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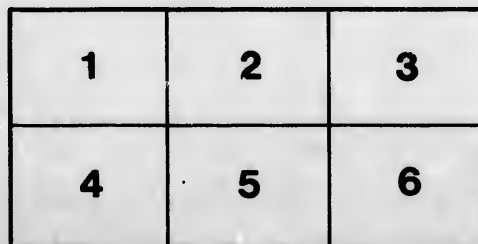
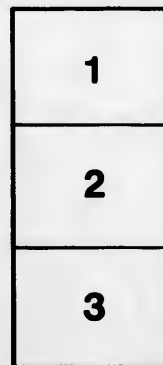
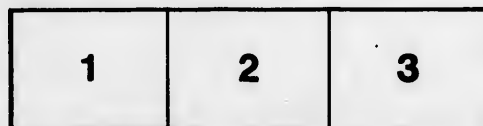
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S P E E C H

OF

THE RIGHT HONOURABLE

LORD ASHBURTON,

(IN THE HOUSE OF LORDS,)

ON THE SECOND READING OF THE

CANADA GOVERNMENT BILL.

FRIDAY, FEBRUARY 2. 1838.

LONDON:

PRINTED BY PERMISSION OF THE
PROPRIETORS OF "THE MIRROR OF PARLIAMENT."
1838.

LONDON :
Printed by A. SPOTTISWOODE,
New-Street-Square.

HOUSE OF LORDS,

FRIDAY, FEBRUARY 2, 1838.

CANADA.

LORD ASHBURTON. — My Lords, I think it may be safely affirmed of the Bill, now under your Lordships' consideration, that no measure ever received the support of such large majorities in both Houses of Parliament, which, nevertheless, had that support so reluctantly given to it. It is admitted by those who have introduced, as well as by those who support it, that this is a Bill of extreme rigour, of severe penalties; — the abrogation of a constitution solemnly granted; — the substitution, for a time, at least, of arbitrary for constitutional power, — a measure, in short, most abhorrent to all who, valuing national liberty at home, feel it a duty to promote it in all the dependencies of our empire. Such an Act can only find its justification in extreme necessity, — in a conviction that it affords the best and only hope of ultimately preserving those very liberties which it has, in the first instance, the appearance of sacrificing; and the first question I have to put to myself, to enable me to come to a decision in the matter, is, whether or not this necessity is clearly proved? I think it is. After an attentive consideration of everything that has been urged by the opponents of the Bill, and more particularly by the Learned Gentleman who has been heard at your Lordships' bar, no other alternative seems presented by them, nor does any suggest itself to my own mind. An open rebellion has broken out. This rebellion has no doubt been contrived by artful and mischievous

men ; but these men are supported by a majority of that Legislature whose powers you are about to suspend. Those powers are, and will probably continue to be, used for the same purpose,—the destruction of British supremacy and power in one of the colonies. If, therefore, that dominion and supremacy be to be preserved, I come to the conclusion that that is only to be done by the intervention of arbitrary authority ; — by some attempt at such changes as may make a constitutional government work practically ; — and for this purpose it is intended to send out a Noble Earl, in the hope that his talents may elicit peace and order out of these jarring elements. We must all wish him success in this difficult mission, for it is clear that the feelings and habits of our own country will not permit the permanency of arbitrary government in Canada, and that in some shape or other a system of freedom must be restored as the only system compatible with British connection.

When I say that no other alternative is offered to us, I must except that of entire submission on our part, to the demands of the Legislature of Lower Canada. Submission, we are told, to the popular branch of the Legislature, is our duty ; that it is acting in conformity to the analogies of our own constitution. In questions of ordinary administration this may be true, and the history of our dealings with Canada sufficiently proves that we have not been wanting in submission and forbearance ; but the demand, in the present instance, is, that we should abrogate that constitution under which, alone, that body holds its power, — that we should alter the powers held by other branches of the legislature. In comparing the constitutions of the colony and the mother country, this difference seems to be lost sight of,—that the colonial constitution is a written constitution contained within the four corners of an Act of Parliament, while that of this country consists in one phrase—the omnipotence of the three branches of the legislature. Violent, therefore, as this mea-

sure is, it is a mistake to say that it is a violation of the Canadian constitution. The violation is clearly with the other side. They, the Legislature, call for a change of the constitution; they endeavour to force that change by stopping the wheels of government; and upon seeing these means of coercion fail, they break out into open rebellion. But it is said, that a change of the constitution, if so evidently desired by a large majority of the people, must be for their benefit, and should be yielded. Why should we object to that modification of power which the people to be governed think conducive to their happiness? If the change should work ill, would not they be the sufferers? Why should we not let them please themselves? This argument would be unanswerable if the case were not one of great complication, — if the colony to be governed were one homogeneous race of people, with one single, universal interest, as was the case with our former colonies, the present United States; — and this view of the subject brings me to the consideration of the peculiar circumstances of Lower Canada, — its social condition, — its geographical position, — its connection with our other colonies. I am not about to fatigue your Lordships with a long dissertation on a subject with which you are all so well acquainted, but the peculiarities and anomalies of this case are the very essence of this question: it can only be understood and determined by considering them.

