasmuch as gratitude will be its guiding star, and every object, purpose, desire, and intention, will be more fully answered, than in the present disturbed state of affairs.

But in the bustle and shuffling for office, in the humbug, backbiting, and contentions of the few for the loaves and fishes, it is very doubtful whether such anticipations will ever be realized. The situation of English affairs strikes a stranger with astonishment. In place of that broad and open policy founded on the "eternal principles of justice," which might be expected in regenerated England, the most narrow-minded views seem to actuate her leading statesmen. All their aim appears to be in getting and maintaining personal power. Their empty dinner speeches show no lofty principle at work to rid their country of the corruption and rubbish of ages, and restore man to his own station in the scale of humanity. Such boastings of bringing forward half measures for good, and whole measures for harm, informing the public in their infinite wisdom that what is done one Session need not be done the next—coaxing the Radicals to allow them a little longer trial under the vine and fig tree of office, when they will reflect on the intricate problem of the Ballot, &c. All this is quite surprising to one expecting to find wisdom and dignity personified in his Majesty's Ministers. The speech of the Colonial Secretary in Scotland would more particularly attract the attention of the Colonist. His Lordship saw fit to ask sundry important questions concerning what "*we*" had done. "Have we not done this and have we not done that?" said his Lordship; but he did not by chance stumble on the affairs of the Colonies. Here would have been an excellent field for the dis-

play of oratory. He might have explained what *he* had done in *his* department—whether he intended to do a little more—and what he had left *undone*! No doubt there would have been great clapping of hands and immense cheering at the enlightened expatiation, which would have exalted him in his own estimation, if not in the eyes of the country. Such determined silence leaves little to be hoped for from him, and the prospect is really dreary and disheartening.

CHAP. V.

THE CLERGY RESERVES.

"Even whilst he felt himself perfectly desirous of establishing a permanent provision for the Clergy, he could not think of making for them a provision so considerable as was unknown in any country in Europe."—*Mr Fox on the Constitutional Act.*

THE Constitutional Act sets apart one-seventh of all the lands in Upper and Lower Canada, for the maintenance of a "Protestant Clergy." In England the Clergy of the Church of England possess competent endowments, at least for the support of their apostolic dignities. *They* do not complain, however much other persons may. In Canada they have a rich harvest before them, should they succeed in establishing their claims. They stoutly contend that they are the only "Protestants," and that therefore one-seventh of the Provinces of right belongs to them. But as the only true believers, they are subject to sundry persecutions in consequence of other denominations putting in a claim for a share. The Presbyterians, the Methodists, the Independents, and the Baptists declare themselves Protestants also, and urge their right to a part with much show of reason. The Episcopal Church, have, however, the possession, and that goes far to substantiate their case, were the manner of obtaining possession of lands in Canada not open to suspicion, and even something more. The haste with which these reserves are made way with, denotes not an entire confidence in what the future may turn up. They have been pressed rather closely, seeing that they have nineteen-twen-

tieth's of the whole Provinces against them. Hitherto they have stoutly held out, and if they have encountered the enemy of mankind right heartily, so have they laid about them among the temporal enemies of their supremacy. Not, however, after the English manner of attending public dinners and making speeches of an amiable nature, with the wine cup in one hand and pelting the table with the other—

“ And prove their doctrine orthodox
By Apostolic blows and knocks.”

These customs do not yet prevail, but the holy example will no doubt soon be followed, and there will be another argument in favour of their exclusively divine calling.

The Establishment at home may be bad enough, but should the Episcopal Church make good their claim to the reserves, the Colonies will be burthened on a far more extensive scale. The lucky fellows who obtain interest enough to don the sacerdotal robes, will have fine times of it. Let the other inhabitants complain of hardships and grievances never so earnestly, not a word will escape them except to inculcate loyalty to superiors, and submission to the Church. Feasting will supply the place of fasting—hunting the fox or hare will supersede the wearisome and self-denying chase of the Devil up and down the earth—the cup will be raised to the lips oftener than at present, but with no less fervour—watchings will be more the order of the night, when trumps and tricks will make up for trumpets and shawms—the scriptures will be fulfilled in the conquest of the scarlet ———, spiritual songs will be chanted in full chorus—benefices will make ruddy bonifaces—church corporations will increase the body corporate—all will be hey-day and hilarity, far eclipsing aught of the kind in England. A bright anticipation this for the expounders of the gospel, but it is rather doubtful if their hopes be entirely fulfilled. An awkward impediment exists in the stubborn Canadians being of opinion that the one-seventh of the Province would be much better placed under the control of a responsible government, than given up to these spiritual pastors and masters. Should that quantity of land be undivertable from Church purposes, they humbly urge that the greatest good would be attained by distributing an equal portion to each member of the congregation, as a kind of bribe to piety, by which their numbers would be vastly increased, the good be more generally diffused, and they would have the privilege of employing such as would preach with the greatest edification.

But as nothing has been done which cannot be undone, all except the bigoted adherents of the Church, and their pensioners

and dependents, are anxious that this splendid appropriation should be devoted to the general advancement of learning and to public improvements. Of course they are denounced as heretics, which, however, has no other effect than to kindle strife and animosity, and to make it a political question.

Mr Fox was willing to see a moderate allowance for the support of a Protestant Clergy set apart, but the startling enormity of the grant excited his notice at once. But all the aids to Toryism that Mr Pitt's fertile mind could devise were inserted in the Bill. Fortunately, however, he did not confine the grant to one Church, and that the Colonial Legislatures can divert the appropriation. This has long been attempted by the Assembly of Upper Canada, but, as may be presumed, to no purpose, with the Legislative Council in the way. Bills have for years passed the Assembly, supported by both Reformers and Tories, with scarce a dissenting voice, but like all other useful Bills, they were trampled on in the Upper House.

We find in history that the virtuous and humane Monarch, Henry the Eighth, when he carried into effect his plan of declaring himself Pope, commenced lopping off the Church properties in right earnest, which, as he was first Defender of the Faith, we are authorised in believing he did for its spiritual good, and not to put the proceeds in his privy purse. After starting on his own account, the sequestration was continued on a larger scale, until he scarcely left his opponents a foot of ground to stand upon. The numerous Statutes of Mortmain with which the Statute books abound, passed in different reigns, also afford proof of the necessity of guarding against the grasping power of the Clergy. No doubt they were quite as ready to avail themselves of temporalities wherever they could lay their hands on them, in ancient, as in modern days. They do not, however, seem to have had the opportunities of indulging in the passion to so alarming an extent. They were bad enough—but how are *we* to bear such burthens, when old bluff Harry kicked against a tithe of the imposition? * He had not to endure any thing like

* It is surprising none of the literary antiquarians have yet written commentaries on the works of the erudite Messrs Sternhold and Hopkins. Many latent beauties and sly hints no doubt exist in their poems. Their rhythmical simplicity, and the worshipfulness, and meeting-houseness of their pauses are admirable. Who does not perceive the allusion made in the following verse to Henry VIII's quarrel with Luther, or on his declaring himself Pope?

“ Now Joserum he waxed fat
And down his belly hung,
But notwithstanding of all that
Upwards his heels he flung.”

the impositions inflicted on the sinners of the present day, and from his saintly properties he ought to have endured much more. Notwithstanding his valiant belabouring at one time of the Reformer Luther, he afterwards partly came over to his doctrines, and seemed anxious to restrain Clerical licentiousness, and to confine the parsons to their proper sphere, beyond the temptations of the world.

The Statutes of Mortmain are rather suspicious memorials against Clerical single-heartedness. They almost convince us of some unnatural desire engendered by the contagion of a certain kind of priestly habiliments. The Aristocracy were at one time opposed to their impositions upon the laity. Their honesty of purpose may however be doubted, inasmuch as they took care to enrich themselves from the confiscations. Latterly they have entered into a compact, offensive and defensive, for mutual security, and hitherto they have succeeded in setting public opinion at defiance. Whether this will ever be the case cannot be foretold. They seem to have doubts themselves, from their furious threats and maledictions. The time may not be far distant when they will follow their great leader and prototype, Wolsey, into retirement, with the same heart-rending exclamation.

Among the grievances entailed by the Constitutional Act, none has caused so much disturbance as this insane provision for the Clergy. Were all denominations allowed to participate equally in it, the objections would not be renewed. In a country containing every variety of creed, the "voluntary system," they contend, is the only just one. It has not escaped them that the parson or minister is the last one who ought to live independent of his labours, because they ought to be of paramount importance to all others, and over-feeding does not contribute to energy and solicitude in the vocation. Compare them to the members of other professions, and where the one discovers an obesity of body and obtusity of intellect, the lawyer and doctor have none of their faculties impaired by idle indulgence. Were the parson and the lawyer to change situations, much good might be expected from the acuteness and zeal of the latter in making out his case in favour of Christianity, but the unfortunate client would suffer from the drowsy discourse of the former, in all probability. They cannot complain of ridiculous comparisons when their inordinate avidity provokes them. After all, the laugh is more at our own expense than theirs, for so long submitting to their unchristian and dishonest pretensions. The Canadians have unwillingly submitted in this as in all other cases. It is not the least item in the account now presented for settlement. The humbug of divine and vested rights answers no

better purpose than other Tory arguments. Were they capable of being put off in this way, they could lay no claim to freedom of thought, nor to any right for civil and religious liberty.

After long agitation, the Episcopal Church found it necessary to adopt an *expedient* to confirm themselves in the possession of the Reserves. They wished the Assembly to re-invest them in the Crown, which would afford them the opportunity of setting up the howl of the "Church in danger," and "no Popery," and by these means obtain a grant directly to them. Their intentions were at once discovered and defeated by the Assembly, who continued each Session to pass Bills diverting the appropriation for purposes of education and for the national advantage, which were as readily refused by the Council. Failing in this, they at length determined on securing themselves, and through the instrumentality of Sir John Colborne they obtained between seventy and one hundred thousand acres in the finest townships, which were set apart in rectories, and rectors appointed over them. Other of the Reserves were either sold or rented, and the money pocketed, or sent to England and put in a place of security. Such proceedings have brought that Church into still greater contempt, as well as their instrument, the Executive. They were not only in opposition to the often-expressed wishes of the people, but contrary to the reluctant opinions drawn from the Colonial Office, that the Reserves should be held in *abeyance* until a satisfactory disposal of them should be agreed upon by the Legislature. Notwithstanding all this, the Church have secured sufficient to justify them, as they think, to declare themselves the only *established* and true religion. Sir J. Colborne gave his consent shortly before leaving the Province, so that the weight of the country's displeasure could not fall upon him, and the Whigs have winked at the cruel deception. Their whole conduct on the question has been deceptive and unjust. When they held out to the Canadians the prospect of the Provincial Legislature coming to a judicious conclusion, they well knew, while the Council existed in its present form, and was made up of bigoted and ignorant Churchmen, no chance existed of such a settlement. As an indication of Sir John Colborne's merits in the affair, they have appointed him Commander-in-Chief of his Majesty's Armies in the Canadas, at a high salary, for superintending the operations of two or three discontented and truant foot regiments. Such protection may be boasted of in England, but it receives a different name in Canada. All those anxious for a separation, cannot but rejoice at this new inducement for it, and nothing can more facilitate the accomplishment of their views. Let loose the flood-gates of

religious animosity, and history proves you will have war to the knife. But those, like the writer, anxious for the connexion upon equitable principles, cannot but condemn in unmeasured terms such false-hearted conduct.

Were there any earthly arbiter, gifted with wisdom and authority to decide who is right and who is wrong in their interpretations of the Scriptures, there might be a necessity of declaring one particular church the true establishment; but vile lucre could in no way conduce to form or render it permanent. When the contrary is the case, it looks something like presumption and arrogance in one sect to declare themselves not only the favoured few of heaven, but entitled to the riches of earth.

In the New World, and in the present age of intelligence, the domination *will* not be endured. They demand liberty of conscience above every thing else, and will not submit to have others fashion their creed, nor support any church by compulsion. It is idle in the church parsons to think of stemming the tide. Centuries ago their claims may have been enforced, but the day has passed by for their temporal superiority, and they had much better apply themselves to the cure of souls than mix in party controversy in a shameless pursuit of worldly wealth.

The Tories have made numerous efforts to bolster up this claim to the Reserves, and have sent numerous agents to England; but among the Bathursts, the Castlereaghs, and Liverpools, none were found to favour their views so much as the Whigs. No rectories were set apart until *they* came into power, and those who think to gain their approbation to the abolishment of tithes and church rates, may learn from this how much can be expected from them. They will all be as ready to turn Tories as Lord Stanley, when the main questions are pressed upon them.

Dr Strachan, a wily old Scotchman, and the Archdeacon of York, has made several trips to England in the cause. He made certain representations much in his own favour, until by good luck they were afterwards disputed, and shown to be utterly absurd and groundless. What he alleged as facts were proved quite the contrary, and in attempting to flounder out of the predicament he was confronted with certain learned divines here, respecting his statements to them, and their evidence was far from being exculpatory. The exposure was made, that, instead of two-thirds of the inhabitants belonging to the "Church of England," not one-twentieth even frequented it, and that the public opinion was firmly set against their claims. The Methodists were mainly instrumental in ascertaining the true state of feeling, and one of their preachers, named Ryerson,* com-

* This Ryerson afterwards became editor of a Methodist paper called the

menced a furious war on the worthy Doctor through the public press, and was followed by many others, until an astonishing breeze was raised about his ears.

Although the Doctor did not make much by his trips to England, yet, being a member of the Legislative Council, he led on the attack against the Bills sent up by the Assembly, and had them tomahawked in a peculiarly dexterous way, he wielding the weightiest instrument on the occasion, like any cavalier of old.

In time another effort was made by sending C. A. Hagerman, Esq., the Solicitor-General, as an advocate of their interests at the Colonial Office. This gentleman had figured with some note in the Tory cause, possessed a good share of assurance, and was a sufficiently sincere Churchman not to be over-scrupulous as to the means of obtaining an end. The Church funds were forthcoming in a fee of 1200*l.*, and his Majesty's Crown Officer was to silence all the outcry against Mother Church, and utterly confound the malignant non-swallowers of the Thirty-nine Articles. As it happened, however, being a member of the Assembly, he had been instrumental in procuring a certain dispatch of Lord Goderich's to be kicked out of the House, because it recognized remotely the claims of the Colonists to redress. When, therefore, he arrived in England on his crusade, he found he was not in such favour as he had anticipated at the Colonial Office. He, in turn, had been sent about his business by order of his Lordship, who, however slow in redressing insults to the Colonists, was ready to create any confusion in punishing a personal insult to his own high dignity and the despatch of Mr Stephen. The ex-Solicitor-General must have been thunderstruck, of course, at the loss of office, and the difficulty was increased by the retirement of Lord Goderich on an Earldom, the present Lord Stanley having secured his place. His only course was to make his peace with the latter gentleman; and it is supposed a very little well-administered adulation answered the end, for in time we find Mr Hagerman reinstalled in office; and the partner of his contempt, the Attorney-General Boulton, who had also been removed, made Chief Justice of Newfoundland. No immediate effects were felt

'Christian Guardian,' in which both civil and religious liberty was for a time advocated; but, after obtaining a small pittance by the indulgence of the Church, he basely deserted his former principles, silenced his opposition to a State-paid priesthood, and became a malignant traducer of his former friends. The paltry sum received has been the means of dividing the Society of Methodists, and detracted much from their usefulness. It is gratifying, however, to know that this miscreant has excited the contempt and abhorrence of all good men, and that he cannot now do any harm. He is supposed to be lurking about London, and is the reported author of certain sycophantish letters which appeared in the *Times*, in favour of Head's administration. A fit advocate for him!

in the Colony from this amiable reconciliation, but no doubt the creation of the rectories was then agreed upon. The religious robbery of the best lands in Canada can as well be justified as the yearly profit accruing to a certain family from the Irish Establishment. Should the Church be enabled to retain their possession, they can afford another *fee* of 1200*l.* to the Solicitor-General, together with a handsome sum to his co-worker in their behalf, to be laid out in charities, &c. Notwithstanding the suspicious appearances, no one can suspect that fees were paid to any one except Mr Hagerman, for although in Charles the Second's reign the French King managed to bribe the whole Court and a majority in Parliament, yet those were days when it was necessary to have means in defending Mother Church against the attacks of the long-visaged Puritans, and the munitions of resistance are now more easily obtained. As further evidence, Mr Taylor, a clerk in the Colonial Office, does not make much mention of bribery and its effects in his description of modern Statesmen, although mendacity, dishonesty, and all manner of crime are charged against them. (The experience of the Canadians can corroborate Mr Taylor's assertions, if proofs are wanting.)

The dispute respecting the Clergy Reserves is not purely religious. They retard no less the prosperity of the Province than the growth of pure feeling and philanthropy. Were the land situated all in one block, the disadvantage would not be so great. But the choicest lots in each township are taken, around which the settlers have to make roads, without any impost on the land, although it is greatly benefited and increased in value. Nothing can be more discouraging in thus having their neighbourhoods cut up, and being compelled to labour on the highways, year after year, for the benefit of others, and most of all for Dr Strachan and his troop of parsons.

One great argument of the Tories is, that we are well off in not having tithes levied. But the same spirit of intolerance and avarice which renders them so anxious to perpetuate other religious abuses, would spur them on to the collection of tithes, were they not aware of having accumulated more now than they can possibly retain. When considered rightly, this substitute for church rates, tithes, &c. is far worse for the country than those inflictions would be. The people are more injured by being deprived of the resources which ought to flow into the public coffers from the sale of those reserves, which would be applied for improving and enriching the Province, than they would be by a more direct imposition. It differs little whether they pay money as contributions or taxes, or in any other way, so long as it is applied to enrich the few, or is appropriated for the domination of one Church.

Notwithstanding the attempts to bribe to silence other congregations by doling out to them a miserable pittance until the whole is safely in their clutches; notwithstanding their success in dividing some congregations, and purchasing such as this Ryerson, before mentioned, nothing can be more certain than that what remains of these immense estates must shortly be turned into the proper channel. The fact that the parsons are fast making way with them, will not allow the question to be evaded. Sir J. Colborne had good reason to dread public indignation by undertaking the setting apart the rectories, and therefore it was not attempted until a short time previous to his leaving the Province, and scarcely known before he was out of it. The name he now bears is not an enviable one. Sir F. B. Head has, however, nothing to lose, public opinion not seeming to trouble him much; and he is open and straightforward in furthering the views of Dr Strachan, Mr Hagerman, and Chief Justice Robinson, whose company he is so proud of enjoying. A meeting was got up at the worthy Doctor's instance, last November, in the metropolis, in which an address was passed to the little gentleman, claiming his "*powerful*" assistance in favour of their exclusive and unjust pretensions. His Excellency, among other things, assured them "of the regard and attachment he "naturally entertained for the Clergy of the *Established Church* in Upper Canada." Now this is saying more than many have of late dared to say. The Colonial Minister and the Tories have not pretended that the Church was "*Established*," but that the term "*Protestant Clergy*," used in the Act, may fairly be said not to mean the Episcopal Clergy alone, and therefore the question has been left open for decision to the Legislature, which has not yet come to a determination. With such a reckless and fool-hardy character for Lieut.-Governor, who does not require the advice of an Executive Council—not he—the ferment must necessarily increase, as it ought, until the parsons find their hopes of an establishment and beds of clover as futile as they are ridiculous and unchristian.

Were the Church alone anxious for the dissemination of its tenets and the conversion of sinners, a bright example is set before them in the United States, where, on the "voluntary system," it

"Hath flourish'd—flourisheth this hour."

But filthy lucre seems necessary, by their own showing, for the maintenance of its station here; a foundation as sandy as its greatest enemies could wish, and one on which not much dependence can be placed when the storm cometh, unless certain ancient authorities are gone out of date.

CHAP. VI.

KING'S COLLEGE CHARTER.

ANOTHER of the aids to Toryism was the Charter granted in 1825 for an University after the most approved Oxford and Cambridge model. It is endowed with 225,000 acres of valuable land, and the *Venerable* Archdeacon Strachan is made the President. This University is essentially necessary in the Province, but not according to the provisions of the Charter. Its intolerant character will render it entirely useless for the purposes intended, nor would Dr Strachan make the very best President. Owing to the petitions sent from all parts of the Province protesting against it, as well as the illegal appropriation of the Clergy Reserves, the Provincial Parliament have been "invited to consider" in what way the University can be best constituted for the "general advancement of the whole Society," using Lord Goderich's terms. This invitation lays the Colonial Office open to the same charge as on the question of the Reserves, viz. that of knowing the utter uselessness of attempting legislation by the representatives of the people so long as the present Council exists, and of taking no means to remedy the difficulty. Such invitations are trifling and insulting, but the University has been prevented going into operation thereby. Yet the funds are being appropriated, and only the greater calamity is avoided. Bills have yearly been sent to the Council amending the overbearing and sectarian clauses, and there they have found an end. The Charter was first obtained by Dr Strachan as a prop to the Church, and he will not allow it to be altered contrary to his original intention. With six of his former pupils, besides the Bishop, in the Council, all hopes of successfully overcoming him there are abandoned.*

* This learned Divine is a Scotchman, and still reads the English service in good broad Scotch. He commenced his career as a schoolmaster in the small town of Cornwall, and, becoming notorious in the dexterous use of the rod, obtained a number of scholars from a distance. In the many attacks made upon him he has been accused of making application for holy orders in both the Kirk and the Church, but finally decided in favour of the latter on account of the higher salary. By dint of cunning, industry, and some ability, he succeeded in getting a living in the metropolis, and became a flatterer and favorite of the Court. He has been a kind patron to many of his pupils, and

So long as they can use the funds, perhaps it is no matter either to them or to the pious countryman of the Doctor's in the Colonial Office. No matter whether the youth of the Province are educated or not, unless they subscribe to the Tory faith in politics and religion. The people do not admire these doctrines. They insist that all shall have free access to the halls of science, where intellect may work out its superiority and assert the only true supremacy. Blockheads would not then rise above their level by the patronage of a few Legislative Councillors, who occupy stations they dishonour by the indulgence in vulgar prejudices and wicked partialities, and most of all on those questions with no other bearing than to expand and reform the mental faculties. Such men would oppress the conscience of the student in first entering on his studies, and afterwards confine his attention to a few orthodox volumes, as if there were not a world full of knowledge before him. Considering their own ignorance, their presumption is monstrous, and well deserves the animadversions of both the learned and the unlearned against the nuisance.

