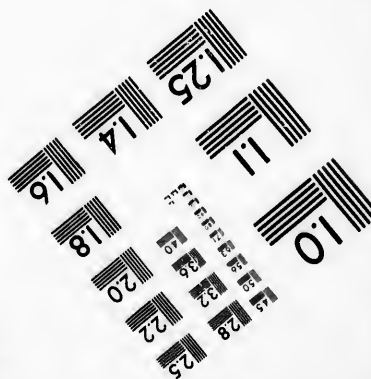
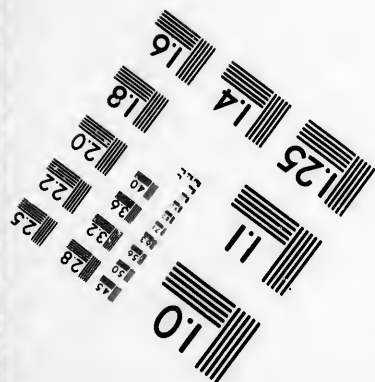
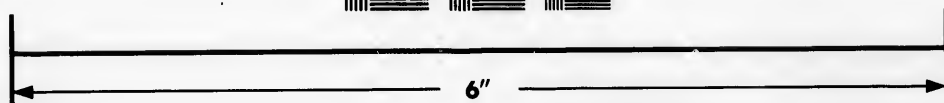
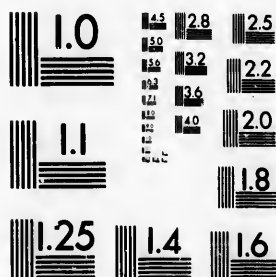


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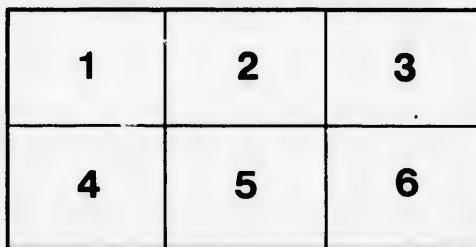
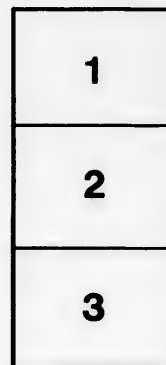
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REPORT
ON THE
AFFAIRS
OF
BRITISH NORTH AMERICA

FROM
THE EARL OF DURHAM,
HER MAJESTY'S HIGH COMMISSIONER,

&c. &c. &c.

Officially communicated to both Houses of the Imperial Parliament on
the 11th of February, 1839.

TORONTO :

PRINTED AT THE EXAMINER OFFICE,

1839.

1827
(5)

TO ROBERT BALDWIN, ESQ.

Barrister at Law, late member of the Executive Council
of Upper Canada.

MY DEAR SIR,

The great anxiety pervading the public mind respecting the Earl of Durham's report on the state of the British American Provinces, has induced me to publish in pamphlet form that portion of it immediately relating to the affairs of Upper Canada. I have taken the liberty of dedicating this publication to you, who like your venerable father have been the zealous, eloquent, and able advocate of those constitutional principles which have been at last recognized by a Governor-General of Canada.

Retired from public life, owing to the fruitlessness of contending for practical reforms either in the laws or in their administration, whilst the Imperial authorities refused to recognize the constitutional rights of the Provincial Parliament, you were called into the service of your country by the late Lieutenant Governor, Sir Francis Head. It is unnecessary for me to allude to the history of the memorable political struggle which followed, as it has been faithfully and impartially narrated in the following pages. Having performed your duty to your country, in laying before the British Government a full exposition of the causes of the disorganized state of the Province, in which a remedy was pointed out precisely similar to that now recommended by Lord Durham, and the disastrous consequences likely to ensue in case of its rejection, were forcibly urged, you again consulted your own dignity by withdrawing altogether from public life. Following your example and that of your venerable father, the great bulk of the Reformers of this city and of the Province at large, abstained from all political agitation. The disastrous result which you foresaw and deprecated, and which "common prudence and good management would have prevented" arrived, and again did the individual who had basely maligned and slan-

dered you in secret despatches, seek your assistance in his day of danger. That assistance was promptly and generously afforded, and was again repaid with wilful and deliberate slander and falsehood. Under all these circumstances it must be a source of high gratification, that the principles professed by you, and a large majority of your countrymen have been at length recognised as just and constitutional by the only statesmen who have ever enquired into the political condition of this province. Gratifying as Lord Durham's report must be to all true Reformers, and friends of good government, we must recollect that much remains to be done, and at that place where the people of this province have too often failed in their duty, —the hustings. It is not now too much to assert that the people of Upper Canada have the means of good government in their power. If they rouse themselves from their lethargy and once more return a House of Assembly, pledged to demand firmly and constitutionally the system of government advocated by Lord Durham, there can hardly be a doubt that it will be conceded. When that time comes, I venture to hope that your country will again obtain the benefit of your valuable services

Believe me,

my dear Sir,

with the greatest respect

Your very faithful and obedient servant,

FRANCIS HINCKS.