A large majority of the people of Lower Canada are of French origin, — an honest, sober, good-hearted, but ignorant people. Their degree of instruction has been variously represented; but I can, from my own knowledge of them, say that they are, in intelligence and information, far behind their neighbours and the British settlers who are mixed with them. These last have nearly monopolised, by their activity and enterprise, all the branches of internal and external traffic. Between these two races jealousies and hatred have

unfortunately grown up, arising mainly from the traditional recollections by the Frenchman of his origin and conquest; and from his apprehension that, owing to the annual influx of new settlers from this country, his nationality may be obliterated entirely, as has been the fate of the German, Dutch, and French settlers in parts of the United States. The feeling is natural;—we can hardly say that it is not amiable. It has been artfully encouraged by a few designing men, mostly of the legal profession; a profession which usually furnishes society with reckless and ambitious characters, ready to raise themselves into eminence by inflaming dissension and turbulence. This state of parties in Canada is the true explanation of the events we have witnessed. There is no real cause of complaint of bad government, now, whatever may have been the case formerly; there is no animosity to England, still less is there any wish to connect themselves with the United States; their desire is to maintain their own nationality; to preserve the feudal institutions and laws of old France; — (institutions, long since abolished, there, but cherished by the colonist from feeling and from passion); —and I should ascribe the increased disposition to turbulence, of late years, to apprehensions created by the greatly increased arrivals of emigrants of British origin. These have gone out, for some years past, to the number of from 30,000 to 50,000 annually; and the French, seeing that they were in danger of being outnumbered, concluded that they must move, now or never, if they were to maintain themselves as a distinct people.

But if this be the true state of the case, your Lordships will see that it imposes serious duties upon the Government of this country. Our own people, although a numerical minority, probably in the proportion of about two or three, are entitled to protection. In some townships they form the majority — every where they are the principal owners of the shipping, manufacturing, and moveable property.—

They have settled under assurances of protection ; they are entitled to that as to their birthright, and the more so, as it is evident, to me, that should they be abandoned, they will be persecuted, and, in some way or other, either worried out of the country, or forced to fight their battle alone, or to call in their neighbours of the States to their assistance.

This view of the case shows what are the serious difficulties attending this question. You cannot yield to the will of a numerical majority; yet how is a free constitutional government to be administered on any other principle? You cannot withdraw from this unmanageable chaos, and leave the people to discuss or to fight their way to order and peace, because your own British settlers would be the immediate sacrifice. It is useless to discuss how this state of things was created; it is sufficient for our purpose to recognise the fact that it exists, — I am as well convinced that the consequence of giving absolute power to the French majority would be the destruction of the English minority, as I am that similar consequences would follow, in Ireland, from suddenly placing in Ireland the Protestant minority at the mercy of the Catholic majority. We may lament that the world is governed by passion and prejudice, and not by reason and good sense; but we should be culpable were we to shut our eyes to undeniable existing facts. The Noble Earl who is to go on this mission may be the magician who is to solve these difficulties for us. He would probably not undertake the task if he did not anticipate success; — for my part I cannot refuse him the powers which this Bill is to give him; — and that is all that I am called upon to decide on the present occasion.

If the social condition of the population of Lower Canada present these impediments to that mode of settlement which is suggested, — namely, by yielding to the will of the majority, — they are still further strengthened by the geographical position of this province. Upper Canada would be