CHAP. VII.

THE LAND-GRANTING DEPARTMENT.

IN a country with such natural advantages as Upper Canada, it is not surprising that the attention of monied men and speculators should have been directed to the wild lands at an early period.

When General Simcoe first arrived as Governor, and for some time before, the invitations and bounties held out to settlers in proclamations and otherwise, were the means of inducing many to resort to it, both from countries beyond seas and from the

obtained them lucrative and important stations under the Government. In the mean time he did not neglect himself, but laid up a goodly store of worldly gear against accidents. In a speech made lately at some country town he complains of not being made a Bishop! This deserves the notice of the Whigs. The Doctor is one of the Provincial Literati, being deep in divinity, political economy, and the science of numbers. He is, moreover, a philosopher, and stout on the subject of phrenology. He once delivered a lecture on the latter, in which he informed the world he was only a half-believer, but that every fish should hang by its own tail.

neighbouring Republic, at that time but eight years free and independent. The high laudations of the Constitutional Act, the *epitome* of the British Constitution, served to dispel any dread of tyranny in the form of government. The inhabitant was led to believe his rights and liberties would be strictly watched over, and that he would be every way as free and untrammelled as the greatest stickler for agrarian justice and equality could wish. Such flattering accounts left very little to choose between the Colony and the States of the Republic. This was the dawn of what promised a prosperous and happy state of things, and we do General Simcoe the justice to believe he had an ardent desire to make a propitious commencement. One man's exertions in a good cause are, however, liable to be baffled by a combination pursuing a different course, and this was the case with him. The settlers who come in under his proclamations were advancing steadily to wealth, and their prosperity served to induce others to follow their example. But, at the same time, it gave encouragement to a scheming set of men to attempt to turn the gracious intentions of his Majesty to their own private advantage, in which they were but too successful. Individuals were obtained by the month to draw lands and make the settlement duties, and after the deed was issued to give transfers to their employers, just as the settlement duties, since then, on U. E. rights, have been evaded. An easier and cheaper plan was afterwards adopted by a trick on the Lieutenant-Governor. It was represented to him that so good a commencement having been made, the bounty was no longer necessary to attract settlers, but that they would continue to flock in, although a price were set per acre, with reasonable terms of payment. That the revenues of the Province would thereby be increased, not for them to squander of course. The foremost in giving this advice were those who had taken advantage of the times to accumulate large and valuable tracts, which could not be disposed of when free grants were made by the Government. In giving this advice they could lose nothing, for although, by withdrawing the bounty, a check might be given to emigration, and prevent either themselves or the Government from making sales, yet if such policy were a failure they could recur to the old system, and be enabled to monopolize more than formerly. In time this advice was acted upon with the most injurious results. The spirit of emigration died away—the newly laid-out states offered greater temptations—the Oligarchy were beginning to close round the Government Councils, threatening no good—complaints began to be heard—these, with other causes, served to darken the sky which but a short time before gave so much promise. The speculators were

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mistaken in their first plan—and not being able to sell, they contented themselves with increasing their store by purchasing at a mere nominal value the very lands which had been laid out formerly as presents to those who became actual occupants. This increase to the treasury was insignificant in itself, but when it was only put in for the sake of being filched out again, no benefit whatever accrued. But the injury in the stagnation of emigration and in the monopoly of land cannot be computed. The U. E. Loyalists and their children were entitled to land, but the most grinding restrictions were imposed on them before obtaining their deeds, in the shape of settlement duties, and those who had not at first made locations were driven into distant townships, leaving the gift of not much value in their eyes, and all the better for the speculators, by whom the right could be purchased cheaply and made of service. These plans of enriching themselves, to the infinite detriment of the country, were principally carried into effect by the office-holders, whose enormous salaries, fees, and perquisites, enabled them to lay out money, when a scarcity in the circulation gave none others the same chance. Incessant applications were also made for free grants, either as presents or in recompense for imaginary services, and in the loose way of conducting affairs they were not refused. Surveyors were dispatched, and the finest lots and water privileges secured without any hindrance throughout the whole Province. The books (if they are not *burned* by accident!) of the Land-granting Department will present as great an amount of fraud and knavery as any Reformer may wish to use against the Oligarchy. These were glorious times. The Constitution was the perfection of wisdom, and the Lieutenant-Governor for the time being was all that could be desired. Such iniquitous schemings and connivings cannot be too indignantly reverted to, as unhappily they have not yet been discontinued.

Those who succeeded Lieutenant-Governor Simcoe were not so scrupulous as he about enriching themselves. Seeing how things were managed, they thought not so much of applying the remedy as aiding in the devastation. They accordingly made grants to others that were afterwards transferred to themselves or their children. Some, indeed, did not go through this form. One Lieutenant-Governor, by the name of Peter Hunter, made a direct grant to himself. "I, Peter Hunter, Lieutenant-Governor, grant to you, Peter Hunter, Esquire," &c. not even deigning to use the name of John Doe or Richard Styles, so shameless had they become in dividing the spoils, and so utterly careless of public opinion. These slight indiscretions were hailed by the cormorants as forerunners of future good to themselves. In thus

having the Representative of the King involved as an accomplice, they could dictate their own terms as the price of secrecy. The people had no means of knowing how matters stood, except through their Representatives, who generally engaged in the plot and betrayed their trust. The keys of office were held by themselves or friends, and no admittance to their secrets allowed except to the initiated, whose favourable out-of-door statements could be relied on. Never since the Norman invasion of England was there such a wholesale partition of plunder; and now they expect, as Tories, to be the idolized paragons of virtue and honesty, and regarded as the only staunch supporters of rational freedom and the "*Constitution*."

Becoming glutted with spoil, at length encouragements were again held out to settlers, with more or less success down to the commencement of the war with the United States. At its close, when the army was disbanded, rewards in lands were distributed in the most partial manner to a certain portion only, when all were deserving. Here the speculators had another opportunity of collecting large quantities of land by purchasing these rights, the most favoured of the Executive obtaining the best locations. Old soldiers who had served in all the European wars, and repaired thither in expectation of enjoying peace and comfort the remainder of their days, found they had to commence a new life of labour under every discouragement, being surrounded by the immense tracts accumulated in the manner before-mentioned; having to cut roads around them as well as the Clergy reserves; shut out from forming extensive neighbourhoods and increasing the value of their lots, many became involved and distressed and fell an easy prey. Driven from their possessions by traders, lawyers, and speculators, and becoming dependent on those who would give them employment, they had no reason to bless the clemency of the British Government, nor the prevailing system of Toryism in Upper Canada.

The monopolists, not ten years since, were destined to meet with a serious rivalry from certain London merchants, who, ascertaining the chance opened them for speculation, by some extraordinary and unaccountable means obtained a Charter, under the title of the "Canada Company," and got possession of upwards of three millions of acres, a part of which is left in the hands of the Government until claimed, to avoid the payment of taxes. This Mammoth scheme has quite eclipsed any thing before known, and already gives warning of becoming most dangerous to the country. No doubt London merchants have as much right to push their fortunes in North American lands as in South American mines—but their Charter is illegal and void, notwith-

standing the concurrence of the British Parliament, and the bargain of the Colonial Secretary. Since its establishment, in conjunction with the Canadian Tory speculators, their influence has been anything but beneficial to Upper Canada. So much territory being out of the hands of those who ought to control it under the proper responsibility, that encouragement has not been afforded to Emigrants which they receive from the neighbouring Republic.

At the present time the Canada Company hold their lands from 8s. 9d. to 15s. currency, per acre. Speculators join in keeping up the price, and the territory still left under the Executive control, by the contrivance of the Oligarchy, is sold at the upset price of 10s., so as not to underbid the Company and individuals. These are exorbitant and unjust prices, imposed by the Government on the new comer, and turn thousands towards Michigan and Ousconsin, where the Government has the disposal of public lands, and sets a regulated value upon them, not exceeding 5s. or 6s. 3d. per acre, giving, at the same time, advantageous terms of payment.

Under all these discouragements there is yet room for improvement. The Clergy Reserves, school lands, and others remaining for public disposal, if put under a well-regulated board, made responsible, so as not to squander them partially to favourites, and the prices made to correspond more to those of the American Government, would quickly tend to bring about a favourable change under a good Government. It will be recollected that Sir Francis B. Head *admits* the right of the Executive Council to advise on the Land-granting Department; but owing to the violation of the Charter in not rendering it responsible to the opinions of the people, the consequences are what will ever naturally follow. The Hon. William Allan, one of the special Councillors chosen by Head after dismissing the Liberal ones, is one of the two Commissioners of the Canada Company, receiving a salary from them, and therefore bound by every means in his power to further their interests. Since the resignation of Mr Galt, he has acted in this capacity, and it is *his* interest to support the interests of the Company at the expense of the Province, which is accordingly done in holding the public lands up at a higher price, and giving them the advantage in the sales. The Hon. John Elmsley, who, after being a lieutenant in the navy, finally settled in the Province, is another of the new Executive Councillors. He is considered the greatest private speculator among them at present, and it is also his interest to hold the public lands as high as possible, so that he, with others, can underbid the Executive. Now, if the Canadas had responsible Governments, this would not be the case. Every thing would be equalised to

their neighbours, and their natural advantages would give them a vast preponderance over the States of the Union. This exclusive system drives every man acquainted with its workings from the country; whereas the liberal policy would give those who have suffered at home nothing to dread abroad. Without such policy it is vain to think of perpetuating British feeling or extending British settlements. It cannot be done in opposition to the experience of the emigrant, who flies from bad government to seek a new state of things; and however much the Ministers may plume themselves upon the quiet, negligent demeanour of their English supporters, their neglect abroad arouses a different feeling where personal considerations and intriguing party-schemes have no weight.

Sir John Colborne, in his contests with the Reformers, dwelt greatly on an extensive emigration, to instil "*Loyalty*" into the very heart of the country, and through all its veins and arteries. It only showed his absurd old Tory notions, and that he could not fancy the slightest objection to what he thought the "perfection of wisdom," the "pride and admiration of the world." The system under which he had grown up and been supported, was considered perfect and incapable of any improvement, and any innovations of the Reformers were thought impossible under the strong Tory resistance. He was miserably mistaken; a natural result in an exclusively military man attempting to interfere in civil affairs, which he knew nothing about. He supposed every emigrant in the Province must be by nature a Tory; but instead of this he found Reformers even among those who had advocated Tory politics at home. They had experienced their ill effects, in being obliged to emigrate; and they deemed it no discredit to them in insisting upon a responsible and liberal Government, the only one to advance their interests, when they were beyond the scene of their former misfortunes.

Large sums of money were expended by Sir John out of the Provincial Treasury, for the purpose of placing the poor emigrant upon lands sold to him on credit. By this credit he was placed completely in the power of the Oligarchy, and as a matter of course, this was used to coerce his political opinions in their favour. Where the trembling pauper would not readily concede to the power of dictation, after having thus passed under the yoke, he was threatened into it by the production of some of his bills drawn at short dates, for the purpose of being so used. Should he continue obstinate, the steel collar was at once applied, and he became a slave, more degraded than the vilest in the Southern Republics or the West Indies. Some who read these pages may indulge in the pleasant reflection that many of their

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friends are thus situated! But this was not all. A few, who were sent into the uttermost extremity of the backwoods, from sickness and debility, actually suffered starvation! The horrific detail was given in evidence before the Committee appointed to examine into the subject by the last General Assembly. Gladly does the writer recur to the general mode they adopted to throw off the load of debt and misery. It were a gross libel on the British character to suppose many, laying a claim to it, capable of submitting to such outrages. Thousands soon began to be enlivened by sounds of happiness beyond the borders. Reports reached them of peace and plenty, out of the reach of Tory oppression. They heard of the reception their countrymen had met with, and the consolations of hope began to revive. They left in bodies for the Republic, their promissory notes remaining in the Commissioner's pigeon-holes, and stepping on the shore of Freedom, they found every man a countryman, speaking the same language, of the same habits of life, and less ready to tyrannize over than befriend. In the wild tumult of joy it is not surprising that they should no longer remember the sage lessons instilled by Sir John's agents, of "*loyalty*" and "*passive obedience*," nor cast a lingering look to the country they had deserted. They ceased to be British subjects! and oh! the curse,—the withering curse, which the circumstance reflects upon the Whig-Tory domination. No man, with the least pretension to feeling, can deprecate the course they pursued; but how much has not such necessity injured the growth and prosperity of the country?

Sir John and the host of parasites were of course mightily chagrined at their failure of introducing what was termed "British feeling;" but the good Samaritan would disregard the epithets of "traitors," "renegades," heaped upon them, and bid them health and God's speed wherever their fortunes might carry them.

The Canada Company, it seems, were also put to inconvenience by their settlers leaving their lands. Colonel Van Egmond, one of the emigrants to the Huron Tract, in his evidence before a Committee of the Assembly, says—"From the best information I can obtain we lost from 250 to 300 families, who chiefly settled in Michigau and the other States, because the Company neglected them." It is lamentable to lose so many industrious inhabitants and subjects—but neglect and oppression may soon lose a much larger body to the nation, who may not be so well disposed to quit the soil! Instead of flying from tyranny, possibly it may be glad of the chance of flying from them! When thorough-bred Englishmen, who are wont to sing "God save King" in full chorus, are driven to such extremities, what

may you expect from the Canadians, who know nothing of him, except through the bad acts of his Ministers?

While Sir George Murray was Colonial Secretary, he sent a Commissioner to the Province to enquire into the Land-granting Department, but it is presumed he had interviews only with the official gang. Assuredly he was never seen or heard of by the people. Nevertheless, he testifies to "the value to which this beautiful Province might have been raised under a more economical management of its land resources." As there is no chance of amendment under the present irresponsible and corrupt Government, the fear of their soon appropriating all to themselves will not allow the Canadians to lie idle. The crisis has arrived when lukewarmness is crime on their part. Head, to carry his infamous schemes into effect at the last election, is supposed (although, from the secrecy preserved, the precise number cannot be ascertained, except by the investigation now pending) to have ordered 7000 deeds to be issued. Probably the number is under rather than over-rated. As the affairs are now conducted, any number of voters can be made in each county, taken from the kennels of office, to put down the free and independent voice of the substantial and real landowners of the country, and expel any dreaded candidate. The Tories still say the Government is perfect! But they will not fight to support it; and after this season, if all else prove abortive, it will require thus much at least!

CHAP. VIII.

THE SCHOOL LANDS.

So determined were the official party to monopolize every good thing, either directly or indirectly, that any provision capable of conferring a benefit on the people was immediately appropriated to their own purposes, or nullified so as to be of no utility. Their plans were not only to exalt themselves, but to crush whatever had the remotest tendency to cross their ambition, or contract their sphere of importance. Thus they would allow no rivalry in religion; none in the higher branches of literature and science; none in matters of speculation; and they even went so far as to bring within their rapacious grasp the charitable donations for the

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support of free schools in each district, and the education of the children of the poorer classes. Ignorance is the life and support of Toryism. On it they depend alone for existence. When the rays of knowledge penetrate the obscurity, Toryism departs, never more to return. It is the merest Vandalism, which spurns the contiguity of the arts and sciences, and tramples under foot the efforts and perfections of mind. Some may be Tories from interest, whose minds have been enlightened, but its foundations are ignorance, superstition, and all the vulgar passions. Hitherto Toryism has attempted to hold its ground in Canada, by withholding all means of education to the people; and it has accordingly robbed them of those grants set apart for their especial benefit by the King. That party have endeavoured to put down schools altogether, except what were under their especial control, but fortunately their attempts have not succeeded. By their own exertions the inhabitants have sustained institutions of knowledge, but the opposition and discouragements they meet with justly call forth their indignation against the inhuman policy standing in the way to a more perfect system of education.

An infamous plan was concocted of establishing only one school in each district, and calling it the "District School," although none but the officials, and those residing in the district towns, could derive advantage from it. A salary was received by the teacher from the Government, but the tuition was still held up high, and all were placed under the superintendence of Archdeacon Strachan, who of course received a high salary for thus managing the education of the young Tories. The first batch under his peculiar eye at Cornwall had managed so well, that the market was to be kept supplied. While the mania for destroying machines raged in England, a waggish message is reported to have been sent to one of the learned masters at Harrow, threatening the destruction of his *thrashing* machine. Had the threat been made and carried into execution in these schools of the worthy Archdeacon's, the young candidates for Tory honours would be greatly delighted, as the doctrine of "spare the rod and spoil the child," is there fully understood. The renowned historian, Diedrich Knickerbocker, stands alone in deeming worthy of profound notice, the tribe of Van Higginbottoms of Wapping's creek, the first "who discovered the marvellous sympathy between the seat of honour and the seat of intellect, and that the shortest way to get knowledge into the head was to hammer it in." Whether the Doctor be one of this tribe, or only a disciple to their philosophy, makes very little difference; but he certainly has achieved wonders as the great Apostle of the rod. He professes to do more with one stick than was ever imagined by the old man with

his bundle. He has worked to some purpose in getting six of his pupils in the mock House of Lords. We do not object to his keeping them in order there, but his superintendence has been deleterious over the district schools. The people suspect everything coming through his hands, and would be prevented sending their children, did the expense not otherwise deter them.

A miserable pittance is allowed each township for the purpose of keeping all quiet, but no good ensues from the paltry distribution.

Forty years ago a munificent grant of lands, amounting to half a million of acres, was made by Mr Pitt, for the support of Free Grammar Schools over the whole Province. This was kept a profound secret among the officials until very lately, and when it became known the hand of the destroyer had been here also. 225,000 acres had been illegally transferred to Dr Strachan's Sectarian University, and the remaining 275,000 acres were secretly exchanged with individuals for others of an inferior quality, situation, and value. This is another instance of the rapacity of the officials, calling for unmeasured censure and reprobation. No doubt their own interests were served by exchanging their worst lands to so good an advantage, but where is their honesty or piety in thus defrauding the poor of their birthright? These are the men who are wont to impute ignorance to the people, and it cannot be denied that they have done all in their power to make the charge a valid one. This mode of upholding their power has not yet, however, been successful. Such an exposure is sufficient of itself to work their ruin, had not the evidences of their guilt been before so abundant as to leave any new indications of little consequence. Of course a restitution of the unlawful seizure forms an item in our demands for justice, and no doubt when the other concessions are made, this will not be overlooked. They may claim the lands as "vested rights," in the same way that all their other claims are put forward, but it would be curious if such a mode of coming into possession conveyed any other property than that which impudence and usurped power maintain. Many are of opinion that a violent revolution is the only way of settling these fellows, but they pay but a poor compliment to the majesty of British intervention, although under such Colonial Secretaries as have lately exhibited themselves, good reason may have been afforded for the inadvertence. The besom of Reform will be sufficient to cleanse the den of iniquity, but it will require to be a stiff one, and in good hands.

CHAP. IX.

THE CANADA COMPANY.

ONE of the principal aphorisms in the Tory creed has ever been "a national debt, a national blessing,"—or, in other words, "the nation's poverty, our own advantage." This has not only been a standing toast in England, but their outriders and scouts in Upper Canada have adopted it. A national debt has been commenced there, but with a singular deviation from its mode of contraction in England. Instead of borrowing the capital in their own country, they have gone to rich foreign houses for it, thereby defeating the intention of binding all the provincial capitalists snugly to the chariot wheels of the Government, and confining the expenditure of the interest in the Colony. Not only have they striven to mortgage the Province, but, as before shown, they have attempted to secure its best sections to themselves, the Canada Company, the dominant Church, and sectarian University. What remains is scarcely worth redeeming from the London pawnshops, without security for a better state of things hereafter. There were certain inland tracts too remote to excite their cupidity, which would in due course, however, become valuable as a source of public revenue. True to their imported creed of national poverty, these must necessarily be alienated into private hands. The Joint-Stock Company was encouraged, therefore, in making the purchase. The game was understood too well by an unreformed House of Commons to render the Charter difficult to be obtained. 2,000,000 of acres, spread through every district in the Province, and 1,100,000 acres in one block, called the Huron Tract, were made way to this Company at a merely nominal value. What must appear monstrous in this job, beyond the mere plan of speculation, is, that they have contrived to escape taxation on nearly all, while other lands are liable. The Government have connived with them, and taxes are only collectable on the surveyed townships of the Huron Tract, while all unsurveyed in that tract, besides the 2,000,000 scattered acres, are free. Never was there a job of greater injustice and magnitude perpetrated in any colony. We have shown its injurious tendency to retard the settlement of the Province; nor does it exercise a better effect on the condition of the

people. The Tories of Upper Canada had an eye solely to their own power in bringing the country to poverty, and in encouraging the formation of this Company. The lands were given free from taxation to excite their avidity the more strongly, and by holding up to them the Reform party as opposed to the infamous favouritism and preemption, and opposed, as they are, to the existence of the Company altogether, their influence and aid would be given to them as a matter of *business*. It is presumed the compact, offensive and defensive, was entered into upon equal terms. The Tories had need to advance something in obtaining support to so bad a cause. Accordingly they are willing to be underbid in public sales, and they consent to allow the Head Commissioner of the Company to be the head man in the Executive Council. The Colonial Office, we fear, have something to answer for here. Sir F. B. Head, from having been the agent of speculators in South America, was the very man for their interests in the North. This was, perhaps, an urgent reason for his being sent out, and the mystery cannot be explained more satisfactorily. True to his employers, another of the Executive Councillors, R. B. Sullivan, Esq., was shortly made sole Commissioner of Public Lands, and another good man and true made Surveyor-General, although hitherto he had been a humble Postmaster, and knew as much of surveying as the faction do of honesty. In consideration whereof the Company have employed their whole force in aiding the Tories. Stout and valiant pamphleteers have entered the field at their bidding, at the head of whom may be reckoned Dr Dunlop, who let fly an uncommon volley at all *Yankees*, rebels, and Jacobins. The Doctor being possessed of a lively imagination, among other hideous stories to raise an outcry against the poor *Yankees* in Kentucky, described them as Negro hunters to all intents and purposes, thundering after the poor black with wonderful vim, and running him up a tree, bear fashion, in order to bring him down with clubs, stones, brickbats, and all other missiles capable of being impelled with good emphasis. John Bull's hair must have bristled at the very relation of such unexampled feats. The *Yankees* have never forgotten the day such a lashing was bestowed upon them, but they ought not to take it to heart. The Canadians suffered under the Doctor's severe displeasure as well as themselves, and they have less to encourage them in putting up with it. Enough has been written against them to send all to Botany Bay, if not to the Huron Tract, were every charge made good. When Tories write of Reformers, their muddled lucubrations are generally dictated by the same spirit as Satan's address to the Sun; but the Devil himself cannot equal them in foul language. These mutual exer-

tions answer a good purpose for both parties, and the virtuous compact will no doubt increase its cash receipts, although their credit may not be extended.