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REPORT.

UPPER CANADA.

The information which I have to give respecting the State of Upper Canada not having been acquired in the course of my actual administration of the government of that Province, will necessarily be much less ample and detailed than that which I have laid before your Majesty respecting Lower Canada. My object will be to point out the principal causes to which a general observation of the Province induces me to attribute the late troubles; and even this task will be performed with comparative ease and brevity, inasmuch as I am spared the labour of much explanation and proof, by being able to refer to the details which I have given, and the principles which I have laid down, in describing the institutions of the lower province.

At first sight it appears much more difficult to form an accurate idea of the state of Upper than of Lower Canada. The visible and broad line of demarcation which separates parties by the distinctive characters of race, happily has no existence in the Upper Province. The quarrel is one of an entirely English, if not British population. Like all such quarrels, it has, in fact, created not two, but several parties; each of which has some objects in common with some of those to which it is opposed. They differ on one point and agree on another; the sections which unite together one day, are strongly opposed the next; and the very party which acts as one against a common opponent, is in truth composed of divisions seeking utterly different or incompatible objects. It is very difficult to make out from the avowals of parties the real objects of their struggles, and still less easy is it to discover any cause of such importance as would account for its uniting any large mass of the people in an attempt to overthrow, by forcible means, the existing form of government.

The peculiar geographical character of the Province greatly increases the difficulty of obtaining very accurate information. Its inhabitants scattered along an extensive frontier, with very imperfect means of communication, and a limited and partial commerce, have, apparently, no unity of interest or opinion. The province has no great centre with which all the separate parts are connected, and which they are accustomed to follow in sentiment and action; nor is there that habitual intercourse between the inhabitants of different parts of the country, which by diffusing through all a knowledge of the opinions and interests of each, makes a people one and united, in spite of extent of territory and dispersion of population. Instead of this, there are many petty local centres, the sentiments and the interests (or at least what are fancied to be so) of which, are distinct, and perhaps opposed. It has been stated to me by intelligent persons from England, who had travelled through the Province for purposes of business, that this isolation of the different districts from each other was strikingly apparent in all attempts to acquire information in one district respecting the agricultural or commercial character of another; and that not only were very gross attempts made to deceive an enquirer on these points, but that even the information which had been given in good faith, generally turned out to be founded in great misapprehension. From these causes a stranger who visits any one of these local centres, or who does not visit the whole, is almost necessarily ignorant of matters, a true knowledge of which is essential to the accurate comprehension of the real position of parties, and of the political prospects of the country.

The political contest which has so long been carried on in the Assembly & by the Press appears to have been one exhibit-

ing throughout its whole course the characteristic features of the purely political part of the contest in Lower Canada; and, like that, originating in an unwise distribution of power in the constitutional system of the Province. The financial disputes which so long occupied the contending parties in Lower Canada, were much more easily and wisely arranged in the Upper Province; and the struggle, though extending itself over a variety of questions of more or less importance, avowedly and distinctly rested on the demand for responsibility in the Executive government.

In the preceding account of the working of the constitutional system in Lower Canada, I have described the effect which the irresponsibility of the real advisers of the Governor had in lodging permanent authority in the hands of a powerful party, linked together not only by common party interests, but by personal ties. But in none of the North American Provinces has this exhibited itself for so long a period, or to such an extent, as in Upper Canada, which has long been governed by a party commonly designated through the Province as the "Family Compact," a name not much more appropriate than party designations usually are, inasmuch as there is, in truth, very little of family connection amongst the persons thus united. For a long time this body of men, receiving at times accessions to its numbers, possessed almost all the highest public offices, by means of which, and of its influence in the Executive Council, it wielded all the power of government; it maintained influence in the Legislature by means of its predominance in the Legislative Council; and it disposed of the large number of petty posts which are in the patronage of the government all over the Province. Successive governors, as they came in their turn, are said to have either submitted quietly to its influence, or, after a short and unavailing struggle, to have yielded to this well organized party the real conduct of affairs. The Bench, the Magistracy, the high offices

of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party; by grant or purchase they have acquired nearly the whole of the waste lands of the Province; they are all powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all offices of trust and profit. The bulk of this party consists, for the most part, of native-born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States; the principal members of it belong to the Church of England, and the maintenance of the claims of that Church has always been one of its distinguishing characteristics.