altogether cut off from all communication with the sea and with the mother country by the abandonment of our authority over Lower Canada. These provinces are connected by geographical necessity;—and under separate jurisdiction, or under an imperfect jurisdiction of the mother country, the Upper province would be at the mercy of the Lower, through which its trade and produce must pass to the sea. Now the population of Upper Canada is wholly British; they have given proofs not to be mistaken, of a nearly unanimous desire to remain connected with us; they have, by the recent election of a Legislature, called together by Sir Francis Head, under circumstances which made this the main question at issue, pronounced that verdict; and they have further confirmed it by the alacrity with which, unaided by British troops, they turned out in defence of their allegiance. Twelve thousand men appeared in arms, we are told, at the shortest notice, to resist rebellion; and the absence of all preparation and caution on the part of Government has, at least, produced this result, that the wishes, the earnest wishes, of the British settlers in both provinces cannot be doubted. I contend, therefore, that the interests and the rights of several hundred thousand of our own people forbid that we should betray or abandon them; for it is idle to say that the yielding to the claims of the French Canadians does not involve this abandonment. The question at issue is the maintenance of sovereignty. If Lower Canada has a real grievance, it is—that she belongs to you at all; and all those who know the country, and who have followed up this controversy, are sensible that all the chimæras of M. Papineau and his followers have no other object but separation; and I, for my part, should have no objection to separation, if it were not evidently aimed at with a view to the oppression of those whom we are bound by every sentiment of duty and of honour to protect.

I will not detain your Lordships by

going through the twenty-eight resolutions of the committee of the House of Commons of 1828, or the ninety-two grievances of the Canadian Legislature. The truth is, that all real subjects of complaint were remedied: there was every disposition to remove all abuses. There were, no doubt, many to remove; but the insincerity of the Canadian Legislature was clearly demonstrated by the fact, that in many instances they did not avail themselves of the powers freely given them to remove those abuses of which they so loudly complained. No: the factious movers, in this instance, used these remonstrances merely as a cloak to the only real object they cared for,—the setting up of French authority and power, by which the persons and property of the British race would have been at their mercy; and they were emboldened by the weak, wavering, timid, and vacillating conduct of the Government, to think that the moment was favourable for giving effect to their projects.

I have thus endeavoured to explain to your Lordships the view which a deliberate consideration of this subject, and a pretty constant attendance on the several committees to which it has been referred by the other House of Parliament, have brought me. The real question at stake is, the maintenance or surrender of the colony; and to this object all the efforts of the dominant French party are directed. They strive, indeed, to divert our attention by their ninety-two grievances; and we debate them, and send commissioners to examine them in detail, as if they were made in good faith, and were not mere stepping-stones to their great ulterior purpose! The principal demand, for popular election of the Legislative Council, they well know, would effectually give them that lever by which the power of the Crown could be perverted, and all protection of the British minority destroyed. Accordingly, this is with them a *sine quâ non* for reconciliation; and whatever opinions may be entertained of the proper

policy to be pursued, no man can desire the retention of a nominal sovereignty, which would be sufficient to involve the mother country in anxious responsibility, without affording any substantial means of influence or control.

Any yielding on this point involves, therefore, the abandonment of the colony; and a discussion of this great subject necessarily leads to a consideration of the more extensive question of the value of these colonies, generally; of their probable future fate; and of the principles to be followed in our future management of them. I expressed my opinion many years ago on this subject, long before any material discontent had manifested itself. I have not altered that opinion; and although I fear it will meet little concurrence from your Lordships, I cannot refrain from repeating it. I am now speaking of the value of the two Canadian provinces, abstracted from those considerations which I have referred to, that render protection an act of duty to the British population settled there. I am supposing the separation of these colonies to be practicable without such fatal consequences, and that the two races inhabiting them could be reconciled. In that case I have no hesitation in saying that I should gladly see that separation effected, and that I do not attach that value to these possessions which is so generally ascribed to them; above all, that I consider it most important, both as respects moral and material influences, that that separation, which is at no distant period inevitable, should be made amicably, without convulsion and animosity, and that the parties should separate with reciprocal feelings of good will and affection, such as necessarily attend the separation of parents and children, when common sense points out the expediency of separate establishments for the happiness and welfare of both.

Is the world to derive no benefit from the lessons of history,—or are we to repeat over and over again follies and

blunders, in our own day, which we reprobate and condemn when they are half a century old ? It is now sufficiently clear to the most ordinary observer that it was not the Stamp Act, nor the Boston Port Bill, nor any one particular grievance, that determined the independence of the United States. Foolish and arbitrary measures may have hastened an event which might otherwise have been delayed a few years, but the age of restlessness had arrived, — the child could no longer endure the leading strings. The population of three millions which those States then contained might possibly, by conciliation and care, have been retained until a million or two more had been added ; but no man in his senses could believe that the twelve or thirteen millions, to which they are now swollen, could, with advantage to them, or any benefit to us, be governed from Downing Street. Are our countrymen on the borders of Lake Huron or Lake Superior differently situated ? Can it, by any reasonable man, be expected that they and we shall be living under one government fifty, or even twenty, years hence ? Can it be for the interest of either that we should be so ? But what is most essential for the interest and for the honour of both is, that that inevitable revolution, when the proper time comes, should be the result of reason and generosity, so that the parties be not left, for a century after, with the feelings of animosity, consequent upon a violent and contested disruption.