The Company's mode of treating the settlers, according to the evidence of one of them, Colonel Van Egmond,* can have no tendency to increase the number, and this affords another argument against a private, and in favour of a responsible public department in disposing of territory. The profits of the concern being taken out of the country, forms another argument against the monopoly. Were these lands under the control of a well-appointed responsible Land Board, the benefits to the country would be incalculable.

As this Charter was granted by Tories—is against the wishes of the Canadians, and is strictly a violation of good faith towards them, its repeal is called for upon equitable terms. Its existence is at variance with their constitutional rights, and having such dangerous powers, it is a national evil. Undoubtedly the British Government have as much right to sell the whole Province to the Grand Mogul, without the consent of the inhabitants, as dispose of this large tract. Sooner or later the Charter must be annulled, and the quicker it is set about the better. Stamp Acts were nothing in comparison with such impositions.

CHAP. X.

THE LAWS OF PRIMOGENITURE.

"The office of mediator between the People and their *Superiors* (whether theological or political), is pretty well understood to consist in plundering them for their good: and the absurdity of balanced powers in a State has been reduced almost to a demonstration. It is now matter of experimental knowledge, that an Aristocracy in Constitutional Governments must either possess itself of the whole power of the State, or be content to follow in the train of the People."—*Lady Morgan's France, in 1829 and 1830.*

In attempting to re-establish an Aristocracy in Canada, and divide society into classes where all were equal originally, many diffi-

* His evidence may be found in the "Grievance Report." It is too long for this production.

culties were found in the way, sufficient to discourage the most headstrong and determined. The old Aristocracy of England, from whence the example was taken, was not formed in a day nor a century. It did not proceed from legislative enactments, but sprung up out of a state of anarchy and strife for power. Of late years it has been found imperative to "infuse a portion of new health into it, to enable it to bear its infirmities," and recourse has been had to parchment. Among all the plans to array a strong body against the interests of the people, this is the simplest and most effectual. Where any individual displays a sufficient portion of bigotry, uncharitableness, and obtuseness, he can at once be put in a place to exert them to the utmost advantage, without the delay of looking into his pedigree, or ascertaining if he can trace even a name to any of William the Bastard's adventurers. This expedient being brought into force in Canada, ought to satisfy the enemies of responsibility, without calling in collateral aids. But no. Tory institutions are threatened with a fall, and require all manner of propping to prevent the wide-spread ruin. A little of the old *regime* leaven must be kept, if not for use, for the sake of appearances. Certain distinctions, according to the Laws of Primogeniture, are necessary, which in the course of eight centuries may produce Constitutional results. This plan would be more tolerable were it confined to its admirers alone, and might not work much mischief. But with the other aids to Toryism introduced, the English Laws of Primogeniture were imposed upon all classes in Upper Canada, contrary to their wishes, and contrary to the voice of humanity.

The laws of Nature never ordained such distinctions, and the mere date of birth has no influence in forming the character. The innovation was unauthorized and inhuman; dictated by a calculating and cruel spirit, calling for unbounded execration.

The commentary on Primogeniture can be read in the estrangement of family circles—in the divisions and enmities of kindred—in the mourning and desolation where was once the happy home.

But sufficient has been before advanced to show that right feeling forms no part of the Canadian Tory's character. "Divide and conquer" is their motto, in stirring up religious feuds through Orange Lodges and Established Churches, and it is also carried into private life. They are anxious to put father against son, and son against father—brother against brother—friend against friend, so that no family compacts can be maintained to aid in the destruction of their power. What care they for the misery engendered, when their unhallowed lust of gain and their political existence demand the sacrifice? Their persecutions of their

political opponents—their public and private plunderings—their fondness for arbitrary power—betray an entire absence of all noble feeling. Nothing can be expected from their compassion, but they have much to dread and shudder at in the might of combined desperation.

The moral and political evils of this law have been severely felt. Wherever the eldest son has inherited all the estate, the cases are rare that lamentable consequences have not followed. The chances of the younger members of the family being thrown beggars on the world, and the fortunate one becoming purse-proud and haughty, leaves little of forbearance to be expected on either side. In England the *Aristocrat* is expected to stand up for his order against all other rights, while the *Democrats* have the church, the army, navy, and other resources of livelihood alone before them, unless they have spirit to eat the bread of independence in the ridiculously-termed lower walks of life. In Canada, the eldest son, by being patronized with the honorary offices, and flattered into a community of feeling, is expected to join the Oligarchy; while the others are considered more open to corruption and the official crumbs of comfort, than they would otherwise be. The same results are sought as in England, and in too many cases successfully. But still the force thus obtained is weak and insignificant. Were the political acquisition of service, nothing could justify the continuance of the law at the expense of all the domestic virtues. Independent of these, the interests of the country demand a gavel-kind regulation. The inhabitants are as little divided on this question as on that of the Clergy Reserves. For the last twelve years, successive bills for the equal distribution of intestate estates have passed the Assembly, and only met resistance in the Council. Multiplied examples might be given of the excellence of such a law in Europe and America, and within the realm itself, but it does not require the support of precedents.

CHAP. XI.

VOTE BY BALLOT.

THIS is a question of such acknowledged expediency and necessity in England, that time would be lost in repeating the oft-repeated arguments in its favour. There are circumstances relating to the

subject, however, connected with the object of this production, which will not justify passing it by without observation.

Since the Constitutional Act first came into operation, and since the Oligarchy first laid their plans to monopolize all the properties, offices, and dignities, they have ever shown a jealousy towards the House of Assembly, and an active anxiety concerning the election of its Members. Although the Representatives of the people have no power of themselves to enact laws, they may do a great deal to annoy the enemy by exposure and remonstrance. By introducing the rotten borough system, opportunities were afforded them of using the same modes of getting their partisans returned as were used in England. In the counties their influence was less felt, but a different species of villany was here adopted. Candidates were put forward who would make specious promises—profess admiration of popular rights—proclaim adherence to the leading principles of Reform and retrenchment—declare themselves ready to protect the privileges of the Commons against Executive encroachments—in fact, bolt any test put to them, but who were at the same time closely allied to their party, and after making a show of liberality for a season, would go over to them upon some frivolous pretence, or without any at all. By means of such promises, the influence of the banks, the local official establishments, and by threats, falsehood, detraction, bribery, and, last of all, riot, their schemes were not unseldom successful. Where the people could not be cajoled, trials were made upon the virtue of the Representative by large promises, and all other means of corrupting him, and there is a black catalogue of those who have yielded to those temptations, and fallen from the high estate in the hearts of their countrymen. These are all modes of supporting party, suggested by the superior wisdom of the old Tory days. The proper majority must necessarily be obtained, and the manner of obtaining it was never thought of after the days of election. Everything was made to work in their favour. The polling-places were confined to one in each county—the time of receiving votes was shortened—returning-officers were appointed by the Executive—oral voting insisted on, and the examination into the qualification conducted at the time—all served their ends, and of course the Ballot, striking at the foundations of their power, was not precisely what would suit them.

According to the present Election Laws, no one is a voter in the counties without he has a freehold of the yearly value of 40s. sterling—been in possession, by conveyance, for a year, or had his deed registered in the county registering office upwards of three calendar months. Coming into possession at

any time by devise, inheritance, marriage, or *grant from the Crown*, gives an immediate franchise.

To discover fully the iniquity of those laws, particularly respecting the Crown grants, it is only necessary to have such Representatives of the Crown as Sir F. B. Head.

On any occasion the Government can divide one lot, as has been done, into quarter-acre lots, and present deeds to any one voting in its favour, and the Election is carried. Under such circumstances, the wonder is how any liberal man ever obtained a seat. The greater wonder will be how the people have managed to remain quiet under such an intolerable curse. The Executive Council, Legislative Council, and Assembly, thus being at the beck of the Oligarchy, it will be difficult to name the description of freedom they enjoy. The vote by Ballot would at least secure something to them in the House of Assembly. If the Executive *would* issue deeds, the fraud might not extend so far, because the grantee would be apt to condemn it, and vote according to his conscience. But in obtaining the Ballot something more would be obtained, as it can never be carried without a reconstruction of the Council.

Some of the counties are seventy miles in extent, the polling place is generally at one corner, six days is the longest time for receiving 16 and 1700 votes—examinations are gone into, as to the qualifications, at the time—all favour the interests of the Executive instead of the freeholder.

The evil effects were seen in the county of Leeds, containing a number of Orangemen.

At the General Election before the last, a person pretending to be their Deputy Grand Master, came forward, having for his colleague his Majesty's Attorney-General, R. S. Jameson, Esq., lately sent out from the Chancery-bar, in the place of Boulton, removed. This Deputy Grand Master had before been a candidate, and sustained such a signal defeat as to put beyond doubt any hopes of success in future. Obtaining the confidence, however, of his Majesty's Attorney-General, who had just arrived, and well secured against a criminal prosecution, he and his partisans attempted, by riot, what could not be obtained otherwise. A gang surrounded the only polling place for that large and populous county, and when any, not belonging to their party, attempted to approach, his clothes were torn from him—he was maimed by sharp instruments, and beaten with clubs—the freedom of election was totally destroyed, and the poll closed under a protest. Other gangs were established on different roads, to intercept the electors going and returning—animals were killed on the wayside, and their blood shown as that of mangled victims. Houses

were surrounded in the night, and the inmates threatened and maltreated in the most outrageous manner. Every act was perpetrated that lawless ruffianism could dictate, and although two attempts at election were set aside by the Assembly, and bills introduced repeatedly to avoid such scenes, the Council set themselves stubbornly against them. At length the Assembly made a stand, and refused to issue a new writ, when the Council, after leaving the county unrepresented for a length of time, consented to a Bill, naming four polling places, but restricting it to one Election, and refusing the Ballot clause. Notwithstanding so fatal an objection, by the energy of the Returning Officers, a peaceable Election was had, and the Orangemen were defeated by an unprecedented majority. At the last Election, however, his Majesty's Attorney-General having become wearied in paying costs for a "*frivolous* and vexatious" defence of his seat, was superseded by the Chairman of the Quarter-Sessions, Judge of the District Court, Judge of the Surrogate Court, of that District, and Judge in two other Districts, who became the colleague of the Deputy Grand Master, after having exposed him and been exposed in turn, in the most unrelenting manner, for years before. The same riot was commenced, and the old Members again retired under a protest, and there the matter rests. Under such a state of things a hired gang of murderers, brought from other districts, as these were on former occasions, could carry an Election for their employers at any moment. And yet the upholders and encouragers of such conduct declare the Ballot Unconstitutional and un-British, that would put down violence and ensure peace.

Such is the situation of one county, and others are liable to the same degradation. The freeholders think rightly, that they are entitled to vote without committing breaches of the peace. Besides, the degraded objects brought from a distance and plied with spirits, are not the ones to contend against, and they never will condescend to hire gangs in self-defence. When they are obliged to resort to forcible means it will be to some purpose.

Furthermore, the system of credit in trade is also injurious to the independence of the Electors, with the present mode of voting. Let whatever party exert the undue influence, it is demoralizing, and the evil would be corrected by the Ballot.

The Legislative Council alone stand in the way, and what right they have to interfere with a Bill expressly regulating the Elections of the Assembly can only be ascertained by an enquiry into their other usurpations. Irresponsible power is at the root of every evil. The Assembly are accountable for their conduct, and therefore have again and again passed this necessary measure.

In refusing it the Council arrogate the right of dictation in the most insulting manner. They will next attempt to prescribe rules for the transaction of business, and the regulation of debates in the Commons. The worn-out saying that the Ballot prevents a manly expression of opinion, advanced by those principally who are the first to prevent such an expression, by threatening those in their power, adds insult to the injury. No one would be restricted in declaring for whom he votes, but if he choose to be silent, his conscience is in quite as safe keeping with himself as his task-master. The hereditary noble is glad to avail himself of the Ballot in his Elections in Scotland, and the hereditary bondsman has an equal right. The House of Assembly, and I think the Imperial Commons, choose many of their Committees by Ballot. The Banks, Insurance Companies, &c. appoint their Directors in this way, and unless the charge of unmanliness can be made good against them, let it be dropped for the sake of decency. Toryism is the only *argument* against it. It seems all—all—are to be protected, except the hard-working farmer and mechanic, and they are to be coerced to vote orally contrary to their consciences, and denied the Ballot, because they would be apt not to act with so much *manliness*. The feeling now abroad indicates something more legitimately worthy of the term, and with such men as Mr Grote and Sir W. Molesworth in the van, the people will show themselves of no mongrel breed, but men

"Who know their rights, and knowing dare maintain."

CHAP. XII.

THE JURY LAWS.

TRIAL by Jury has long been looked upon as one of the chiefest safeguards against arbitrary power. A tribunal of one's peers may justly be prized as the safest and most impartial to which an appeal can be made. The enemies of improvement point to this as a glorious memento of the wisdom of ancient days, and assert that with this security, and a few others of the same tendency, there is nothing further worth contending for or reforming. In thus entrenching themselves they must at least contemplate its exercise in perfect purity and correctness, and acknowledge that,

where the contrary is the case, a real grievance arises. Not much can be said for the 'abstract theory where the practice does not correspond. It would be surprising were there nothing to complain of respecting this mode of trial in Upper Canada, where everything else has been perverted to factious purposes. The Tories would be entitled to some credit, and the other charges against them would weigh less heavily, could it be made appear that the right was enjoyed by all classes freely and without restriction. But this institution has suffered among the rest. It has been hustled forward in aid of political corruption, and excited suspicion and distrust rather than respect and reverence. Not a great while since Lord Mansfield was found stepping out of his way to obtain a conviction against an obnoxious printer, and within eight years his Majesty's Justices in Upper Canada have followed his worthy example. At that time C. A. Hagerman, Esq., the present Solicitor-General, and the gentleman before mentioned as the Clergy Reserve champion, was appointed judge *pro tempore*, after the tyrannical removal of Mr Justice Willis. During the short time he was found worthy of holding the office, a Catholic Irishman, named Collins, the editor of the 'Canadian Freeman,' thought proper to make some remarks on the Lieut.-Governor, Sir P. Maitland, for which he was ordered to be prosecuted, and the Attorney-General, now Chief Justice Robinson, attempted to deny him the right to traverse the indictment to the succeeding Assizes, and force him to trial to a disadvantage. Collins made remark on this in his paper, and said some things affecting Mr Justice Hagerman's pride, besides taxing the Attorney-General with "native malignancy." Another prosecution was forthwith entered at the same Court, and the first totally dropped. Poor Collins was dragged into the dock, the jury were impannelled, heard the evidence, and, after retiring, returned into Court with the verdict—"Guilty of libel against the Attorney-General only." Although Judge Sherwood had presided during the whole trial, yet Mr Hagerman was the one to receive the verdict, notwithstanding he was one of the persons mentioned on the record to be libelled. He refused to receive the verdict, which had no reference to himself, and ordered the jury back to return a general verdict of guilty, which, after some delay, was done. Collins was of course pounced upon and consigned to the prison, which brought him to his grave. This case was investigated by the House of Assembly, and will again be adverted to in these pages. The above particulars are taken from its resolutions, in one of which they state, "Whereby false grounds were "afforded upon the record for an oppressive and unwarrantable "sentence." But hunting down a poor Irishman is only one

arises. Not much the practice does there nothing to Upper Canada, factious purposes, the other charges t be made appear eely and without ong the rest. It ption, and excited everence. Not a epping out of his ous printer, and per Canada have C. A. Hagerman, gentleman before s appointed judge Mr Justice Willis. holding the office, of the 'Canadian ks on the Lieut.- rdered to be pro- Justice Robinson, indictment to the a disadvantage. said some things taxing the Attor- other prosecution the first totally ck, the jury were etiring, returned against the Attor- od had presided e one to receive rsons mentioned eive the verdict, the jury back to some delay, was consigned to the case was inves- n be adverted to from its resolu- se grounds were d unwarrantable an is only one

instance of the manner in which trial by jury is respected by the Bench. It is notorious that the judges are in the habit of arguing the cases to swerve the minds of the jury far more effectually often than the counsel, and where party spirit is suspected to have sway the consequences will be readily foreseen.

Another more fatal objection is in the mode of choosing the jury. If one rogue can do a good deal of mischief, twelve rogues packed in a jury-box can do much more. It is no privilege, but a curse, to have the name without the spirit of the law. We have a Lieut.-Governor, an Executive Council, a Legislative Council, and different other departments, in name, without the reality, and to them may be added the Jury Laws. The mode of choosing the juries is the chief cause of complaint, and no plan can be more vicious or corrupt. In the first place, the sheriffs of each district are appointed by the Executive during good behaviour. With them rests the power of choosing the juries from any part of the district. With a few honourable exceptions these sheriffs are violent party men, and, as such, often obtain seats in the Assembly. In naming those, therefore, to decide between man and man, the people have abundant reason to suspect their impartiality. On whatever side they may range themselves in politics, the power conferred on them is equally liable to be abused.

The Committee of the House of Commons in 1828 recommended a change in the present system; but this, with all their other recommendations, has been contemned by the Legislative Council, although the House of Assembly for years have been passing bills of amendment. Sir F. B. Head sees the advantage of the present system. During his controversy with the Assembly the last session, a Grand Jury, chosen by a Mr Jarvis, the sheriff of the metropolitan district, sent him an obsequious political address, in their official capacity, in support of the views of the Oligarchy. Being much in need of support for his outrageous conduct, he received their fulsome slang with much apparent ecstacy, calling them in turn "a well-educated body of gentlemen." For the honour of the country, although sunk low enough, only one other similar body were capable of pursuing the same course. They went still further,—and, after voting the address, actually brought it into Court and requested the Chief Justice to present it to his Excellency. The insult was spurned, and they received that reprimand for their audacity which the Lieut.-Governor should have administered had he possessed any regard for his own character or the decent administration of the laws. This miserable junto found some other conveyance for it, and it probably was sent with others, signed by the High Church

and Orange faction, to delight the eyes of the Colonial Secretary, and reassure him of the perfect peace and goodwill prevailing under his wise superintendence.

Until a wholesome change is made in the mode of appointments, the trial by jury will never be considered a cause of congratulation. The shadow of justice can never supply the want of the substance.

CHAP. XIII.

OFFICIAL APPOINTMENTS.

IN discarding the useless lumber allowed to accumulate during the darker ages, it by no means follows that we should not gladly profit by everything practically useful and instructing, recommended by long experience. The *io-pæans* customarily chanted in honour of the heroism of the "bold Barons," for extorting *Magna Charta* from King John, are justified more by the successful stand made against what at different times has been considered dominion by "divine right," than any great practical good arising from the document. Had the revolution extended to the permanent overthrow of one King, monarchy would probably neither have been extinguished nor been made more tolerable. The vassals would have found no less oppression at the hands of fifty petty tyrants than of one all-powerful despot. The aristocrats have more reason to pride themselves on the event than any others, as showing the ancient spirit and power of their order. Nor ought they to feel exalted in reflecting on their present degeneracy, with such as the Bostonian Lyndhurst at their head. The people, on the other hand have many an ancient right and privilege, transmitted to them by their honest and sturdy forefathers, for which they have abundant cause to be grateful.

Were the city of London or the county of Kent deprived of their ancient immunities, they could not aspire to their attainment, even in these days of Reform, without having the whole pack of incorrigible Tories howling after them their senseless chorus of *Revolution, No Popery, &c.* The city would be declared in a state of siege, as when Charles X was hobbling away from the Parisians during the Three Days of July. Closing up the gate at Temple bar against the King, as in the days of the coronation, would be the signal for a war proclamation, when

the cavaliers and swash-bucklers of high degree would have an opportunity of trying a bout with the buff jerkin, fox and bilbo of the yeoman, and the tuck and swinging quarter staves of the 'prentices.

Within the little republic of London, so admirably and effectually governed, exists many an excellent precedent for governments on a larger scale. Is it for a moment imagined, were the appointments of the mayor, aldermen, councilmen, and sheriffs, vested in the Crown, that any of that peace, prosperity, and unanimity would be secured? And do the privileges enjoyed by the city render it less loyal and patriotic to a good King? Few will venture to answer in the affirmative. This example then, of so long standing, has been steadily looked up to by the Canadas, as capable of being imitated with equal effect there in all the subordinate departments. The disgraceful condition of affairs at present, impels them to seek some ameliorating system for these departments, and a peculiar kind of loyalty being in fashion, they eschew the neighbouring republic, and make the ancient capital of the empire their model. Thank heaven, those who quarrel with their determination will call so weighty an antagonist to their support, not entirely unaccustomed to self-defence.

If it be true that the sheriffs, magistrates, commissioners of petty courts, &c. hold their offices for the benefit of the people, and not to act as the tools of the Executive, in opposition to them, there exists no reason why the "elective principle" should not be enforced there, as well as in the city of London, and all other incorporated towns in the kingdom. The distance from the direct control of the Imperial Government cannot be urged against it, as many of the small towns in the Provinces exercise the same right to the greatest advantage. Nay, we have seen that they send Tory members to the Assembly; and if all other corruption be denied, their success must be traced to this free principle, and the obstructives may be standing in their own light in refusing it to the counties, particularly at a time when they seem to be shrinking rapidly to the very last degree of the "sear and yellow leaf" of power. The question is worthy their most serious consideration, as well as ours, and it may therefore be excusable to dwell a little longer upon it.

The Sheriffs of districts, as now appointed during the pleasure of the Executive, have a most dangerous and uncontrolled authority over the liberty and property of the subject. Instead of attending to their duties, many of them possess an ambition to appear in the Legislature, and often obtain seats for some county within their own districts. Their influence in the community is necessarily great, armed as they are with writs, executions, &c. ;

and whether they make use of such arguments or not, their power during their absence must be delegated to others, who may exercise it wrongfully. The people would be sure not to confer two such incompatible situations on the same person, and the proper responsibility in both cases would be better secured.

A most weighty reason exists for an Elective Magistracy, inasmuch as they have the entire control over the district funds. Under their management the districts are mostly brought into debt, by what process let the old corporations of England decide. Their mis-and-mal-appropriations have given general dissatisfaction, and chosen as they are, with scarce an exception from the odious party, their judicial decisions are not much respected. They are accused of supporting the party to whose interest they owe their power, during the political contests, even to the encouragement of riots. One thing is certain, they are not those whom the people look up to, or would elect for the due performance of grave official duties. At present they depend on the Executive for the continuance of their honours, and were they made to depend on the country, their usefulness could in nowise be diminished. A curtailment of Executive power is absolutely necessary. The axiom of Mr Fox, that in "Colonies the power of the Crown must be kept low," was dictated to him by experience, which the present Ministry have not yet learned, and it deserves unqualified adoption.

The Commissioners of the Petty Courts are chosen on account of their political adhesion to the faction, with the same exceptions as to any other general rule. Men of more pretensions are neglected and slighted, who would be chosen by the people, alone interested in having honest and straightforward men to decide between them, not *politically*, but *impartially*. The morals of the nation would be vastly benefited by a substitution of the "elective principle" in all these departments. Worship would not then be paid to the golden image at head-quarters—sycophancy and personal degradation would be useless, and therefore discontinued, and a host of evil passions would subside into peace and contentment.

In fine, it is incumbent that such power, which has been employed for *bad* ends, and from *bad* motives, should be wrested from the Executive, to whom it was never rightfully yielded, and be given to the great body of the Colonists as their inalienable right. Any sophisticated objection or evasion will never convince them otherwise; and those who suspect the discretion with which it would be used, must be willing to calumniate without reason, and remain inexorable in the face of facts and experience.

CHAP. XIV.

SALARIES AND FEES OF OFFICE.

COULD no charge of a covetous and sordid nature be substantiated against the Oligarchy and their adherents, in their attempts to control the entire affairs of the Province, some risk might be run in questioning the honesty of their motives, however great may have been the injury inflicted. This charge, however, can be fully made good, by an examination into their emoluments and receipts of office. They have not only unnecessarily multiplied the number of situations, but the duties performed bear no proportion to the incomes received. In so new a country the affairs can be managed by the simplest process, without much labour or expense. To compare Canada in this respect with England, and all its weighty and intricate machinery of government, would be to liken the simplicity of nature to the complexities of art.

The "Grievance Report," before referred to, being an authentic document, carefully drawn out from an examination of persons and papers, will give some necessary information on this monstrous system of extravagance and jobbing.

It says, page 7:—"By the tables of salaries, fees, and emoluments, &c. it will be seen that the patronage of the Crown, arising from civil and judicial offices and places within its gift in the Colony, extends at least to 50,000*l.* a-year (exclusive of the clergy grants) the whole being raised from the people themselves."

"Of these annual salaries, fees, and emoluments, 117 persons receive each 100*l.*; 40 persons from 100*l.* to 200*l.*; 29 persons 200*l.* to 300*l.*; 23 persons receive each from 300*l.* to 500*l.*; 10 persons from 500*l.* to 750*l.*; 6 persons from 750*l.* to 1000*l.*; 10 persons from 1,000*l.* to 1,500*l.*; two persons from 1,500*l.* to 2,000*l.*; one person receives 2,066*l.*, and one 4,953*l.* Upwards of 38,000*l.* have been paid from the Colonial revenues within the last eight years to the Lieutenant-Governors, the greater part of which it is probable they save and carry to England. The incomes of Governors in the Northern parts

" of the States vary from 100*l.* to 1,500*l.* a-year, and the incumbents are taken from among the resident inhabitants."

Not content with all this extortion, the Oligarchy have created a pension-list, so that they will not incur any loss by retiring from office. The Report continues:—" Within the last eight years there have been paid to eleven individuals, in the form of pension, out of the Provincial revenues, but without the consent of the Legislature, about 30,500*l.*" &c. " The civil pensions of all the United States amounted, in 1817, to 1,460 dollars; in 1821, to 1,500 dollars; in 1825, to 2,100 dollars; and in 1827, to 2,000 dollars. This is the effect of having the management of their own money." The difference must appear striking in comparing this single Province to the whole vast Republic of the United States.

Besides these sums, vast amounts are squandered of which no account can be had. To churches alone, in 1832-33-34, the sum of 40,441*l.* were paid, as usual, at the mere whim of the Executive.

Only the salaries of the more important offices are given, but throughout the whole country the same extravagance exists in every department, and although for a series of years it has been exposed and petitioned against, no change has yet been attempted. What is not otherwise devoured is apportioned out in support of political profligacy. When we see the authorities indifferent to everything except such a wholesale subtraction from the revenues, no reasonable hope can be entertained of their desire of good government.

The Tories are far from acknowledging the necessity of Reform here, of course, and to counteract the attacks made upon them, charge their leading opponents with acting wholly from a desire to obtain their places. This is not true; as the Reformers wish that reduction to take place as much to prevent a desire of office from ulterior motives, as for the prosperity of the country. Were the incumbent to receive only a fair remuneration for his services, none would seek place for the sole advantage of the emolument.

An honourable desire to serve the country in an official station may be entertained, and ought to be encouraged. The most to be feared is its tendency to lead to a vacillation of opinion, and a desertion of principle. The chances would be against this were an unreasonable pecuniary bribe withdrawn, and naught but the dignity and honour in view. Repeated instances of human weakness in money transactions tarnish the characters of our greatest men. The illustrious Bacon, Marlborough, Walpole, Chatham,

Burke, and others, have been accused of unbending their integrity to the temptation. Even the martyr Sydney is related to have taken money from the French King. Were it possible to ascertain the motives of modern Statesmen, other inducements than the most honourable might be traced for inexcusable negligence and disgraceful misconduct. The Tories of Canada are remarkably tender in the *palm*, and cannot counterfeit the honest indignation of Cassius when told of it. They will not scruple to yield and concede to the utmost extent, rather than give up the *consideration*. They would, if well paid, go further than Sir Robert Peel, and not only style themselves *conformers*, and *conceders*, but "cast about in their mind's-eye for a new state of political existence," to repeat what fell from them when Hagerman and Boulton were thrust out of office by the Earl of Ripon. They would declare for revolution, sell their King for a groat, submit to any power having the purse in possession, in fact, do everything but fight, and that they are not fond of, from experience in the last war. Money has formed and kept together the faction; withdraw the attractive power, and you scatter them immediately.

This mode of robbery by high salaries, &c. is more direct, but not less criminal, than obtaining lands under false pretences, and withholding from the control of Parliament the casual and territorial revenues. The Executive will never yield while the slightest chance remains of keeping the plundering system up. Their private pleasures and extravagance require a continual draught on the treasury, and the bribes, bullyings, and exertions of the whole official gang throughout the Province are found necessary to keep up the show of a support.

The Colonial Secretary has not denied such grievances, but with bland and conciliating words, his neglect to do anything betrays either treachery or incompetence.

There are many other topics which might be dwelt upon, swelling the long list of grievances much further, such as the abstraction of all the post-office revenues, the existence of cruel and unequal custom-house regulations, admitting the luxuries of the rich from foreign countries, and imposing a heavy duty on the necessaries of the poor. An unjust and unequal taxation, the delays and difficulties thrown in the way of public business, and many other tiresome details. One Tory vaunt deserves a short investigation. They boast that the taxes are generally light. In comparison with England this is true; but considering the situation and circumstances of the country, the taxes are more, by two-thirds, than they ought to be. One of the States of the Union has no taxation whatsoever; the expenses of the Govern-

ment being paid by the profits of a public bank, so that, in fact, by the accommodations afforded to industry a double inducement is offered to enterprise.

The vacillating schemes of the Colonial Office are now understood by all classes. They are contemplated with an almost reckless indifference. They have been treated as if they had neither "sense to feel, nor spirit to resent." Let it once for all be impressed on the British public, [that this may be among the last of Colonial remonstrances. It would be degrading to them were they capable of much further endurance. No good man can look for it, and the strife with the evil-disposed will be short and decisive.

CHAP. XV.

GENERAL REVIEW OF UPPER CANADIAN MISRULE.

* * * "Patience! where's the distance throws
Me back so far but I may boldly speak
In right, though proud oppression will not hear me?"

ALL the misfortunes that have befallen the country, can be traced to causes not within the direction or control of the Colonists. Power has been exercised with a high hand, without respect to opinion of any kind, nor has it been tempered with justice and mercy. For all the good it has done the Canadas, the Government of England might as well have been under the Czar of Russia as the House of Hanover. The blame in nowise attaches to the great majority of the nation, but to that portion who have managed to inflict the greatest injuries both at home and abroad, with a very small force. Only within the last ten years have the physical energies of the country been developed for the national advantage. After the death of Mr Fox, and the dispersion of his faithful band of Liberals, Toryism held undisputed sway. Domestic peace was maintained by means of foreign wars. In inflicting chastisement on the Americans for former peccadilloes, and practising the amiable art of throat-cutting in

Europe and Asia, civil concerns received little or no attention. For thirty years, therefore, nothing more could be expected than that the Canadas should be left to the entire direction of their Governors. They were not so much Colonies under the beneficent care of a home country, as petty empires swayed by Warren Hastings' on a small scale.

Devoted to antiquated precedents, the successors of Mr Pitt endeavoured to improve upon his Colonial policy, by going back a few centuries, instead of proceeding onward. They could not stop at the times of Charles II and James II, when provinces were allowed to choose their own governors. Those Stuarts were by far too liberal and conciliating. The history of England offered better examples, when the country itself was a colony, under the Romans, and as it is supposed to have improved exceedingly at that time, their mode of parcelling out foreign possessions to gallant Generals, was adopted. Many a hero found snug quarters and good pay in the Canadas. Naturally enough, family relations were to be provided for first, the other candidates having to await their turn, or be made dependant on the establishments. In dispatching them, doubtless, they were told, in classic phrase, to "go it Ned,"—and sure enough they did "go it." The expectants of future profits in these delightful regions will find much trouble in levying their contributions, from the sheer poverty of the country. These old military campaigners were not to give up the rules of war so readily. Many a gallant foray was ridden over the Canadian preserves, by these "flowers of English land," and safe returns achieved, with the spoil so honourably won for their own use, or the benefit of those inheriting their *honours* and *dominions*. Many a lucky pounce was made on the Colonial Treasury, and glittering trophies brought off as the reward of valour.

At a later date, succeeded those of the same class—yclept the Provosts, Dalhousies, Maitlands, Aylmers, and Colbornes. The first had returned glutted, but often what had been come by so easily was not long retained; and now they have passed into obscurity, but not their names or deeds. These are recollected by those who have long memories. As a peculiar instance of favour, a civilian, or if military, one of not much higher rank than the present valiant Major of the Baggage Waggons, was put in charge of Upper Canada. What particular service was done by Mr Francis Gore to recommend him to the profitable situation, we have no record to specify. He is said to have been a clerk in some office, but at all events he is now the steward to a private gentleman's estate. From this circumstance one would be led to believe the civil way of bleeding the Colonists not the most pros-

perous. Perhaps Mr Gore experienced the same fortune as a certain well known gentleman, whose name it would be unmanly to give except in a religious discussion, in his attempts to shave a certain unnameable animal. If so he does not come under the necessarily sweeping denunciation.

The Roman Governors may, some of them, have been bad, like Verres, but unquestionably some of them gloried in the name of Roman citizens, and liked to deal justly sometimes; but their modern successors were fonder of fighting, than holding the olive branch. They obtained possession of the sword of justice, but dealt it around them in a fearful back-handed manner. Accustomed to strife, they could not be easy in setting their *subjects* in opposition to each other during their rule, but they must leave behind them the seeds of dissension. Some of them may yet live to contemplate the result.

This plan of quartering military men as civil governors could result in none other but ruinous consequences. As well might they preside in courts of justice, or in any other situation, at direct variance with their education and habits of life. During this dynasty the people underwent unheard-of sufferings, and the mystery of their remaining so long quiet can only be solved by those who can account for the patient endurance of the people of Great Britain and Ireland for so long a time, under the triple burthen of their oppressions.

During the last war with the United States, the administration of the Government devolved on different military commanders, and the country was under not much else than martial law. For the preservation of the seat of Government, and the security of the public records, it may have been thought safer to give sole charge to the army. The event, however, showed the contrary. The metropolis was taken—the public offices were sacked, and their contents either burnt or carried away. Had a civil Governor been in charge, they could have been saved, and thereby documents relating to the preceding twenty years' villainy be now forthcoming,—unless, indeed, they were not suffered to escape the very mysterious fire which occurred some ten years afterwards, consuming the Parliament House, &c., together with the records accumulated since the war. Matters of importance could then be minutely sifted, now known only by their consequences.

Shortly after the peace, the influence of Lord Bathurst obtained the Lieutenant-Governorship of Upper Canada for his relative, Sir Peregrine Maitland. He came out with all his military prejudices and predilections, and thought it odd if he could not command a people enjoying the quiets of peace, when he had con-

trolled a battalion of men in arms. He was distant, saturnine, and overbearing; a bigot to the doctrines and formulas of the Church of England; fond of flattery and the exercise of power; imperious to all, except a few favourites who paid worship at his shrine; unyielding to the complaints of the people; in fine, a Tory of the military school. Under such a government it would be extraordinary did contentment and prosperity prevail. The inhabitants, including all grades and parties except the Ultra-Tories, became dissatisfied, and for ten years, the period of his administration, General Maitland not only caused himself great uneasiness, but was a continual check on the advancement of the country. At his removal in 1828, universal joy spread throughout the country, and even his abject tools and sycophants, who, from their career gained the appellation of the "Reptile band," were the first to turn their backs and revile him, in the hope of gaining favour with his successor, who assumed the office as a Reformer.

The noble defence made by the Canadians, and their country having been the seat of strife, served to direct transatlantic attention towards them, and induce a spirit of emigration. In the year 1817, among others who repaired thither was a Mr Robert Gourlay, a Scotch gentleman of high character, education, and abilities. His observations led him to believe a mighty field open for withdrawing the surplus population of the mother country. He accordingly set about a statistical work, to give every possible information to his countrymen, and encourage them to emigrate. In the course of his investigations, he could not avoid noticing the infamous and profligate mode in which affairs had been, and were conducted. Wisely deeming that nothing could prosper under the worthless system of non-responsibility and military tyranny, he could not do otherwise than condemn it, and thus join the ranks of the people, instead of the Executive faction. Disappointed in not obtaining his co-operation, this was the signal for commencing against him the most vindictive and relentless persecution of which any man was ever the victim. Fearless and uncompromising as Mr Gourlay was, it is scarcely credible how life could be sustained under the weight of wrongs and cruelties heaped upon him.

That his forthcoming work might be as useful as possible, public meetings were held in almost every township, and committees named to obtain and communicate topographical information. At many of these, petitions were drawn out to his Majesty setting forth their grievances and complaining of the encroachments of the Executive. Mr Gourlay, on many occasions, made his plans of emigration known, and also freely discussed the

arbitrary state of the Government. He could not be met in argument, so plain and self-evident were his positions, and the people were not to be dissuaded from rendering every assistance to his humane intentions. None but underhand methods were taken to silence him, and complete his ruin. The same species of persecution assailed him, under the semblance of law, as was suffered by the Muirs, the Geraldts, the Tookes, the Leigh Hunts, the Montgomeries and Cobbetts, in Great Britain. Spies were sent in pursuit to catch something on which indictments might be founded. He had been singled out for ruin as an example to the other contumacious spirits, and the hell-hounds were paid to torture his language to suit their employers. For expressions used against the administration, moderate in comparison with the language of others, indictments were found by packed Grand Juries, and prosecutions were accumulated that no chance of escape might occur. He was thrown into dungeons, harassed by warrants, and even personally assaulted and maltreated. Wherever his friends were allowed to put in bail, he was rescued from prison, but only to undergo still greater hardship in some other district.* In many cases the petty juries were far too honest to answer the purpose, and triumphantly acquitted him amidst the greatest applause. He was not a man to be intimidated by the dangers threatening him, but stood boldly forward and defended himself in the ablest manner. Notwithstanding this, and the weakness and falsehood of the charges, the perjury of informers at length succeeded in convincing a subservient jury of his seditious intentions, and he was at length found guilty, and consigned to prison without hope of relief.

Fearful that an extensive emigration would increase the already powerful party against them, they were not content with imprisoning Mr Gourlay, but commenced getting up petitions against it, representing the plan as of a seditious and revolutionary tendency, and vilifying the persons engaged in the praiseworthy undertaking with the well-known set phrases of Toryism. The same arts and deceptions were resorted to, which have since been exposed, in supplying fictitious names, and those of mere children.

* This spirit of persecution has been conveyed from Upper Canada to other Colonies. Within the last half year M. Duvernay, the able and spirited editor of 'La Minerve,' has been thrust into the dungeons at Montreal. The present Chief Justice of Newfoundland, Boulton, at that time Maitland's Solicitor-General, has been exercising his power on a patriotic editor, named Parsons, for an alleged contempt on himself. He became, like Hagerman in Collins's case, a Judge in his own cause, and, without the interference or verdict of a jury, ordered him to a protracted imprisonment. This has been during the elevation of the present Ministry to power, but their intervention has never been attempted, although petitioned for.

The Liverpool and Castlereagh Administration were too glad of any excuse in refusing the co-operation of the Government to plans fraught with so much benefit to both countries, to examine closely into the weight of parties. Yes, these very Tories, who have of late been so anxious to encourage Canada Company monopolies, and the whims of Sir John Colborne to instil *loyal feeling*, were found, in 1818, exerting every nerve against the ruinous consequences of emigration, merely because Mr Gourlay and the Liberal party were its advocates. When, in 1831, a most inhuman expedient was under discussion, of ridding home country parishes of the old and young paupers by sending them, in their helpless condition, to the Canadas, and petitions were got up against it, as well on account of the paupers themselves as an unjust burthen on an already impoverished country, these unprincipled characters made use of the circumstance to represent the Petitioners as opposed to emigration and to the British connexion. No doubt their catching at such straws had its influence with the Minister of the day, and exhibited them pure and immaculate in his estimation. Their consistency must have strengthened the loving bonds of attachment and intimacy, and possibly mutual congratulations were sent off by special messengers, at the discovery of so alarming a plot.

Not content with petitioning against Emigration and the Reformers, with a servile House of Assembly and the same description of Council which now exists, they succeeded in getting a measure passed equal in atrocity to any Curfew law or Coercion bill ever enforced in England's or Ireland's darkest days. This act was correctly entitled the "Gagging Bill," and cannot bear a comparison, in point of liberality, with the vilest edicts of Russian or Turkish tyranny. As it is a brief specimen of the attacks on Canadian freedom, it is here inserted.

AN ACT TO PREVENT CERTAIN MEETINGS WITHIN THE PROVINCE.

"Whereas, the election or appointment of assemblies, purporting to represent the people, or any description of the people, under the pretence of deliberating upon matters of public concern, or of preparing or presenting petitions, complaints, remonstrances, and declarations, and other addresses to the King, or to both or either Houses of Parliament, for alteration of matters established by law, or redress of alleged grievances in *Church or State*, may be made use of to serve the ends of factious and seditious persons, to the violation of the public peace, and manifest encouragement of riot, tumult, and disorder. It is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, That all such assemblies, committees or other bodies or persons, elected or otherwise constituted or appointed, shall be held and taken to be unlawful assemblies, and that all persons giving or publishing notice of the election to be made of such persons or delegates, or

attending, voting, or acting therein by any means, are guilty of a high misdemeanor; *provided always*, that nothing in this Act contained shall impede the just exercise of the undoubted right of his Majesty's subjects to petition the King or Parliament for redress of any public or any private grievance."

This remained the law of the land during two years of Maitland's ruthless career, and were not another word said respecting his administration, the case is made out. But other instances are at hand to exhibit more fully the fell spirit of hostility to individual and collective rights, keeping the chain unbroken down to the present moment. Notwithstanding this glaring attempt to put down the free spirit of discussion and enquiry, it had not the desired effect. Those who were not before awakened were aroused at once, and the Reform party received acquisitions daily, and has continued to increase and multiply from sheer motives of personal safety, until its combined strength and physical force are overwhelming, and therefore dangerous when brought into action. Having confidence in the Home Government for such an alteration in their institutions as would afford them relief, the Colonists had not the remotest idea of their complaints being disregarded, otherwise it is very probable the crisis would then have arrived for obtaining redress for themselves.