I beg not to be understood to undervalue these colonies ; I am aware of the extensive and valuable trade carried on with them. I only undervalue the right and the duty to govern them, and I maintain that we should not lose the smallest portion of commercial advantage if, by a mutual and friendly agreement, they were left to govern themselves. Let me not, therefore, be answered by a reference to returns of imports and exports. What part of the world is it which

now gives the greatest extent of life and activity to our manufacturing industry? The United States of America; whose independence it was predicted would be our ruin. Could that growing and wealthy country be of more service to us, if we sent them out presidents and governors from home, and were yearly wrangling with each and all of their States from our Colonial Office?

This subject appears to me to be involved in much misunderstanding by confounding all colonies under one category, and considering them to be dealt with on one principle; namely, that they are to be permanently held and defended. There are establishments which are principally important as naval and military stations; there are others, such as the Indian Peninsula and Australia, in peculiar and anomalous positions, which I will not now discuss; there are the sugar Islands, easily defensible by naval power, yielding productions not grown at home, and exchangeable for our own; and, lastly, there are those colonists on the continent of North America, simple farmers or yeomen, cultivating their fields with the same productions as we do in England, — a mere extension, in fact, of Sussex, Hampshire, or any other counties of England. The extent of such settlements is indefinite; in the course of years their population swells so as to exceed, as was the case with the colonies of Greece, the population of the mother country; and yet we absurdly suppose that they must remain for ever connected with us, and be governed in perpetuity by those who can know nothing of their wants and interests; and because Jamaica may, — and should be, — clung to so long as we have power to maintain it, the same principle should be applied to Canada. "Ay," it is said, "but the time for separation is not yet come." I admit that it is not; it is proved not to be so, by the fact (not to be mistaken) of the conduct of the people and Legislature of Upper Canada; and I have already argued that the dependence

of the British population of Lower Canada requires your protection. In such a state of things we cannot hesitate, — we are clearly maintaining the government by the wish and for the benefit of the party governed; but this question has been so invariably discussed on the false principles that all power should be upheld, and that you are never to surrender until you are beaten out of it, that I have felt it to be my duty to state freely my sentiments concerning it; and this, the more, because they are a repetition of those expressed some years ago in another place, and which have been misrepresented. In my opinion, these colonies should always be held as temporary possessions; that the signs of the times should be watched. I do not say that we should yield to the whim or the threat of every turbulent demagogue; but that the world, both the New and the Old world, should be distinctly made aware that we attach no value to the retention of sovereignty, and that we are ready for amicable separation the moment that a decided majority of the people, of character and intelligence desire it, and that the change can be accomplished consistently with that due protection of our own people which they have a right to demand of us.

I confess, for my own part, that I should be even disposed to go further, and to say that, provided a reconciliation could be effected between the races, I would rather recommend and promote, than discourage, a demand for separation; for I should consider that event a desirable circumstance. From what perplexities would it not relieve us? In what perplexities are we not at present involved? With the best disposition to moderation and forbearance, we may be drawn into a war with the people, with whom, of all others, it is our interest to be at peace. A hasty and imprudent or mischievous man, on either side, may bring about questions upon which you may not be able, consistently with your honour, to yield; and the war then to be

entered upon cannot be "a little war;" it will require all your strength; and that, too, in a case where the most signal success would leave you at last in a false position, with the same battle to fight over again and again. We should establish in the New World the notion that England and America were what are called "natural enemies," as England and France were said to be in the Old World from their repeated wars; and when we consider that there is between our colonies and the States a line of boundary of at least 2000 miles, and that we have already serious controversy about limits at each end of that boundary, the difficulty of maintaining permanent peace and harmony may be easily appreciated. It is admitted that the Government of the States has acted upon the present occasion with perfect good faith; but is it sound policy to hazard uselessly so much upon the dispositions of persons and parties in a highly excitable democracy? Strong as are the interests of both countries to maintain peace and harmony, if we search the pages of history, how often do we not find events determined by passion or accident, rather than by prudence and calculation? It is apparent, also, that however honourable the conduct of the Federal Government has been, the authorities have been hardly strong enough to check the hostile disposition on the borders; and there must always be some danger of irregular action on so long a line of a fretful and, in many parts, a lawless boundary. These are dangers which I would look to in time: when near at hand it may be too late. Any great change can only, with honour and dignity, be made while there is no pressure from without. The question, after all, comes back upon us, can these colonies be permanently held? If the answer be that they cannot, we should see that we make our retreat in a way worthy of our character. To use the expression of a Noble Duke (the Duke of Wellington),—in one of that admirable series of letters

which have been read with so much delight by the public,—when perplexed and thwarted by opposition and difficulties in Portugal, “If I am obliged to abandon this country, I beg to go out at the hall door like a gentleman.”