It was the same spirit of obedience to the laws, although never so unjust, which rendered their exertions of little assistance to Mr Gourlay. The Courts were Tory, the Attorney-General, Robinson, was the mouthpiece of the party, and the Solicitor-General, Boulton, although weak in point of ability, was quite as vindictive; the Bar were few, and those who wished to stem the tide of oppression, were too timid to run the risk of immolating themselves in the attempt. Nothing but an insurrection could rescue the victim from their fangs, and this they would not then countenance. Poor Gourlay was sacrificed! After being confined in small and unwholesome dungeons, and recovering his liberty only to be thrust back again, disease began to prey upon him, and his constitution received a shock from which it never recovered. The sympathies of the Canadian people were excited to the utmost, but nothing could mitigate his fate. In a foreign land, beyond the solace of his family and friends—barred from all the comforts and necessities of life—ground down by a worse than inquisitorial oppression—it is not wonderful that his bodily energies became exhausted and his intellect impaired. He was taken from prison only to be banished by an individual ruffian, exercising unlimited power,—and so ended the bloodhound pursuit. The malice of the Tories was glutted; but if Robert

Gourlay be still living, a sickly frame—a ruined fortune—the fair hopes and sunny prospects of life destroyed, and an intellect weakened—speak with “trumpet-tongued” eloquence against the “deep damnation” of his wrongs and martyrdom. After the passage of the “Gagging Bill,” that the Government could do anything it chose with the miscalled representatives of the people, cannot be doubted. Dr Strachan’s hopeful school were about this time coming into that power which they have since maintained. The Assembly consisted of but a limited number of members, many of them young men, fond of the show and splendour of the Military Government, and enraptured with their own importance and consequence. Gratified with the arts made use of to gain them over, and tempted by the allurements of office, the fine protestations and promises made at the hustings were soon forgotten, and the interests of their constituents, the people, were the last thing to be considered. The duration of the Parliaments prevented their constituents enforcing a speedy reckoning, and the terrors of future abasement were forgotten in the present enjoyment. There was no dispute between the Assembly and Council then! Within the Legislative Halls perfect harmony existed, while without all was excitement and dissatisfaction. The people may since have been deceived in the choice of their men, but never have wavered from the principles of Reform. Unfortunately they have too often exchanged weak and unfaithful men for others of a like character—when, like the fox and the flies, it were better to have left the first well-feasted swarm in undisputed possession. The *Gagging Bill* supporters perhaps found themselves hermetically gagged by it at the hustings only to make way for others of equally feeble virtue and capacities.

A long array of ruinous enactments ensued from the banishment of Mr Gourlay. Taxes were imposed on the labouring classes, and made light on the monopolists; useless offices were multiplied, and the fees and salaries made burthensome; law expenses were increased, the road to impartial justice blocked up, trammels were placed on industry, and the public revenues squandered without degree. As none could be ignorant of such barefaced frauds, the Reform party became more organized and vigilant, despite the example of Tory vengeance in Mr Gourlay’s case, and the restrictions of the “Gagging Bill.” Further prosecutions dare not be attempted, until finally the Act was repealed, and, much to the honour of the Assembly, none but Mr Chief Justice Robinson was found to vote against its repeal, although fear more than inclination contributed to such honour. The cry of “treason,” “revolution,” &c. was now found more

necessary than ever to frighten the timid and preserve the wavering; but such could well be spared by the Reformers. Knowing the antipathy of English Tories to the neighbouring Republicans, the Oligarchy endeavoured to keep it alive by calling their opponents not only Revolutionists, but "Yankee Revolutionists;" like the mob during the French war besetting an honest Turk, and, to make their conduct more justifiable, calling him a bloody French Turk. This has been a good argument down to the present day, although at that time its force was rather diminished, from the recent close of the war, in which many had to mourn the death of relatives, and suffer from the destruction of property—circumstances in no way tending to facilitate a junction of the countries. The cause must have been weak indeed to be put down by such a cry, and they were allowed to continue their slanders uncontradicted.

Every new return to the Assembly evinced the steady advance of Reform principles. On the death of one of the Members in 1822, his place was supplied by a Reformer, to whom all eyes were at once attracted by the power of his elocution, and the firm stand he made on the broad basis of civil and religious liberty. This was the Hon. Barnabas Bidwell, a name never to be mentioned but with respect and reverence. He had taken a noble part with Mr Gourlay in combating the persecutions of that unfortunate gentleman, and brought into the House the same devotedness to the cause of justice. No sooner did the country begin to show an appreciation of his exertions, than he was marked for the sacrifice. The Oligarchy saw in him a formidable opponent, who was to be got rid of by any means. Will it be believed that a special Act was passed, incapacitating him from holding a seat, in the same spirit that accomplished the ruin of Mr Gourlay? Yet such was the case, notwithstanding the disturbance that was created by the first outrage. The alleged cause for the expulsion was that Mr Bidwell had at one time held office under the United States Government, but the true reason was well understood. He had been born a British subject, was too young to take any part in the American Revolution, but remained for a time in the Republic. His abilities soon procured him an elevated station in the Congress; but owing to a vindictive hostility raised against him by his political opponents, he removed to Upper Canada in disgust, there only to meet a more annoying faction, led on by their fears of exposure and defeat. The Act of Exclusion was but a carrying out of those principles which required the support of a Gagging Bill. Even were this gentleman an alien, which he was not, how unlike was such cowardly treatment to the generosity of the United

States Government, who are happy to welcome foreign assistance, and, as in the case of the Hon. Mr Barbour and others, to exalt individual worth to all deserving honour. This foul slander of alien incompetence had been repelled, by one of the largest counties electing him, peopled almost entirely by U. E. Loyalists and their descendants.* Right, however, was never deemed a barrier to their designs so long as they possessed the power. This putting down of individuals did not serve to extinguish the spirit of opposition to bad government. New champions arose to wage uncompromising warfare, and backed by a vast superiority in numbers, and pleading a meritorious cause, Toryism found a difficulty in sustaining itself. Mr Bidwell's son, who has since attained to great eminence as a legislator and jurist, was brought forward by his father's supporters, who naturally enough were indignant at the manner in which their choice had been derided. He was not to obtain a seat without difficulty. The returning officer contrived to give his adversary a majority at the first election. A protest was entered, however, and after distinguishing himself in an able defence of his rights at the bar of the House, the return was set aside. Another election ensued, and the returning officer refused to receive any votes for Mr Bidwell, on the ground of his being an *alien*. The return was again protested against, and the election set aside. Finally, the faction were obliged to allow a fair election, which resulted in Mr Bidwell's triumphant return, and since then he has continued one of the boldest and ablest advocates of popular rights, and been twice elevated to the Speakership of the Assembly. At the general

* This great and good man has gone down to the grave without having witnessed, what occupied his fervent aspirations, an amelioration of Colonial institutions. When the hopes of all were depressed, and the means of disseminating information were few in the Province, he nobly came forward with his purse and assistance in the great cause of national education. His essays on agricultural subjects and political economy, published in various periodicals which he was the means of establishing, may well be compared with others more widely known. His sketches of Upper Canada form the chief attraction of Mr Gourlay's statistical work, although the author has hitherto been unknown. His legal knowledge was considered far above that of any other man in the Province. With wit the most playful or poignant, as occasion demanded; a mind stored with ancient and modern classical literature and wisdom; habits of the greatest industry; a deportment unaffected, yet commanding; and the most exemplary piety, untinctured with bigotry or intolerance, he has left a vacancy which time can scarce supply. Educated at Yale College during the time of the Revolution, his venerable *Alma Mater*, and other Colleges, laid their most distinguished honours at his feet. His life was doomed to be one of trouble and persecution, but his exalted spirit could never be bent or ruffled. His memory lives in his good deeds, and he needs no other monument.

election in 1824 many others were returned in opposition to the Oligarchy, and on several reform questions there was a decided majority against the faction. They were obliged in a short time to hit upon another expedient to preserve their ground. This was to insult and disfranchise one half the electors of some counties by an "Alien Bill," making aliens of those who had taken advantage of the various proclamations to enter and settle in the Province. Not satisfied with placing an interdiction on the liberty of speech and action, and sacrificing individuals to their resentment, a swoop was made to seize the property and very means of subsistence of those to whom the faith of the Government was pledged for protection; who had received their titles and occupied their farms, for thirty years; who had enjoyed the full privileges of subjects, and were such in every particular. There may have been two reasons for this plot; one to set a memorable example of their vengeance—the other to distribute the confiscated property among themselves. The lawyers would also derive an advantage from the innumerable suits that would ensue respecting the titles to lands, &c. This criminal undertaking was well calculated to strike terror, but it was not that of despair. By the united exertions of the people the calamity was turned aside, and the Tories took nothing by the attempt; but never was their atrocious villainy more fully displayed. After this the House decidedly assumed a Reform character.

During the agitation of the "Alien Bill," the ruin of individuals was not allowed to merge in the impending general proscription. Their fears had led to the former prosecutions, and Mr W. L. Mackenzie, since so well known as the able and indefatigable exposé of Colonial abuses, soon called their vengeance down on him. He had become the proprietor of a periodical, the 'Colonial Advocate,' wherein the corruptionists were unmasked with very little ceremony or consideration. Suspicions that prosecutions could not be maintained against him from the state of feeling in the country, and that they would only tend to increase his number of friends, a most cowardly and ruffianly attack was made upon the printing office during his absence at Niagara; the press was destroyed, the type consigned to the Lake, and this, too, in broad day-light, and at the seat of Government. The mob consisted of the relatives and friends of Tories high in office, and the outrage was accompanied by the most brutal treatment of Mr Mackenzie's family, including his aged and infirm mother. The authorities took very little notice of the occurrence, and it is to be regretted that the temerity of the assailants did not receive its punishment on the spot, at the hands of an indignant community. A jury were appealed to, and gave exemplary damages, to the

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no small discomfiture of the Tories, from Sir P. Maitland down to the lowest menial employed in the political shambles. Well as they approved the outrage, yet their avarice prevented them contributing towards the damage, although attempts were made to raise a subscription, and the delinquents, with the terrors of the law hanging over them, were themselves obliged to make up the amount. The mere verdict on that occasion had no influence in preventing similar violence. They would have continued to destroy presses to this day, gaining more by the suppression of truth and the prevention of free discussion, than they lost in damages, had not an obstacle stood in their way which there was danger in encountering. The bold stand taken by the liberal papers, and the speeches in the Assembly by the leading Reformers, had stirred up a spirit of retributive justice which awed and intimidated them. Fearing to *destroy* by open violence, they forthwith attempted to *muzzle* the Press, through the instrumentality of the odious laws of libel. Prosecution followed prosecution, and where truth constitutes a libel, it is surprising how Mr Mackenzie escaped. But the country had become thoroughly aware of the conspiracies against their liberties, and no jury could be found to convict. The indomitable perseverance of Mr Mackenzie in defending himself, gave his prosecutors nothing to boast of in the rencontres. He had all the laws and authorities at his finger ends, nor did he fail to enter into all their swindling transactions with much more severity than had characterised his paper; a fruitful subject, on which, with 'Tully, he found it easier to commence than know where to end.

Less difficulty was experienced in overcoming others against whom the same vexatious proceedings were commenced. The principal sufferer was Francis Collins, whose case was before partially alluded to. He had lately come from Ireland with a small competency, which he invested in a press, and issued a paper entitled the 'Canadian Freeman.' Perceiving the very same practices prevailing in the Colony, which had caused his exile from his native land, with a justifiable indignation he commented on the ruinous policy of the Administration. He saw the same meshes prepared for himself and children, as in the corrupt and worn-out system in Ireland, and his feelings were too fervent and Irish for him to disguise his disapprobation. Sir P. Maitland ordered him to be prosecuted, upon what grounds may be known from the fact of the trial being put off and the proceedings afterwards discontinued. The end was, nevertheless, answered, by their laying hold of much stronger language which he had made use of under the excitement of ill usage in the first case. By the aid of Mr Attorney-General Robinson and Judges

Hagerman and Sherwood, the verdict was brought in against him, and an "oppressive and unwarrantable sentence," (to use the language of a resolution of the House of Assembly) inflicted on him. He was thrust into prison. The whole history of this trial shows the desperate measures resorted to for intimidation. The case was taken up by the Assembly, and the Lieutenant-Governor addressed for his release; but although he could reprieve certain Orange rioters at once, poor Collins was denied any mercy, until, by a representation to the King, he was at length relieved; but, like Mr Gourlay, ruined in fortune, with a broken-down constitution, which soon consigned him to the grave in the flower of manhood. His helpless family yet feel the dreadful consequences of his sacrifice. Although Collins fell beneath the ire of Sir P. Maitland, he was scarcely put in safe keeping before the term of his persecutor's Administration was brought to a close. The Executive aggressions had become so frequent and overbearing as to arouse the attention of even a Tory Ministry. What led immediately to his recall, was the trespass of an armed force on the property of a Mr Forsyth, at the Niagara Falls, and their having thrown over the precipice one of his buildings, on a plea that the land belonged to the Crown. The process by law was too slow for redress, and his military habits would not submit to contradiction. Here again the House of Assembly interfered, and it being necessary to have the evidence of certain officers, they were denied the liberty of appearing before the Assembly, and were in consequence apprehended and imprisoned for a contempt of the authority of Parliament. So far did they carry their reluctance to give evidence, that the Serjeant-at-Arms was compelled to enter by force the house where they had barricaded themselves. The whole proceedings were laid before his Majesty; Mr Forsyth's claim for redress was acknowledged, but to the present time his damages have never been awarded him. Sir P. Maitland was censured by Sir George Murray, and shortly afterwards recalled.

Previous to this, Robert Randall, Esq., for many years a patriotic Member of the Assembly, and agent of the people to England, in 1825 against the Alien Bill, fell under the proscription. Possessing ample estates on the Niagara frontier and on the Ottawa, embracing valuable mill privileges, they were juggled out of his hands by the formality of law, and he was left bankrupt and penniless, and soon closed his days in sorrow.

Captain Matthews, a gallant veteran of the Peninsula and Waterloo, was another who fell by the dire plots formed against him. He also was a Member of the Assembly on the popular side, and would not receive "new light" at the beck of the

morose military despot. Spies were set upon all his actions, to obtain a pretence of robbing him of his half-pay, so honourably earned by a long period of active service. One of the spies declared he had heard him call for the national air of the United States, "Yankee doodle," at a play in the metropolis; and for this he was deprived of his half-pay, and only obtained its continuance on the condition of repairing immediately to England. Hither he came, to encounter his enemies and seek redress for his injuries, and his mutilated frame did not long withstand the effort. He never returned, and the Province was deprived of his resolute and noble services to gratify the malignity of a secret cabal of cowardly miscreants in Toronto.

Mr Justice Willis, who had been elevated from the English bar to a vacant Judgeship, was another sufferer. He came into the Province determined on not interfering in the local politics; but the Executive well knew the star-chamber could not be kept up without the obsequious Jefferies, and refusing to take part with them, he was presumed to be in opposition, and this was the signal for his being put out of the way. There are but three Judges in the King's Bench who preside at Term, and at this time the Chief Justice Campbell was absent, seeking a Knighthood in England. Mr Willis found he could not legally sit without the presence of the presiding Judge, as there was no one to decide in case of a difference of opinion between him and his brother Justice. This was made known to Sir P. Maitland, and so favourable an opportunity of removing him was not to be lost. He was accordingly cashiered, and the notorious Mr Hagerman appointed *pro tempore* in his stead, who was at the moment discharging the onerous and important duties of an Officer of the Customs at Kingston! An appeal was made to England by Mr Willis, and the course he had taken could not be objected to, but Sir P. Maitland had forbid his reinstatement in the Colony, and another office was provided for him in Demarara; but he can tell a tale connected with the present subject, of no slight interest and importance. The Chief Justice shortly afterwards returned as Sir William Campbell, and resigned, to make way for the election of Mr Attorney-General Robinson, of Gagging and Alien Bill notoriety. The poor exciseman of Kingston, Hagerman, was superseded by a Mr. M'Aulay, a Barrister of six years standing! and was rejoiced to accept the humbler office of Solicitor-General, which he at present holds.*

* The Whigs have been too neglectful of this gentleman's astonishing merits. But he keeps good courage, and, as the back-stairs adviser of Sir F. B. Head, expects promotion to the Bench very shortly. His decisions, when formerly in the office, give him peculiar claims on the Government, and it is to be

The House of Assembly again interfered in behalf of Judge Willis, but his upright and honest course precluded the possibility of his return to the Province.

Sir P. Maitland, as usual, before and since, busied himself in secretly libelling and calumniating the friends of equal justice. His dispatch to Sir George Murray has since been obtained, wherein he speaks of the Assembly's Report as being drawn up in "*terms which gratify the malice of an individual or answer the temporary purpose of an unprincipled faction.*" In thus venting his spleen in a secret and cowardly manner, no doubt his malignity was gratified according to the prevailing laws of honour; but the custom has become so universal since the days of Hutchinson, as now to excite little surprise. At length Sir Peregrine was recalled, and he departed with the hearty detestation of all classes, who anticipated a close to the reign of terror at his removal.

Some of the most prominent of his acts have been recorded, but the system had its ramifications extended far and wide, furnishing innumerable instances of ruthless and barbarous Government, were there any necessity of noticing them. That country would be degraded indeed not to be aroused by such displays of arbitrary power, and the Canadians continue to dwell on that period in their history with that intensity which a long course of conciliation alone can mitigate. Whether they have had reason to rejoice in the change of one *Commander* for another, will be ascertained by an examination.

SIR JOHN COLBORNE'S ADMINISTRATION.

Sir John arrived in the autumn of 1828, and assumed the reigns of Government under the most favourable auspices. The Colonists believed, from the removal of Sir P. Maitland, that the British Government had a desire to do them justice, and when Sir John protested that all *real* grievances must and should be redressed, his avowal was hailed as the omen of better times. The new incumbent was a brave old soldier, but he was no statesman, and a perfect novice in the science of properly administering civil affairs. A new general election had just taken place at his arrival, and a sweeping majority of Reformers was returned, who chose Mr Bidwell as their Speaker. Never was there a better opportunity presented for wholesome Legislation than at this moment, had the Council been at all fitted for a due per-

hoped he was no false prophet when he boldly stated in the Assembly that his "sun was still in the ascendant." His appointment will give great *satisfaction*.

formance of its duties, and the new Governor shown himself, what he professed to be, a Reformer. The Oligarchy were upon the point of being broken up, but long experience had increased their cunning and knavish resources, and efforts were immediately made to detach Sir John from the Reform party. An outrage of the most ludicrous nature was perpetrated, to offend his military pride and have the blame laid upon the Liberals. His effigy was hung up with an offensive label stuck to it, and notwithstanding the impossibility of any Reformer being connected with the outrage, from their having unlimited confidence in the new Governor, and notwithstanding an enquiry traced it home to the Tories, Sir John foolishly laid the insult on the wrong party, and the trick succeeded. Added to this, he was a faithful member of the Church of England, and the dispute regarding the Clergy Reserves raging high at the time, his prepossessions in favour of its exclusive claims and the necessity of its connexion with the State, placed him in direct opposition to the Assembly. The breach was widened as the advice of the Oligarchy came more to be relied on, until the country ceased to expect aught at his hands. From his isolated position he could know nothing of the true opinions of the people, and with an *irresponsible* Executive Council, under the arch direction of Dr Strachan, he could not transact the ordinary business without their direction. Reform was now entirely out of the question, and Maitland's detestable policy renewed. Reform had not then become triumphant in England, and every measure sought for by the country was deemed an innovation on the established order of things too dangerous for adoption. This belief was encouraged by the monopolists and speculators around him, and a stranger to the customs and habits of the Canadians, he could be said to rule only in name. He was blameable in thus becoming accessory to the schemes of others, but the chief blame rests with the Home Government, who transferred him from the sphere in which he was educated, to one where his incompetence could be no otherwise than painful to himself and disastrous to the country.

All attempts at useful Legislation were found abortive by the Assembly, and the people became careless and despairing. They saw no benefit in a Constitution precluding the correction of abuses and preventing progressive improvement. Reliance on the Home Government had not been entirely lost. Nothing, however, was done for remedying the evil, and their petitions, instead of obtaining bread, were put off with a stone.

Several Orange riots occurred soon after his arrival, in some of which certain Justices of the Peace were involved. Sir John

was petitioned for their removal, but in vain. A few of the ring-leaders had been convicted and imprisoned, but they were soon afterwards released, thus holding out absolution from the terrors of the feebly enforced laws to all future disturbers of the peace. These men were pardoned; but when the Assembly requested him to interfere in the case of Francis Collins, he replied very cavalierly—"I regret exceedingly that the House of Assembly should have made an application to me, which the obligation I am under to support the laws, and my duty to society, forbid me, I think, to comply with." To this the House replied with becoming spirit, that "The imputation which this House apprehends to be conveyed by his Excellency's message that they are not equally anxious and industrious for the same great ends, is neither justified by their conduct since his Excellency assumed the Government, nor is it what they had reason to expect, and in future hope to receive, in all communications from his Excellency to this branch of the Legislature." No reasonable doubt remained that he had thrown himself in the arms of the Oligarchy, and his subsequent acts fully proved this to have been the case.

At the death of the pious and virtuous George the Fourth, in 1830, a dissolution took place, and a new election was ordered immediately. The country was taken by surprise, and being indifferent to the exercise of the franchise while that monstrous impediment, the Legislative Council, remained, to render abortive all the efforts of the Assembly, the Tories once more obtained a majority by means of Patent Deeds and the Borough system. Still this would not have been the case had not many who mounted the hustings as sterling Reformers, received "new light," and bowed the servile knee to Toryism, almost upon taking their seats. Treason to the people has not yet been made an indictable offence, but on the contrary, fashion favours and smiles upon it. So long as it serves the ends of oppression, nothing can be more harmless and inoffensive. The cool depravity which has imposed so frequently on the people of England, will prevent any astonishment that the Canadians should likewise have suffered.

The Tories were no sooner certain of their majority than they revived their old practices. Mr M'Kenzie had been chosen at the two last elections to represent the populous county of York. Both in and out of the House he was a great annoyance to them. Their libel actions had failed to immure him in a dungeon—they dare not again destroy his press—but now they had another mode of inflicting punishment. Laying hold of some of his animadversions on their proceedings, a motion was made for his expul-

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sion, which was finally carried. His constituents again returned him almost unanimously. Again he was thrust out, and declared incapacitated from sitting after such expulsion. Six different times was he expelled and as often returned to the House, often without opposition; but not until the Tory House was itself dismissed by the country were his rights acknowledged, and the franchise of the York electors respected. The first expulsion was unjust, and the succeeding ones clearly illegal and unconstitutional. The erasure of the proceedings from the Journals in Wilks's case had no effect in deterring the Canadian Tories from pursuing their cherished revenge. The country was thrown into the utmost excitement by these proceedings. Immense crowds of the electors accompanied Mr McKenzie to the House, and were only prevented by his exhortations, and the persuasion of the Reform Members, from taking summary vengeance on the Tories, and dispersing them in the true Cromwellian style. On one occasion they were obliged to rush in a body to barricade the doors with benches, &c. to prevent the crowd bursting them in, and the consternation of the faction drove them to humiliating beseechings for peace. Tranquillity was finally restored, but when the indignant electors had returned to their homes, the same vexatious course was continued. Had it not been for the interference of the leading Reformers, there is no saying where this violence would have ended. The whole Province was equally excited with the county of York, and all might have been in a blaze from this spark.

The majority in this Assembly by no means confined themselves to illegally disfranchising the county of York. Several of the most iniquitous measures were passed, increasing the official patronage, enlarging the powers of the petty officials, extending the jurisdiction, and increasing the expenses of the local courts, adding to the national debt, squandering the public treasury, and striving, to the utmost of their power, to maintain the same system which had already impeded the growth and prosperity of the Province.

It was during this Parliament that the famous, or rather infamous, bargain was made for a permanent civil list. The Reformers were then in power in England, and the Canadians naturally expected there would be no hesitation in restoring to them the casual and territorial revenues, amounting annually to near one hundred thousand pounds, which had been seized by the Tories. As before-stated, the Colonial Secretary proposed to give it up on a provision being made for the civil list during seven years, or the life of the present King. Sir John obtained an *everlasting* Salary Bill from the obsequious Assembly, chiefly

through the instrumentality of the Attorney and Solicitor-General, who were themselves provided for, and he wrote to the Colonial Secretary that he had made a better bargain, &c. upon which the revenue was refused to be given up, and remains at this time entirely under the Executive control, to be squandered in any way thought proper. Sir John thought, perhaps, to keep the matter secret, and it were well for his own character, and the reputation of the Whig Government, had it so been kept; but, like all their other doings, it was brought to light in time, and served not a little to engender bad blood and increase the already alarming excitement. His whims on the subject of Emigration, in the furtherance of which much money was expended, proved the absurdity into which ignorance could lead him; and by the impediments thrown in the way of settlement, and the favouritism predominating in the choice of agents, thousands of those intending to locate in the Province continued on to the United States, and, as may well be supposed, never returned.

During the whole term of his Administration, marked insults were suffered by all the religious congregations opposed to the exclusive claims of the Episcopal Church, and before his departure large portions of the reserves were set apart in Rectories and Rectors put in possession. This was the climax to every thing else, and the patience of the country was completely exhausted. When, in 1834, a general election took place, a sweeping majority of Reformers was returned, and they again chose Mr Bidwell their Speaker. The Council once more set themselves in opposition, and would entertain nothing of a liberal nature. Attempts were made to conciliate them, but all was useless. The Assembly thereupon became almost impetuous to the King for redress. A change in the Constitution was earnestly, but with the most marked respect, prayed for. The fullest documentary evidence was sent, showing its necessity, but neglect and insult has been their reward. True, Sir John Colborne was removed, but in his stead a person appeared, inferior in point of information and intellect, immeasurably below him in honour and honesty; one who has degraded the dignity, so rashly, I had almost said villanously, conferred on him, and stirred up a dangerous feeling injurious to that connexion, so capable of becoming beneficial to both countries. This man is Sir Francis Bond Head, whose short administration comes next under review. It is difficult to conduct an investigation quietly where so much knavery is to be exposed, but were there ever an occasion to justify passion and the display of feeling wrought into forgetfulness of all save the wrong and the retribution, the present is one.

SIR FRANCIS BOND HEAD'S ADMINISTRATION.

When Sir John Colborne received his appointment in 1828, a Tory Administration were in power, and his conduct may be justified on the ground that he was deputed to carry out their principles of Government, and none other. At the accession of the Whigs they did not seem to think the North American Colonies any part of the British Empire over which they had control, and for a length of time the old Governors reigned supreme as ever. The complaints of the Canadians were disregarded, inasmuch as they could not effect the stability of their offices here, and excited very little attention in any quarter. At length, by the perseverance of Mr Roebuck and Mr Hume, they were driven to do something for the sake of appearances, and Lord Aylmer was in the first place dispossessed of Lower Canada. The fact of his being removed gave promise that a successor would be appointed, with instructions to pursue a different policy. Such was not the case. The Earl of Gosford was made Governor in Chief, chosen on account of his good-nature and affable habits, not for the purpose of doing *something*, but to lull into security and excite hopes never to be realized, while doing *nothing*. An old Tory, Sir Charles Grey, together with a Captain of Engineers, Sir George Gipps, were commissioned, in connexion with the Governor in Chief, to make certain inquiries, &c. The Commission is at an end; Sir Charles Grey has returned—

“Parturiunt montes, nascitur ridiculus mus.”—

The Commission was sent out to prepare an excuse for doing nothing, and, from the description of persons sent, no doubt remains that they have prepared something which will serve the purpose. Should anything liberal be produced by such a man as Sir Charles Grey, it may be counted an anomaly in politics. It would disappoint the Whigs, because it was not for that he was sent.

As a part of the same policy, Sir John Colborne was removed from Upper Canada, and a “juvenile Whig,” in the person of Sir Francis Bond Head, installed in his place. He arrived not quite a twelvemonth ago, and although he had never been heard of before, he was supposed to be one of those gifted genii whose modest merit the world are tardy in acknowledging, and therefore much was expected from him. Since his true character has been fully made known, conjecture has in vain attempted to solve the mystery how he came to be appointed. Many trace

it to the service rendered the Ministry in his avocation as an assistant Poor Law Commissioner. Others, knowing the fame the Colonial Secretary has obtained as an experienced sleeper, give the credit to the soporific qualities of his literary undertakings. Some pretend to believe in a *sinister* influence at Court, to which he is indebted for the honour, while those are found laying the appointment on the shoulders of the Canada Company. Sir Francis has himself increased the difficulty of unriddling the puzzle by stating that he was *personally* unknown to all the Ministry, and *even* to his Majesty himself. However this may be, the appointment was made, and constitutes an epoch in the history of Upper Canada. As a peculiar concession on the part of the Ministry, deserving particular record, when there are so few to be noticed, the complaints of the Colonists against a military despotism were upon the true "Doctrinaire" principle partially regarded, by substituting for a Lieutenant-General in the army a Major of the waggon-train. It would be unsafe to yield the point entirely, and something half-way was hit upon. This was an overpowering effort in the cause of Reform. How long Lord Glenelg rested from his labours, after such a stupendous and Herculean task, matters little, he having, it is confidently asserted, quite recovered his ordinary health. A Tory Member of the Assembly congratulated the waggon-train that its prospects were looking up, for want of other cause of congratulation to his friends, amidst the sanguine hopes and anticipations of the triumphant Liberal party.

Sir Francis set foot on Canadian shore at Niagara, and immediately proceeded to the seat of Government. He was very soon met by a deputation, with an address of congratulation on his arrival, to which he returned a most gracious reply, and thanked them for their "loyalty." The Legislature were in session when he arrived in Toronto, and when Sir John yielded up the authority into his hands, a new era was joyfully supposed to have commenced. Those who had looked with sincere and heartfelt exultation at the triumph of the Reform Bill, and the elevation of reformers to power, hailed the arrival of the first Whig Governor with every demonstration of satisfaction. Addresses poured into the Government Office from every district, and the Representatives of the people, with more than common alacrity, offered the tribute of their respect. Instead of making known the authority with which he was vested in the usual manner by a message, Sir Francis came down to the Council Chamber, and summoning the Assembly before him, delivered a short and very foolish speech, displaying anything but dignity and sound sense. After making known his authority, and stating he had something to lay

before them, he proceeded :—" This communication I shall submit to you in a message, which will at once inform you of the *difficult* and *most important* duties about to devolve upon me as well as yourselves."

" As regards myself, I have nothing either to *promise* or *profess* ; but I trust I shall not call in vain upon you to give me that *loyal, constitutional, unbiassed, and fearless* assistance which your King expects, and which the rising interests of your country require."

This harangue excited some merriment at the time, particularly his dogged refusal to promise or profess any thing, and the pomposity of stringing together so many unconscionably long-winded adjectives before the pregnant word "assistance." These, however, were considered quite innocent in a reputed author, and indeed Sir John Colborne's language permitted interpretation by the rule of negatives, he having *promised* and *professed* every thing at his arrival, and done nothing—so Sir Francis was thought on the point of doing every thing without indulging himself in any rash boastings. The word "loyalty," thrust into almost every document from the Government Office, betrayed certain suspicions on his part, which our glorious Reform Monarch would have disdained entertaining, after so many occasions on which it had been evinced, but this was considered a weakness natural enough in his noviciate. His appearance was in equally bad taste ; decked off in an unknown uniform, surmounted by an uncommon quantity of gilt frippery, and buttoned in a fierce style under the chin ; an immense field officer's cocked hat, with an unusual quantity of feathers, giving an undue top-heavy proportion to his diminutive frame ; he reminded one of the gallant Peter Stuyvesant, the puissant Governor of New Amsterdam, when returning from the valorous onslaught in the trenches of New Sweden. This studied military dandyism was anything but tasteful in the eyes of those who had suffered under it so long, and the rank of the new comer offered no excuse for the preference of tawdry finery over the more simple vestments of a Civil Governor and Gentleman. Such observations could be made by an idle spectator, bent on judging something of character by appearances, but he met with the most studied respect from all parties.

The House of Assembly, jealous of their privileges, could not fail to institute an inquiry into the novel mode taken to communicate information, by which they had a second time in one session been summoned to hear an opening speech from the throne ; but finding one precedent in the whole experience of the House of Commons, it gave perfect satisfaction. The Tories, who were dreadfully frightened at the Reform aspect of affairs, had the cir-

cumstance conveyed to Sir Francis' ear, as an insult to himself, when it was a simple investigation to know if the freedom of Parliamentary inquiry and debate had been affected in any manner. Subsequent experience leads to the belief that his mind was impressed against the majority by the circumstance, and nothing can surely indicate infirmity of intellect more.

A reply was made to his short speech, equally brief and conciliating, and to establish the fact of their sincere desire of co-operation, and to show their reiteration of their demand for the "*elective institutions*," made at the commencement of the session, it is here given:—

May it please your Excellency :

We, his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, thank Your Excellency for your Speech from the Throne.

We congratulate Your Excellency on your safe arrival among us, and on your assuming the government of this Province, and we have sincerely participated the anxious feelings and expectations of the people upon an event which they have been disposed to regard as happy and auspicious. *The just and reasonable wishes of the people have already been deliberately and solemnly expressed in the answer of this House to the Speech delivered from the Throne at the opening of the present Session ; and Your Excellency may rely upon our loyal, constitutional, unbiassed and fearless assistance, expected by our King and required by the rising interests of our country, in the pursuit of those measures necessary for our peace, welfare, and good government.*

We shall be most happy to receive, and shall ever most respectfully and carefully consider, any messages from Your Excellency, with whose administration we sincerely desire cordially to co-operate.

MARSHALL S. BIDWELL,

Speaker.

Commons House of Assembly,
28th January, 1836.

Singularly enough, every Tory in the House voted for this Address except one, although they had set themselves strongly in opposition to the "*elective institutions*" not a fortnight before. Were any evidence wanting, this affords good proof that they are as ready at conforming, when they deem their reign at an end, as they are dogmatical and unyielding during its continuance.

In rejoinder to this reply, his Excellency again informed the House that he "*looked with confidence towards the future for the continuance of their loyal support ;*" and he again referred to the "*arduous and important duties*" in which they were presently to be engaged.

The dispatch of the Colonial Secretary soon afterwards came down, in which the "*Grievance Report*" was acknowledged as the deliberate opinions of the people, but instead of grappling at

once with the long-standing abuses, instructions were given only to the remedying of minor evils, while the great and vital questions were expertly evaded. The quibbling and special pleading of the crafty lawyer, Mr Stephen, were palpable in every line. Never was there a more insulting and dishonest dispatch issued from that office, where there has been enough of bad statesmanship to ruin countries much farther advanced than the Canadas. As a matter of curiosity, it will be well to refer briefly to some of its paragraphs.

On the question of a locally responsible Government Council, they were told there was a "*practical responsibility to the King and Imperial Parliament.*" Now this is utterly and totally false. Forty years' experience has proved it. Petitions for Reform for the last twelve years, emanating from the House of Assembly, or signed by thousands of the inhabitants, give it the lie; impeachments of Dalhousie, Aylmer, and latterly of Head, prove the taunting mendacity of the assertion, while the immense distance between the countries, the impossibility of quick communication, and the trifling interest excited by Colonial abuses during the all-engrossing political discussions at home, convince every man of sense that it is not, and can never be, the fact.

As if to give a direct contradiction to himself, and challenge the Lieutenant-Governor to acts of hostility and aggression, Lord Glenelg is afterwards made to say to him—"In any representations upon the subject of your official misconduct, you will have the *highest possible claim to a favourable construction.*" Subsequent events have shown to what lengths this exemption has encouraged the person addressed to venture.

On the subject of an Elective Legislative Council, the writer of the dispatch says he is relieved from any investigation of it by the instructions given to the Commissioners sent out to Lower, not Upper Canada. This, no doubt, he thought very consolatory; but at the least it was a petty evasion of an all-absorbing question, and shows an inability to offer any other opposition as to its merits. In the end the Colonists are told that the evidence of the Ministers having an "earnest desire" for the redress of grievances, would be found in the fact of a long dispatch having been written. Why, it may be an evidence of great condescension in the eyes of my Lord Glenelg, and be deemed by him a sufficient discharge of his important duties; but the contemptible and trashy document was not viewed in the same light by the people of Canada, and it is doubtful whether the nation, who maintain him in the office, not certainly as a dictator and supercilious prevaricator, will exonerate him on such grounds. The public are not at this day to put up with mere vague expressions

of some little desire to do, when the exigency requires something to be *done*, and that quickly.

The Colonial Secretary told Sir Francis that he was chosen "at an era of more difficulty and importance than any which has hitherto occurred in the history of that part of his Majesty's dominions." This is all very true—and does he think to get past that *era*, the natural result of half a century's misgovernment, by the most insignificant and contemptible policy? Does he think mere words on his own part, no matter how pompously and condescendingly multiplied, together with an abandoned course on the part of Sir Francis B. Head, which the most detestable Tory Governors have never equalled—does he think these capable of allaying excitement, and silencing the loud voice of popular complaint? Yes, he holds such opinions; but in one short year that *era* has merged into a *crisis*, and the crisis must lead to something more, which, if the Colonial Secretary can contemplate with complacency, the friends of good government can encounter without apprehension.

In the same dispatch Sir Francis is told that on all questions the most deeply affecting them, the Canadians and their Representatives have ever "exhibited a studious respect for the person and authority of their Sovereign." This is something very new, and well worth transmitting 4,000 miles! Most cruelly and fraudulently have they been required for such studious respect by the successive servants of the Crown, should have been the conclusion of the sentence. In another sentence it is stated that they have ever evinced "a zealous attachment to the principles of their balanced constitution." This contains two misstatements, proceeding either from inexcusable ignorance, or from another cause of a different nature. In the first place, the Legislative Council never were, are not, and never can be, a "balance," for any good or honest purposes: and in the very Grievance Report which it was pretended had been carefully consulted, and was given to Sir Francis as a guide book, the Assembly, in several particulars, most earnestly and explicitly complain of the Constitution. They could do no otherwise in condemning the enormous Church appropriation, and the vicious body called a Legislative Council. Such a continued reiteration of fallacies by the author of the dispatch would be pitiable, were it not highly reprehensible. This doctrine of "balances" has become absolutely nauseating, and the "studious respect" has been confined entirely to the person of King William the Fourth, and can only be made applicable to himself, by a Minister capable of even self-deception, and willing to expect a return of good, for inflicting an infinity of evil.

It has been elsewhere asserted, and it is no doubt true, that Sir Francis B. Head came into the Province determined on being a Reformer, however new the occupation might be to him, and of satisfying the people to the utmost of his power. He showed he wished to withhold nothing by letting out the instructions given to Lord Gosford concerning affairs in Lower Canada, which almost at that very moment Sir George Grey was refusing to Mr Roebuck in the House of Commons, on grounds of some very mysterious State policy. This exposure completely unmasked the hypocritical Secretary and Commissioners, and Sir Francis deserves every credit for making it. He further named three able men in the popular cause as Executive Councillors.* He also made four honest appointments for conducting the Leeds election. He moreover seemed extremely anxious for private information from the leading Reformers, and betrayed a laudable anxiety to allay party feeling, and conciliate all for the public good. Three short weeks, however, served to dispel such illusory notions from his mind. The Tories soon recovered from their consternation, when they obtained more insight into the character and predilections of this hitherto flaming Reformer. They swarmed around him with the same sycophantic and adulatory submission, which they had been accustomed to pay to Sir John Colborne and Sir P. Maitland. This was more pleasing to the vanity of his Excellency than the independent though respectful bearing of the representatives of the people. Finding himself uncomfortable in his new character, Sir Francis soon put off all show of liberality, and determined to see the worst with the Tory faction.

He dismissed the Liberal Executive Council, and made choice of four others who would second his views, all of whom were Tories of the passive obedience school. With their aid he found he could, by means of patent deeds, control every constituency in the Province, should an opportunity offer of quarrelling with the House of Assembly. He knew he had the Orange faction to bully and riot; the petty officials throughout the whole Province were in his interest; the casual and territorial revenue was under his control, for purposes of bribery and corruption. All this he knew, and with the cool calculating spirit which might be expected in a South American adventurer, he abandoned the course on which he had first set out, and commenced his reign of insult and tyranny. His naturally vain and arrogant disposition in a measure led him to this course; but he also saw that the *profit*—the pecuniary harvest—was only to be reaped on one side.

* Vide Chap. I, on the Executive Council.

What the Reformers chiefly desired was economy and retrenchment; but this would interfere with his views. The Tories, on the other hand, desired nothing of the kind, and there would be mutual forbearance in dividing the spoils.

In the anticipation of being able to co-operate with Sir Francis, the Assembly at first anxiously looked for the distinct plans, in the furtherance of which they were to render their "*loyal, constitutional, unbiassed, and fearless* assistance." But after the dismissal of the Executive Council, they looked in vain for any resumption of his original doctrines, and the fulfilment of his promises.

During this time the Surveyor-General of the Province was removed, and Captain Macaulay, who had lately arrived from England, and who was on full pay in the Army, received the appointment. In consequence of a movement of the Assembly touching the claims of Mr Radenhurst, the head clerk, of eighteen years' standing in the office, and an active officer on the frontiers during the war, Captain Macaulay soon afterwards resigned; but the testy knight was not to be thwarted in his choice. He sent a recommendation of Captain Macaulay to Lord Glenelg, but a counter recommendation was also dispatched in favour of Mr Radenhurst, signed by nearly every member of the Assembly, and many members of the Council in their individual capacities. Politics had nothing to do with the last recommendation, and the warmest friends of Mr Radenhurst, and those who most interested themselves in his behalf, were Tories. Yet Sir Francis did not scruple to accuse the Reform party of wishing to control *him* in *his* prerogative. This was only, however in the furtherance of his intention to come to an open rupture.

It afforded no grounds for a misunderstanding; nor did the appointment of a committee on the question of the Executive Council indicate any desire in the House to interrupt the ordinary transactions of business. In the absence of any suggestions by Sir Francis for the adoption of those Reforms which he pompously announced on his arrival were "expected by your King, and which the rising interests of your country require," they passed all the Liberal Bills so long resisted by the Council, and which they again rejected with more than their usual alacrity. The Tories all at once had recovered new life at their unexpected alliance with Sir Francis. Sir John Colborne, for the last two years, had evidently become impressed with the overwhelming force of the opponents to his Government, and outwardly had set his party an example of meekness, in anticipation of their reign being near its close. Before his departure the most violent among them, even Mr Solicitor-General Hagerman, had become as conciliating as could

be expected from such a second Winchilsea or Harcourt Lees. His advances were cordially met, notwithstanding the shaggy mane of the hyena would occasionally peer through the lamb's clothing. But after the appointment of Mr Macaulay, his brother-in-law, the dismissal of the Executive Council, the vituperations of Sir Francis, and when the compact had been completed, he and all his party resumed their original characters. He vauntingly proclaimed, on the floor of the Assembly, that "his sun was still in the ascendant,"* and again commenced his former cry of "Treason," "Republicanism," and "No Popery," which was re-echoed by the whole pack.

Sir Francis at once entered the arena as the head champion of Toryism. In his answer to the address from the city of Toronto he unblushingly made use of the following language:—"The yeomanry and industrious classes of Upper Canada should never allow a single letter to be subtracted from, or added to, this *great* charter of their liberties; for if once they permit it to be mutilated, or *what may be termed improved*, they and their children become instantly liable to find themselves suddenly deprived of their property, and, what is better than all, of their freedom and independence." This cant was probably derived from some of the Tory speeches before the English Constitution was amended by the Reform Bill. The advice was given at a time when he knew the people were anxious and earnest for a change in their Constitution, and had been so for years. They wished it amended by annulling the appropriation for the Clergy. They were anxious to have both the House of Assembly and Council differently chosen and constituted. Their petitions had gone to the King and British Parliament to that effect, and an inquiry had been instituted. The Tories themselves expressed a wish to amend the Constitution by altering the Provincial boundaries, so as to secure a sea-port in Montreal. Yet not a month in the Province—unacquainted with the wants of the country and the genius of its inhabitants—he had the insufferable presumption to advise that not a "single tittle" should be taken from, or added to it; and this too when he was himself violating one of its principal provisions, in refusing the contemplated responsible operation of the Executive Council! Such conduct indicates a want of morality quite sufficient to deprive him of the honourable title of a Reformer, and consign him to his suitable place among the ultra-Tories. A further recommendation for this distinguished situation may be found in

* A Judgeship will probably fulfil his prediction. Hanging one man, and imprisoning poor Collins, while a temporary Judge, give him a claim.

his acknowledgment that, unless the Reform Executive Council would *desert their principles*, and bow the submissive knee to his infallible dogmas, they could not retain their situations, nor *continue in his confidence*. This inducement for apostacy, and desire manifested to be intimately connected with the traitors, may serve further to illustrate the character of the new Lieutenant-Governor. Mr Baldwin, whom no one can suspect of indulging in Sir F. B. Head's mode of sustaining his cause, has made the charge against Sir Francis of having secretly altered the document sent to him, on the reception of which he and his colleagues had consented to accept office, and, after the arrangement had been made, of having produced, as the original, one of a more ambiguous nature. No one can doubt this, from the resignation of the Council three weeks afterwards, in consequence of their not having been consulted according to the promise held out in the first proposal, in which there was no ambiguity. This displays another trait in his character.