The policy of holding colonies by expensive establishments is also materially changed since our commercial system, and the nature of our connection with those colonies, have been totally altered. In old times the maritime powers of Europe seized what they thought the most valuable portions of Asia and America. Spain and Portugal got the richest prizes in this scramble, but all proceeded, and, until a very late date, continued, upon the most exclusive system of monopoly. All the produce of the colony must come to the mother country, and in our own case even the right to manufacture for themselves was denied them, in order that the interests of Birmingham and Manchester might not suffer. With such a state of things, if you had no colonies you had no trade. But the whole of this system has vanished gradually from our statutes, and since the colonial reign of Mr. Huskisson, all nations have access to our colonies on nearly the same terms with ourselves, while these colonies carry their produce wherever they please. The only right which we now monopolise is the right to keep up establishments for the benefit of others, and the liability to be involved in foreign war or internal rebellion in the course of our attempts at executing our gratuitous service.

It would be most unjust to infer from this reasoning that our settlements in North America had not produced the greatest possible benefits to ourselves or to mankind. If, in the revolutions and changes of the world, the civilisation of this country should perish, and it should be our fate, as it has been that of other great empires, to have nothing left us but our recollections, our most imperishable monuments of former wealth would be those great colonies which are destined to

carry our language, literature, and laws, and, above all, our pure religion, into the forests of the new world. The moral contrast with the efforts of other nations will also be most striking. Of all the emancipated colonies of Spain, not one, after conflicts for a quarter of a century, has yet settled down into a state of order and peace. The ignorant inhabitants are a prey to the successive adventurers who oppress and plunder them for their own selfish purposes; no capacity for self-government has shown itself in any one single instance, whilst our children, from the first hour of their separation to the present day, have established institutions which have not for a moment been interrupted by a single attempt at disturbance, and they are now successful rivals in arts and commerce of the most civilised nations of the world. The only circumstance we have to regret in their history is, that we failed in sagacity to perceive the period of their manhood, and that we forced upon them the necessity of a hostile separation. Let us, at least, not lose the instruction which that experience should leave to us.

Having troubled your Lordships with these, I fear, too lengthened observations on the general principles which should guide us in our colonial policy, and the reasons which induce me to admit that these principles cannot be applied in this immediate instance, owing to the actual presence of rebels who must be subdued, and in consequence of the just rights of the British settlers, whose property and lives might be compromised, I shall make but a very few observations upon the Bill itself, and the course proposed to be followed by her Majesty's Government. The latter, indeed, seems to consist simply in evading all decision, and all responsibility, by sending out the Noble Earl to inquire, as if we had not had inquiry enough. I shall abstain, however, from discussing the various suggestions and surmises of what might or should be done, because I believe such

discussions may tend to prejudice and impede proceedings in the colony; there is, however, one clause in the Bill which I would request the Noble Viscount to reconsider; it is that which positively prohibits the again calling together the Legislature of Lower Canada under any circumstances. I admit that it is little likely that the Noble Earl should see reason to resort to this measure, but it surely is unnecessary to tie his hands by Act of Parliament. Is not such a course somewhat harsh and ungracious, and might not this injunction, if necessary, be better placed in the instructions than in the Act? The powers to be given to the Noble Earl are, in truth, so far as they are intelligible, very limited. He can do little, though, like the commissioners who have preceded him, he may report much. The want of steady, firm conduct, which need not be, on that account, the less conciliatory, is the evident cause of the resistance and the rebellion. The agitators in Canada, like those nearer home, seem to have thought the Government feeble, and to use a new, but appropriate expression, "squeezable;" that the moment was propitious; that they had but to dare, to be successful. There has been no show of vigour but with the British colonists. What could be thought, for instance, of the powers of a Governor of Upper Canada where three Governors had succeeded each other within a few months? a state of things only to be paralleled by the well-known occurrence in Portugal, during one of the earliest victories of the Noble Duke near me, when three commanders-in-chief appeared the same day on the field of battle. To the Noble Earl, however, the solution of the difficulties of this case is now committed, and I most cordially and unfeignedly wish him success.

LONDON :
Printed by A. SPOTTISWOODE,
New-Street-Square.