The next untruth of which he was convicted was in the course of the deliberations of the Committee of the Assembly on the Executive Council question. Some observations in the course of a debate had been made on the situation in which the Province would be placed were any accident to befall the Lieutenant-Governor, so that the government would devolve on the head Executive Councillor (as by law it would), and that Councillor be Mr Sullivan, the young man first named by Sir Francis, of whom very little was known, and that little by no means denoting his fitness or capacity for the emergency. This came to the ears of Sir Francis, and measures were straightway taken that the next Councillor, an elderly gentleman of the name of Allen, the one heretofore alluded to as the Commissioner of the Canada Company, should administer the government in such case. Mr Sullivan signed an agreement that he would resign when the time arrived, as the readiest means of installing Mr Allen. The Committee heard of this illegal and unprecedented proceeding, and immediately the Assembly sent the following Address to Sir Francis, to which he made the reply also given. The evidence of Mr Sullivan before the Committee follows, discovering the falsehood of the Lieutenant-Governor.

TO HIS EXCELLENCY SIR F. B. HEAD, &c. &c.

May it please your Excellency,

"We, his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to request that your Excellency will cause to be laid before this House, with as little delay as possible, an entire copy of what is generally termed, "the King's Instructions"

to the Governors of Upper and Lower Canada ; and also copies of any other instructions not heretofore laid before this House, touching the duties or responsibilities of the Executive Council ; as also any instructions from his Majesty's Government touching the administration of the Government of this Province by any Executive Councillor, in the event of the death or removal from the Province of the Governor, Lieutenant-Governor, or person administering the Government, and also copies of any bond or agreement between your Excellency and of your present Executive Council, *or between any two or more of the said Council*, by which it is stipulated in what manner the Government shall be administered, or who shall administer the Government of this Province, in case of the above named occurrence "

His Excellency's Reply.

" Gentlemen,—I herewith transmit as much of the information desired by the House as I possess.

I have entered into no bond or agreement of any sort with my present Executive Council, and I do not possess, *nor does there exist in council any document of such a nature between two or more of the said Council.*"

ROBERT B. SULLIVAN, Esq., examined before the Committee.

Q. 1.—Are you senior member and presiding councillor of the Executive Council ?

A. 1.—Yes.

Q. 2.—Is there any written agreement existing between yourself and any of the other members of the Executive Council, by which it is stipulated on your part what way the Government should be administered in the event of the death or removal from the Province of the Lieutenant-Governor ?

A. 2.—There is no agreement in existence by which it is stipulated how the Government of the Province shall be administered in the event mentioned in the question. At the time the Council were about to be sworn in, I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor ; as it was not my desire, in any event, to fill the situation of administrator of the Government.—At my request this intention was expressed in writing, and I signed it.

Q. 3.—Is the instrument you mention under seal or witnessed ?

A. 3.—It is neither under seal nor witnessed.

Q. 4.—Into whose hands did you deliver the document ?

A. 4.—Into the hands of the Hon. William Allan.

Q. 5.—Did any other person know of the existence of the document.

A. 5.—Yes. It was not intended that my intention should be secret ; his Excellency the Lieutenant-Governor was present when it was read and delivered to Mr Allan.

Q. 6.—Did his Excellency the Lieut.-Governor write the document, or was it written by his Excellency's order.

A. 6.—I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some other person than myself ; upon which his Excellency, being present, was kind enough to draw it up."

The House immediately expressed a want of confidence in the Council, in the Address given in the First Chapter. Notwithstanding, they were continued, and to this day are in power. Not satisfied with a refusal, Sir Francis made a direct breach of

their privileges in his reply. He said—"With respect to the request that I should take immediate steps to remove the present Council from such their situation, I might say that I had hoped the House would have refrained from any such decided expression of its opinion on the subject until it had received the Report of the Committee, to whom the subject was referred."—Those knowing aught of the privileges of Parliament will be reminded forcibly of the days of Charles the First on reading this extract. Sir Francis had no official knowledge that a Committee on the Executive Council had been appointed, and had he possessed such knowledge, nothing could warrant him in using the above language to the House. He does no less than dictate to one branch of the Legislature the course to be pursued; and that they had no power to act before one of their own Committees had reported. It was no doubt intended to provoke them into a dispute concerning their privileges, before the all-absorbing question of the Executive Council could be decided, in the course of which he might resort to a dissolution; but although the insult was deeply felt, they were willing, for once, to pass it over without notice, in their anxiety to proceed with business of all importance to the country. This forbearance encouraged further aggressions on the part of the Lieut.-Governor, but they were likewise unavailing with the Assembly. Not a single proposition proceeded from him during the whole session concerning those matters on which he had pledged himself at his arrival to direct his immediate attention. A state of entire passiveness in relation to those difficult and important duties only gave a greater opportunity to him of actively supporting the Tory party, with whom his fortunes were now joined. Every act done by him—every appointment made, demonstrated his participation in their worst feelings and principles. The officials and their creatures busied themselves in getting up addresses to him, seemingly that he might have a convenient opportunity of further insulting the Assembly and the people generally, in a semi-official capacity. To the infamous political address of the Grand Jury, heretofore mentioned, he made use of the following language:—"And if it be true that the recent expressions of confidence in my administration, which you have heard, and in which you cordially concur, lead you to hope that the people will not long remain blinded to their true interest, this happy effect has proceeded from no exertions of mine, but simply from my having repelled OUR ENEMIES, by pointing to the Constitutional Act of this Province." Here is a wholesale condemnation of the late Executive Council, of the House of Assembly, and of the great majority of the inhabitants, whom the Representative of the

King, by law supposed to be the father of his country, describes as "OUR ENEMIES." It must be remembered that this was spoken soon after the resignation of the Council, when the question was still pending in the Assembly, and that the difference of opinion arose upon the *construction* of the Constitutional Act, and not upon any other question. Sir Francis said he had "REPELLED OUR ENEMIES," by pointing to the very act to which the Reformers, his "*enemies*," themselves were pointing; a strange mode of putting down opposition, were his assertion true. With one or two exceptions of strangers lately arrived, this Grand Jury was composed of ultra-Tories, totally against those reforms required in the "Grievance Report," which had so long been sought by the people. Without any scruples, Sir Francis immediately makes common cause with them, declares he has "repelled" his and their enemies, calls them a "well-educated body of gentlemen," &c., and this at a time when he and they acknowledged that the people remained "blinded to their own interests" by taking part with the ex-Councillors and the majority of the Assembly. This audacious and insulting language was of course received with unbounded indignation, more particularly by the people, who wished the constitutional check over such as Sir Francis, in a responsible Executive Council; but the House of Assembly took no notice of the unmanly aspersion. They had become too well accustomed to the degrading blackguardisms of the plundering gang to be disturbed by aught emanating even from so high a quarter, and this further attempt to involve them in a personal controversy also failed. When it is remembered that the six Councillors had resigned rather than compromise their principles, the cowardly attack upon them must be duly estimated by all honourable minds.

In answer to another address, presented about the same time, he further vented his animosity against the late Council by describing them as a "few self-interested individuals" attempting "to seize upon the power and patronage of the Crown." This does not quite agree with his assurance, on their quitting office, that his "estimation of their talents and *integrity* remained unshaken." But he has never shown much regard for appearances or consistency, since finding that his power over the purse is only to be retained in a particular way. A further insult may be found in his answer to an address from the Reformers of the city of Toronto, in which he says:—"The political party which demand responsibility from *my* Council know perfectly well "that the power and patronage of the Crown are attached to it; "and it is too evident that, if they could but obtain the marrow, "the empty bone of contention—namely, responsibility to the



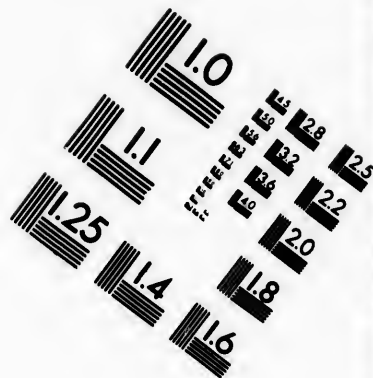
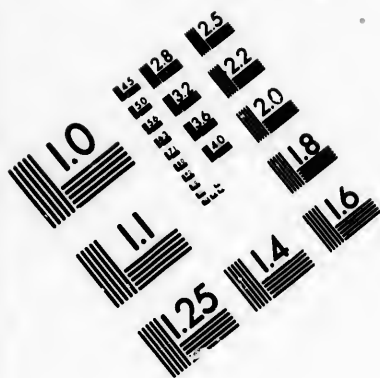
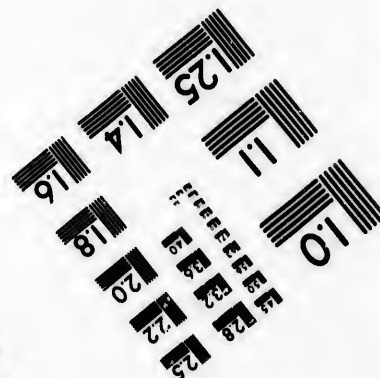
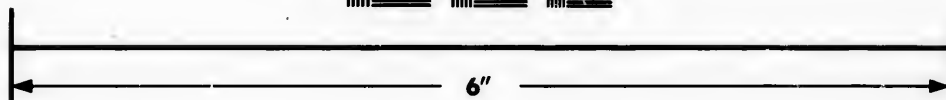
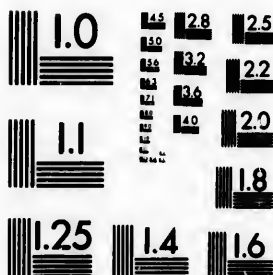


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"people—they would soon be too happy to throw away." This butchering simile he no doubt thought pregnant with wit and spirit, but the falsehood of the accusation recoiled with ten-fold fury on his own head. It happened that the country knew the Rolphs, the Baldwins, and Dunns, quite as well as himself, and none but the most depraved dare reiterate what their great master had advanced. In another reply he says—"Those who are watching us, observe that in each province of the Canadas there exist a few dark, designing men, who, with professions of loyalty and deep attachment to the Mother Country on their lips, hate in their hearts the British Government, because they (divested of its attributes) self-interestedly desire to reign in its stead." These gratuitous insults, coming from a perfect stranger, totally unacquainted with the province or the people, affords irrefragable evidence of his having joined the Tory faction, from whom the false charges, reiterated by them for the last twenty years, had been caught and brought forward in a new garb. Such language, embodying such foul and slanderous imputations on the best and noblest men in the country, contrasts strongly with what at another time he put forth:—"It is by *cool arguments and reason* that we must determine nobly to attain our object." From the tenor of his remarks against such men as the late Executive Council, and those most conspicuous in the affections of the country, no doubt he would attempt, with more than a Maitland's cruelty, to immolate them, as others had been immolated; but the following extract from the address of the citizens of the metropolis perhaps intimated something as to the risk of such an undertaking:—

"This responsibility to Downing street has never yet saved a single martyr to Executive displeasure. Robert Gourlay still lives in the public sympathy, ruined in his fortune, and overwhelmed in his mind, by official injustice and persecution; and the late Captain Matthews, a faithful servant of the public, broken down in spirit, narrowly escaped being another victim. The learned Mr Justice Willis struggled in vain to vindicate himself and the wounded justice of the country; and the ashes of Francis Collins and Robert Randal lie entombed in a country in whose service they suffered heart-rending persecution and accelerated death. And even your Excellency has disclosed a secret dispatch to the Minister in Downing street [the very alledged tribunal for justice,] containing some libellous matter against Wm. Lyon Mackenzie, Esq. M.P.P.—a gentleman known chiefly, for his untiring services to his adopted and grateful country. We will not wait for the immolation of any others of our public men, sacrificed to a nominal responsibility, which we blush to have so long endured for the ruin of so many of his Majesty's dutiful and loyal subjects.

"It is easy to say, when wrong is done by the Executive Council of the Province, to any individual or individuals, the Governor is responsible for them to the Minister at *Downing street*: but for all practicable ends, it might as well be said,—at our *antipodes*."

Notwithstanding these and many more attempts to irritate the Assembly into a rupture, they continued to legislate for the good of the country until the close of the session. As a matter of necessity they were obliged to address him for information on various subjects in order to continue the business. These addresses he was understood to have declaimed against in private, as an unnecessary and vexatious trouble to him, being a stranger, when, in fact, his secretary and the clerks were the only ones employed, and that in the mere routine business of the office. No doubt it would have pleased him, and been made a cause of accusation against the Reformers, had all business been delayed, because he was a stranger and required time to become acquainted with his official duties. But he was the last person from whom such a complaint, had it been just, should have come. Only a month in the Province, and by his own acknowledgment ignorant of the political affairs in England, he had the courage to promulgate doctrines in relation to the Executive Council which not the most ultra Tory of the oligarchical faction had dared before to uphold. In addition to this, he immediately commenced vilifying and libelling the best men in the country, as if he had personally witnessed the workings of party in the Province for years, and could support his assertions with the same description of evidence as the Reformers are enabled to bring against the opposite faction. Yet the conspiracy was in this way to be ripened, and whether he was the tool of others, or drew the plan of operations from his own fertile imagination, he at all events had no reason to complain if others gave him credit for what he himself professed.

After the determination of his Majesty to put down Orange Lodges had become known, an address of the House was presented to his Excellency, to know what steps were to be taken by him against similar institutions in the Province. He of course knew too well of how much assistance they would be to him to say aught condemnatory. He accordingly replied, that "The Government of this Province has neither taken, nor has it determined to take any steps to prevent or discourage the formation or continuance of such Societies." By proclaiming that he had no objection to their *formation*, an invitation was held out for exertion in multiplying their numbers. For this patronizing course a certain description of support was afterwards rendered him by them, which some consider *loyalty*, but others a premeditated violation of the laws of the country.

In the meantime he continued to make appointments and administer justice according to the worst precedents in Maitland's

time. The instances of gross partiality in favour of incompetent Tories, to the exclusion of every Liberal, no matter what his claims and qualifications, need not be adduced. They were sufficient to betray the true inclinations of his mind, and convince all those whom he was sent out to conciliate and satisfy, that a new dynasty was being formed under piratical colours, which would call for greater mistrust and opposition than that of his disgraced predecessors. They were not deceived; and in the bitterness of feeling which the comparison generates, no one can avoid exclaiming—"If this be Whig Reformation, in the name of justice give us Toryism instead!"

The session approached its close, and petitions from every quarter loaded the Assembly's table daily, praying for an immediate impeachment of the Lieut.-Governor, and an appeal to the Imperial Parliament and to the King equal to the emergency of the times. Before the Report on the Executive Council was made, and before the result of the Committee's deliberations was known, the House in the usual way applied to the Lieut.-Governor for the contingencies, *which he refused*, and their printers and servants were left unpaid. This was the climax of his cruel and arbitrary policy, and increased to its utmost height the ferment against him.

At length the Committee brought up their Report. It impeached Sir Francis B. Head of being a WORTHLESS AND MENDACIOUS TYRANT! and gave ample authority for the world's guidance in confirming the judgment. The Report was adopted by a large majority, after a fierce and stormy debate; the supplies were stopped; an address to the King and to the House of Commons was passed, to be transmitted with the Report and Evidence impeaching the Lieut.-Governor; all of which have long since safely arrived in England. But where is your boasted British Justice? Where is the honour and majesty of that nation on whose wide dominion the sun never ceases to shine? Where is the patronizing care of the parent to her injured and insulted children? Sir Francis Bond Head continues the Representative of King William the Fourth; continues to be regarded as a fit medium of communication between freemen in the Old and freemen in the New World; continues to be looked upon as a favourable specimen of English wisdom, honour, and honesty! Alas! for the Mistress of the World! the Arbitrer of Nations! There is a blot on her escutcheon—her matchless glory has been tarnished, and the sword of justice wrenched from her hand! The cry of one Roman citizen was wont to arouse myriads in shining armour to rescue and avenge. The cry of tens of thousands of

British citizens awakes no emotion—excites no sympathy—disturbs not the apathy of the nation “concentered all in self!” “How are the mighty fallen!”

The charges brought against Sir Francis Bond Head cannot be rebutted nor extenuated. They were not made vexatiously, whatever occasion he may have given for a display of feeling, but in the discharge of a great public trust, by the representatives of a people forty years ago deemed sufficiently enlightened to be the proper recipients of a constitution. And on whom rests the infamy of the present state of affairs, with a convicted and disgraced public officer continued in power? Not certainly with the Canadians. They have done their duty, and can never be compromised as the willing and submissive slaves to such a system. But it comes home somewhere, and must not be shifted on the shoulders of one man alone.

The session came to a close, and in his speech at the prorogation Sir F. B. Head indulged in his customary low reflections, which he could do with safety so long as the House had no opportunity of replying; and no one who has read that speech will hesitate to characterize it as undignified, unmanly, and disgraceful in the highest degree. It served to confirm the character given to him by the Assembly; and up to this time he has pursued a line of conduct in every way consistent with such character. An able and independent English gentleman, in contemplating his unprecedented behaviour, describes it as that rather of “a madman than of a person in sane mind.” But madness cannot be urged in excuse for him; there is another way of accounting for tortuous proceedings, more common, and less excusable—not induced by bodily infirmity, but by that of the mind.

No one has ever disputed the inherent right in the Assembly to stop the supplies, whenever they deem such a course necessary. They thought proper to do so in this emergency. But Sir Francis was not to allow the occasion to pass without another violation of the Constitution. Several money bills had passed both branches (for the Council are not backward in assenting to such), and came before him as the Representative of the King, for approval. One for the relief of an old soldier, blind since the war, in consequence of wounds received; another, granting the miserable pittance for the common schools; another, giving a small sum to improve the navigation of certain inland waters; one was to remunerate individuals for losses during the late war, and others were for the improvement of the roads and bridges, for supplying and building light-houses, supporting the Penitentiary, &c. All these bills were absolutely necessary; many for

the good government of the Province and the safety of the inhabitants; yet Sir F. B. Head refused his assent to all, except one of no importance. And what was his reason for so doing? By his own acknowledgment, in his speech at the prorogation, it was because the supplies had been stopped by the Assembly. He not only laid aside usage and the Constitution in the matter of the Executive Council—in the agreement between Sullivan and Allan—in refusing the contingencies to the Assembly, and committing a breach of their privileges, but when they exercised their acknowledged Constitutional right to mark their dissent to his administration, he further invaded the Constitution and their privileges, and spread confusion through the country, *because they had done so*. This question of the Supplies deserves a more minute consideration. Owing to the everlasting Salary Bill, passed by a Tory House, a great share of that control which the Representatives of the people ought ever to maintain over the Executive, was surrendered. The sum annually required of them now is only between 7 and 8000*l*. When the Executive has between 75 and 100,000*l*. at its own disposal, of course the vote of this small sum is of no consequence. It merely admits the right of the Assembly of controlling the Supplies, when, like almost every other institution, there is nothing tangible or real connected with it. The Tories knew the consequence of the people possessing a substantial control, and it was wrested from them. Yet Sir Francis stopped more than 130,000*l*. from the country, ostensibly because this mite was withheld from the Government! Must not that people be the veriest serfs in existence not to become desperate at so cruel and roguish an expedient to distress and intimidate the country? My Lord Glenelg has also something to answer for in the transaction. Instead of immediately recalling Sir F. B. Head, and at once assenting to these Bills, nine months afterwards he addresses Sir F. Head in this way:—"I have the honour to inform you that the *circumstances* which rendered that measure expedient having since undergone an entire change, I have not hesitated to advise his Majesty, &c. now to confirm those Bills." It is difficult to imagine how past "*circumstances*" can undergo a "*change*," but foolery in language is not now to be considered. My Lord Glenelg deserves impeachment, disgrace, and punishment, for the part he has taken in the transaction. But nothing of the kind need be expected by the Canadians. At a distance of 4000 miles, they cry for justice in vain! No one can hesitate in saying that this contrived invasion of their rights justifies a proclamation of war to the knife. Not one man of spirit could condemn such a course, were no other vindication for it alleged.

At the prorogation no one doubted that Sir F. B. Head would be recalled the moment the impeachment arrived in England. There is good authority for stating that he expected it himself. To vindicate himself as much as possible he called all the party into action, to whitewash his conduct by addresses, containing the most fulsome flattery and unqualified approval of his proceedings in every particular. It is a standing assertion, founded in fact, that among a certain class a petition can be got up on any subject. Now had any of those petitioners discriminated the particular acts of Sir Francis of which they approved, and condemned what all and each must have condemned, some weight might justly be given to their support. During the worst days of Sir P. Maitland, he made a tour through the Province with the venerable Dr Strachan as his *avant-courier*, who procured addresses of precisely the same description to be presented to him, by cringing, sycophantic and self-constituted deputations. Yet shortly afterwards, on his recall, although nothing since had been done to render him more unpopular, not one had the face to express an approval of his Administration, amid the loud and general execrations of the country. These addresses to Sir Francis are deserving the same credit as those to Sir P. Maitland. The country could not imagine that the impeachment from the House of Assembly would be unavailing; and a display of physical and numerical strength by the freeholders could answer no end, if the bill of indictment preferred by their representatives was disregarded. They had supported the Assembly, and were not to enter into competition with the drunken *sans culotte* "tag-rag and bobtail," assisted by the officials, the misguided, and the multitude of John Does and Richard Roes. Sir Francis made use of every deception and falsehood himself that would best accomplish his ends. On his first arrival he did not hesitate to attempt to deceive the Assembly by uttering a barefaced untruth, and now, in his desperation, the happy and felicitous habit was found of great service. His *first* falsehood was uttered in his speech at the prorogation, where he intimated that the withholding the money Bills was an unavoidable consequence of the Supplies being stopped. His *next* was in the same speech, wherein he accused the Reformers of having during the Session embarrassed the Government, and thwarted the beneficent intentions of his Majesty. The *third* was in his answer to the Tories of Toronto:—"No one can be more sensible than I am, that the stoppage of the Supplies has caused a general stagnation of business." A large business it must have been to be stagnated by 8000*l.* of supplies. Besides, this was in June, and no part of the supplies were due to any of the officers until

July, when one-half of their salaries was payable, and the other half in the January following. This was an atrocious falsehood to impute that distress to the Assembly, caused alone by his withholding the Road and Canal Bills, &c. and induced long before by bad Government. It was brought forward to render the Assembly unpopular, but received exposure on the spot. The *fourth* was uttered in the same address, when he spoke of the consumers of the farmer's produce, describing them as "flying in all directions from a land from which industry has been publicly repelled." He and the Tories alone repelled the "industry," and none but himself and party laid the blame on the Assembly. His *fifth* was in accusing the Assembly of arresting emigration, and bringing about that state in which "Mechanics in groups are seen escaping from the Province in every direction, as if it were a land of pestilence and famine." Owing to the superior enterprize of the Republicans under a good Government, the wages of the mechanics have been for years so high as to attract them from Canada. The distress caused by his withholding the Money Bills may have driven them away, but assuredly the paltry sum of 8000*l.* to a few "clerks and messengers" of the Government office could in no way cause the distress. How barefaced and idiotic was such a charge? His *sixth* was contained in a brief question. "What was the use of paralysing the country by so cruel a remedy?" (viz. stopping the Supplies). Toryism and Sir F. B. Head alone paralysed the country. His *seventh* was in his impudent assertion—"The people of Upper Canada detest democracy." In other words, they detest themselves and their inalienable rights! His *eighth* was—"They revere their Constitutional Charter." This has been proved false in the foregoing pages. His *ninth* was—"I am guiltless of the distress which Upper Canada must shortly most bitterly endure." He shares the odium with the Oligarchy. His *tenth* was conveyed in the question—"Can any three professional gentlemen of Toronto, intently occupied in their own petty interests, presume to offer to Upper Canada the powerful protection and parental assistance (!) which our Sovereign can bestow upon this young growing country?" Dr Rolph is the first in the medical profession; Mr Baldwin in the first rank at the bar, and Mr Dunn is the Receiver-General, the most responsible officer in the Colony; yet he calls them three professional gentlemen, intent on their "own petty interests," and accuses them of being capable of presumption. There is both falsehood and slander in this, and, notwithstanding these aids, he fails in making out an argument for himself. The *eleventh, twelfth, and*

thirteenth may be found in the following short sentence:—"Is the loyalty of this portion of the British Empire to bow before a self-constituted triumvirate, merely because it declares that no responsibility is trustworthy but its own?" The Executive Council was not a "*triumvirate*," it was not "*self-constituted*," and never declared that "no responsibility is trustworthy but its own;" neither was the loyalty of "this portion of the British Empire" expected to bow before it, any more than before Sir F. B. Head or the British Cabinet. The fifteenth falsehood is in his statement that a few individuals have "long gained their bread by hypocritically declaring what blessings you would receive if you could but deprive the Lieutenant-Governor of his patronage, and give it to them." No Reformer ever "gained his bread" by making such declarations, and not one ever interfered in a prominent station against the Tories, but suffered sufficient in his purse to exonerate him in the eyes of the world from the infamous charge, and vindicate the honesty and sincerity of his motives and opinions. The sixteenth is contained in this sentence, "It has long been declared by the few self-interested individuals, who are still endeavouring to mislead you, that cheap government can never be obtained in this Province, *because* the Lieutenant-Governor comes from the Mother Country, which is 4,000 miles off." No assertion of the kind was ever uttered by an Upper Canadian. They did not object to a Lieutenant-Governor coming 4,000 miles, if he were honest, and disposed to conform to the constitution by receiving the advice of the Executive Council responsible for giving correct advice. They did object to the *description* of tyrannical and lying understrappers from Downing street, but not to the mode, power, or place of appointment. In the above sentence and the one preceding, Sir Francis makes use of the term "*long*"—"it has *long* been declared," individuals have "*long*" gained, &c. These are *palpable falsehoods* to the most superficial observer, as Sir Francis had just arrived in the Province, and knew nothing of what he was talking. The seventeenth, "I need not tell you that I myself am an advocate for Reform." This was proved false on the Executive Council question, on that of the Orange Lodges, and by all his subsequent proceedings." The eighteenth falsehood is his assertion, "the Grievance Report has been an injury to you, which it will require a course of steady conduct to correct." The Report has fully exposed the faction, and thereby has conferred a benefit. He dared not come to particulars in that Report, and cannot point out the injury, unless it was the means of bringing him into the Province, whose presence is not only an "injury," but a con-

tamination and a curse. The nineteenth falsehood, "The language that has been heaped upon me is discreditable to this Province." The language was delicate and forbearing, taking into consideration the nature of his offences against the human and divine laws, and was in every way creditable to the High Court of Parliament, whence it emanated. The twentieth untruth may be found in his attempted vindication to Lord Glenelg, "Your Lordship cannot but remark, that for the first time in the history of this Province, the supplies have been stopped." The supplies were stopped by the tenth Parliament from Sir J. Colborne, but he did not in consequence refuse his assent to useful Bills; nor have the Governors of Lower Canada, although they have received no supplies for years. The twenty-first is his further assertion that there are "half a dozen traitorous democratic republicans," who wish the Legislative Council "nominated by themselves." This statement needs no exposure. It is to be hoped the writer may be excused from adducing further specimens of Sir Francis B. Head's veracity, as he is thoroughly sick of the disgusting, though necessary, task. It is like being compelled to walk in the trail of the fetid and slimy serpent, whose gorged stomach and venomous breathings contaminate the surrounding air. With the documents now before me I can convict the Whig Lieutenant-Governor of as many more plain, palpable, and downright *lies*, if I may be allowed to follow Mr Cobbett in calling things by their right names. Should the reader think the expression too strong, he will oblige by substituting a more applicable word, and excuse the inadvertence. Any thing of the kind shall be conceded, in an anxiety to lay a portion of the facts before the public which bear on the question now pending.*

In the present advanced state of society, a laudable curiosity usually exists to ascertain the particular calibre of mind possessed by those who have in any way become notorious in any department of *Government* in which they may have thought proper to employ themselves. Fieschi and Alibaud have had their heads examined by the phrenologists, and Meunier has lately undergone the same operation. This was not expressly to find out whether they were assassins or not, but to discover what other walks of life they were capable of shining in. Sir Francis B. Head has become rather conspicuous in one department of refined statesmanship, and it will now be our pleasing duty to ex-

* So anxious has been the writer to support himself by evidence, that two pages in the preface have been cancelled and reprinted, for the purpose of excluding two lines which were inadvertently incorrect, regarding Sir F. B. Head.

hibit him in another. Sir Francis is an astonishing orator, and tropes, metaphors, similes, comparisons, and classic phrases and quotations, dance promiscuously through his speeches, or rather the productions printed as such under his own particular eye. The following are a few elegant extracts:—"It is too evident that if they could obtain this marrow, the empty bone of contention they would soon be too happy to throw away." What delightful fancies does not this call up? Imagine the savoury morsel of marrow melting on the tongue; then listen to the music of the *marrow bone* rattling along the pavement, being thrown away as aforesaid, now beating delightful accord with the sharp *shin bone* of the wayfarer, then rebounding symphoniously from jingling grate and sensitive lamp-post, till finally the harmony dies gradually away as it rolls by slow degrees into a neighbouring gutter, and is presently seized hold on by the cranching jaw bones of some starvling cur. *Death's head and cross bones* were nothing to this; and it is doubtful whether the famous *raw head and bloody bones*, so often heard of by the school urchin, could be put in competition for a moment. But it is time for another specimen:—"They (the Reformers) are now taking every possible measure to prevent me from rooting up the tree of abuse, because they have built and feathered their nests in its branches." Lucky fellows! how snug they sit in their *nests*. But they have not yet got the *marrow* to be quietly enjoying while cocked up in so comfortable a berth. O! no. The following is another choice specimen:—"It is my opinion that, if you choose to dispute with me and live on bad terms with the Mother Country, you will, to use a homely phrase, only be quarrelling with your own bread and butter." The point of this sentence is irresistible. What man so demented as to quarrel with this delicious morsel. Already we see his protruding eyes devouring it in the process of being nicely spread. Presently it is brought up and slowly administered to his delicate palate, a stray stamp of the foot, closed eyes, and fidgety hands, indicating the pleasurable properties of the oily substance. The next has relation to maritime pursuits:—"I consider that my character and your interest are embarked in one and the same *boat*." Unlucky interests! to be thus embarked with such another Jonah. It is supposed they have been shipwrecked together, as neither have been heard of for the last nine months. One more extract before closing this department of the subject:—"Men! *women*! and money! are what you *want*!" Here is a "Grievance Report" in a few words. Who can accuse the Canadians of being exorbitant in their demands after this? Throw smaller matters to the winds, but give us men, *women*, and *money*."

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Admirable friend of humanity! Hide your diminished heads, poor parson Malthus, and pretty, coy Miss Martineau!

The next department of Government in which Sir Francis has acquired fame, is in his capacity of Champion-General and Major in the Waggon Train, &c. See what an uncommon heroic appearance he wears in the following sentence:—"The people are perfectly aware that there exist in the Lower Province one or two individuals who inculcate the idea that this Province is about to be disturbed by the interference of foreigners, whose power and whose numbers will prove invincible."

"In the name of every regiment of militia in Upper Canada, I publicly promulgate, *Let them come if they dare.*"

This second Napoleon, surnamed "the Invincible," accordingly put himself in posture of defence. Several regiments of militia were sounded for volunteer companies to pour around their prowess Fingal, "like the echoing main." Strange to say, the call was unanswered, save by a few descendants of Falstaff's corps, who took open order to the best of their ability, considering the amount of Republican whiskey on board, amidst the jeers and merriment of the old heroes of 1812 and 1814. Never was there so complete a failure; and since then Sir Francis has converted his rusty whinger into a poker to stir the fire at the periodical conclave of the "Kitchen Cabinet." In another address he afterwards said, "I am quite determined, so long as I may occupy the station I now do, neither to *give* offence nor to *take* it." Whether he had given offence or not, some of his terms applied to the Reformers will best determine. He calls them "our enemies," "enemies of the country," "self-interested individuals," "dark, designing men," "gained their bread by hypocritically declaring," &c., "factious and designing men," "those agitators," "their object is dark, mysterious, and discreditable," "falsest reports invented," "insulting language," "they did not dare to face their own Grievance Report," &c. This latter charge is a deliberate and designing untruth, disproved by their acts during the whole session. Numerous other samples of his unwillingness to insult and calumniate are ready, but the exposure would be useless.

During all this time he kept his plan of dissolving the House an entire secret, and continued in every way to implore and pray the country to confide in the correctness of his intentions as a Reformer. Finally, he suddenly dissolved the Assembly and called a new election immediately. The offices were filled by myriads of clerks filling out patent deeds for the emergency. This sudden dissolution was undeniably another infringement of

that "Constitution" which he professed to admire so much, and clearly an invasion of the first principles of Government. Without waiting for instructions from the Imperial Government in England, to which he declared himself alone responsible; without waiting for the decision of the Ministry or House of Commons upon his infamous conduct, so definitely and solemnly impeached; setting all law, propriety, and justice, at defiance, he tyrannically dismissed his accusers to prevent their following up the charge, in the hope of obtaining a majority of subservient tools to screen him from punishment. The returning officers were all chosen to favour the Tory candidates; the polling-places were appointed in the best spots to suit his purposes and injure the Reformers; the patent deeds were made ready, and the elections commenced. Fifty *Headites* were returned, and only twelve Reformers! There is a difference of opinion with respect to the number of patents issued, and from the secrecy practised the correct number cannot be ascertained; the general impression, however, is, that between 5000 and 7000 were found necessary to defeat the honest and incorruptible patriotism of the *bonâ fide* landowners and men of property. Three of the leading Reformers, one being Mr Bidwell, the most popular man in the country, and the Speaker during two Parliaments, were cast out, after many years of patriotic exertion for the rights of the people. Riot, intimidation, bribery, and corruption, were publicly encouraged. The officials, one and all throughout the whole Province, were the most active partisans, many of them being candidates. No means were left untried that malignant ingenuity could invent; and the wonder is not that the farmers have been defrauded of every liberty, but that any county should succeed in sending a Reformer to Parliament. In the second riding of the county of York Mr M'Kenzie was defeated by two hundred acres of land being divided into quarter-acre lots, which were given away, or purchased at a nominal value by every scoundrel and underling who would go to vote on behalf of the Governor. And this has been called a *reaction* in public opinion in behalf of the "*Tyrant*" and the "*Liar*." Should this fatal error be entertained by his Majesty's Ministers or the House of Commons, there can be *no doubt* but the result will be disastrous in the extreme. The strength of the Province has been too long concentrated for Reform to be broken in upon by any individual. A review of two or three points is necessary. In 1834 we find three-fourths of the people returning a majority to Parliament to insist on sweeping and searching Reforms. They elected thirty-five members, whereas the remaining one-fourth, by means heretofore alluded to, were unjustly allowed to elect twenty-five.

Two years afterwards we find an almost unanimous House of Tories. Here must have been an unprecedented change of opinion among all ranks and denominations, unless some expedient was resorted to, to stifle the voice of the country. Assume that no such expedient was carried into effect, the first question will be, how such a change in public opinion was brought about? Now let any man of common sense dwell upon the proceedings of Sir Francis B. Head, and ask himself if anything he has done was calculated to make converts from Reform to Toryism? Would his invasions of the Constitution—his calumniating the most virtuous and popular men in the country—the uttering so many not even plausible falsehoods;—would his puerile, silly, and even indecent speeches—his withholding all the Money Bills—his removing every independent Reformer from office to exalt a Tory instead;—would his piteous petitions for mercy after conviction—and, finally, would his sudden and illegal dissolution of the Assembly, putting the country to vast trouble and expense in the busiest season of the year;—would any or all of these convert the farmers of the country—the honest Reformers of ten and twenty years' standing—from Reform to Toryism? No reasoning intellect can arrive at such a conclusion. But we have evidence that such patents were issued, in the acknowledgments of the Tories, and by the records of their oaths on the poll-books, although the number has been disputed. Moreover, Sir Francis Bond Head has never attempted to deny the charge, and cannot deny it without still further exposure. The "*Patent Assembly*" themselves are conscious of the monstrous fraud, and, fearful that a demise of the Crown might happen before their term of office should expire, by which they would be brought to a speedy account by the people, they have attempted to pass an enactment to prevent their dissolution, in case of such demise. This circumstance alone, betraying as it does their fear and dread of confronting the aroused indignation of the people, discloses the true position in which they stand. No sophistry or art can conceal from the most superficial observer the threatening and alarming crisis of affairs. Without the slightest share in the Government—the people detest and abhor it. In the words of Junius—"They know that the liberty, the laws, and property of a British subject have, in truth, but one neck, and that to violate the freedom of election strikes deeply at them all." The blow has been struck by even the puny Head, and like men they are prepared for what is to follow. *Arms and ammunition have long since been secured.* When the moment arrives, their long-pent indignation will burst with uncontrollable fury, overwhelming their oppressors, and raising to life and light and liberty the

abused and insulted of the human race. The days of 1776 are again to be renewed in 1837. Britain must gradually relax her tyrant grasp from the New World. "*The same tyranny which drove the first emigrants from home, pursues their descendants still.*" A Reform Ministry delight to perpetuate their sorrows, and where policy dictates an appearance of sympathy, a cold, calculating, rotten spirit, shines through all. "Their kindness freezes, and their blessings curse." Let them abide the result. Let them send out their mercenaries, as in '76, to spill the blood of free-born Canadians, and make one struggle more to continue despotic power. "Let them come if they dare," and their master, the Devil, send them a safe deliverance, for man will have no mercy. The struggle will not be one of words, where mendacity and villany may achieve a triumph over honesty. The whizzing rifle bullet and revengeful stab of stubborn wood-knife cannot thus be evaded. The right hand of a freeman, nerved in the ever-sacred cause of rational liberty, battling for his private and public rights—for equal laws and honest government—for the wounded and insulted honour of his native or adopted country—will fall with resistless force on the quaking miscreants standing in the way to his emancipation. The sons of liberty across the imaginary lines will not be idle in such a struggle. The mountaineers of the Hampshire Grants, the riflemen of Vermont, of New York, of Pennsylvania, of Ohio, Michigan, and Kentucky, will come in countless myriads to welcome into the Temple of Liberty the new-born offspring of a kindred race. The Assistant Poor Law Commissioner, with all his valour, could not retard the happy consummation. That GOOD BEING who watches that not a sparrow falls to the ground without his interposition—who decreed that no part of the New World should be given up a prey to the spoiler—who wrested the sword from the hand of the tyrant—and laid low the solemn mockery of an impious and worldly-minded priesthood—HE who brought out the children of Israel from the land of Egypt, and from the house of bondage, to a land flowing with milk and honey, and who appears by his manifestations on the path of the good and the virtuous,—*He* will be on our side in the day of trial, and who shall be against us?

CONCLUSION.

IN bringing these pages to a close, the writer may be allowed to express his warmest thanks to any one who has taken the slightest concern in the subject. The interests of the Canadas have received very little attention from the Rulers of the Empire, and with the exception of a few steadfast friends, the Members of the Imperial Parliament have exhibited an indifference in relation to them not expected in the Representatives of the British nation. Forty years ago, under the administration of Mr Pitt, the subject was one of importance, and elicited lengthened discussion, and their trade since has by no means fallen off.

Lower Canada has for years been without a government, and the inhabitants have long called, with almost an unanimous voice, for a correction of abuses; but the misrepresentations of the few have had more weight than the facts and arguments of the many. I have resided among the inhabitants, and can vouch that the absurdity of the "national origin" feeling is a weak invention of the enemy. If any such display be traced to individuals, it was no doubt provoked by the opposite party. Because they hate Toryism and oppose irresponsible, partial, and corrupt Government, the Tories adopt this cry, with the many others imported from across the Atlantic, and it is no doubt the most plausible one in the standard catalogue. As in Upper Canada, the Tories are the cause of the rancorous enmity existing between the people and the faction. The Lower Canadians do not hate them more than they are hated in Upper Canada. Many of British origin have their confidence and support, and are entrusted with their interests in the Assembly. The eastern townships are inhabited mostly by those speaking the English language, and the "origin cry" against them is not "French," but "Yankee." They are of course Reformers, otherwise the truly miserable minority of Tories and half Tories in the Assembly would be more than seven in a House of eighty. The writer's grandfather fought against the French in the old French war, and if he thought any party feud had been transmitted, he thinks it very probable he might be induced to support the ancient pluck on his side. But the outcry is puerile, and scarcely worth contradiction. The Canadians of both Provinces are joined hand in hand for glorious regeneration, after forty years of ignominious thralldom:—

" Their swords are a thousand, their bosoms as one."

A thousand? ay, five hundred thousand, at the least, of true-hearted English, Irish, Scotch, Americans, Dutch, and native Canadians,

are at hand. All other distinction is forgotten in this lovely land of their residence, and the magic word "Canadian," binds closely together the "good men and true."

In recapitulating the wrongs suffered by his countrymen, the writer has found the task almost intolerable, from the impression on his mind that it ought not to have been necessary. In the hurry to arrive at the end, the one-half has not been told. Let no suspicion be entertained that he is a visionary enthusiast, or that any of his remarks are not founded on just and substantial grounds. His father came into Upper Canada at the age of eighteen, and has remained therein fifty years. Through his means he has been secured above dependence on anything that could influence his opinions either for or against the Government. Individually the current of life has hitherto run smooth, but his heart is with his fellow-countrymen, and a free emotion swells his breast in unison with theirs. He may be warm, but thousands are liable to the same charge, beside whose flaming zeal he appears lukewarm and unfeeling. The Tories cannot longer secure themselves behind their "Constitution," and their standing armies. They cannot terrify such minds, and this they have learned, but dare not whisper even to their own evil consciences. Should my Lord Glenelg, or his successor, glean from these pages the same useful fact, the writer will be thankful that he did not hazard being bowed out of the Colonial Office with a bundle of documents in his possession on the *Affairs of Canada*; and shortly, when he joins his friends and fellow-countrymen in the only degraded part of the vast Western Continent, he can report the tidings of "New Light" having been received by his Majesty's Ministers, and of its having been communicated to the Imperial Parliament, by a Reform Bill, liberally amending the Tory Constitutions of the Canadas.

The "Patent" House of Assembly, although never so much disposed, have not, and cannot offer any excuse for the conduct of Sir Francis Bond Head. The facts now before the House of Commons and the country cannot be contradicted, and they make out a case of tyranny and depravity, in comparison with which the deceptions of a Hutchinson, the rapacity of a Hastings, and the cruelty of a Picton, sink into insignificance. Unless the wrongs of the Canadian people be avenged in the recal and disgrace of the culprit—unless the "Patent Assembly" be at once dissolved, and a just and equitable government be established, according to the enlarged views of Mr Fox and the Whigs of 1791, and agreeable to the free spirit of the age—a stain will remain on the national honour; the Colonies will be lost by a forced

separation, and another degrading lesson be taught to LEGITIMACY, that, where reason and argument are found unavailing, Liberty can still be secured through the MIGHT AND MAJESTY OF A COMBINED PEOPLE.

London, 22nd February, 1837.

THE END.

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