A monopoly of power so extensive and so lasting could not fail, in process of time, to excite envy, create dissatisfaction, and ultimately provoke attack; and an opposition consequently grew up in the Assembly which assailed the ruling party, by appealing to popular principles of government, by denouncing the alleged jobbing and profusion of the official body, and by instituting inquiries into abuses, for the purpose of promoting reform, and especially economy. The question of the greatest importance, raised in the course of these disputes, was that of the disposal of the Clergy Reserves; and though different modes of applying these lands, or rather, the funds derived from them, were suggested, the Reformers, or opposition, were generally very successful in their appeals to the people, against the project of the Tory or official party, which was that of devoting them exclusively to the maintenance of the English Episcopal Church. The Reformers by successfully agitating this and various economical questions, obtained a majority. Like almost all popular Colonial parties, it managed its power with very little discretion and skill, offended a large number of their constituencies, and, being baffled by the Legislative Council, and resolutely opposed by all the personal and official influence of the official body, a dissolution again placed it in the minority in the As-

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sembly. This turn of fortune was not confined to a single instance; for neither party has for some time possessed the majority in two successive Parliaments. The present is the fifth of these alternating Houses of Assembly.

The Reformers, however, at last discovered that success in the Elections insured them very little practical benefit. For the Official Party, not being removed when it failed to command a majority in the Assembly, still continued to wield all the powers of the executive government, to strengthen itself by its patronage, and to influence the policy of the colonial governor and of the Colonial department at home. By its secure majority in the Legislative Council, it could effectually control the legislative powers of the Assembly. It could choose its own moment for dissolving the hostile assemblies, and could always insure, for those who were favourable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the Reformers found that their triumph at elections could not in any way facilitate the progress of their views, while the Executive government remained constantly in the hands of their opponents. They rightly judged that, if the higher offices and the Executive Council were always held by those who could command a majority in the Assembly, the constitution of the Legislative Council was a matter of very little moment, inasmuch as the advisers of the Governor always take care that its composition should be modified so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the Responsibility of the Executive Council; and I cannot help contrasting the practical good sense of the Reformers of Upper Canada with the less prudent course of the majority of the Assembly of Lower Canada, as exhibited in the different demands of constitutional change, most earnestly pressed by each. Both, in fact, desired the same object, namely, the extension of popular influence in the government. The Assembly

of Lower Canada attacked the Legislative Council; a body of which the constitution was certainly the most open to obvious theoretical objections, on the part of all the advocates of popular institutions, but, for the same reason, most sure of finding powerful defendants at home. The Reformers of Upper Canada paid little attention to the composition of the Legislative Council, and directed their exertions to obtaining such an alteration in the Executive Council as might have been obtained without any derangement of the constitutional balance of power; but they well knew, that if once they obtained possession of the Executive Council and the higher offices of the Province, the Legislative Council would soon be unable to offer any effectual resistance to their meditated reforms.

It was upon this question of the Responsibility of the Executive Council that the great struggle has for a long time been carried on between the official party and the Reformers; for the official party, like all parties long in power, was naturally unwilling to submit itself to any such responsibility as would abridge its tenure or cramp its exercise of authority. Reluctant to acknowledge any responsibility to the people of the Colony, this party appears to have paid a somewhat refractory and nominal submission to the distant authority of the Colonial department, or to the powers of a Governor over whose policy they were certain, by their facilities of access, to obtain a paramount influence.

The views of the great body of the Reformers appear to have been limited, according to their favorite expressions, to the making the colonial constitution "an exact transcript" of that of Great Britain; and they only desired that the Crown should, in Upper Canada, as at home, entrust the administration of affairs to men possessing the confidence of the Assembly. It cannot be doubted, however, that there were many of the party who wished to assimilate the institutions of the Province rather to those of the

United States than to those of the mother country. A few persons, chiefly of American origin, appear to have entertained these designs from the outset; but the number has at last been very much increased by the despair which many of those who started with more limited views conceived of their being carried into effect under the existing form of government.

Each party, while it possessed the ascendancy, has been accused by its opponents of having abused its power over the public funds in those modes of local jobbing which I have described as so common in the North American colonies. This, perhaps, is to be attributed partly to the circumstance adverted to above, as increasing the difficulty of obtaining any accurate information as to the real circumstances of the Province. From these causes it too often happened that the members of the House of Assembly came to the meeting of the Legislature ignorant of the real character of the general interests intrusted to their guardianship, intent only on promoting sectional objects, and anxious chiefly to secure for the county they happen to represent, or the district with which they are connected, as large a proportion as possible of any funds which the legislature may have at its disposal. In Upper Canada, however, the means of doing this were never so extensive as those possessed by the lower province; and the great works which the province commenced on a very extended scale, and executed in a spirit of great carelessness and profusion, have left so little surplus revenue, that this province alone, among the North American colonies, has fortunately for itself been compelled to establish a system of local assessments; and to leave local works, in a great measure, to the energy and means of the localities themselves. It is asserted, however, that the nature of those great works, and the manner in which they were carried on, evinced merely a regard for local interests, and a disposition to strengthen party influence.

The inhabitants of the less thickly-peopled districts complained that the revenues of the province were employed in works by which only the frontier population would benefit. The money absorbed by undertakings which they described as disproportioned to the resources and to the wants of the province, would, they alleged, have sufficed to establish practicable means of communication over the whole country; and they stated, apparently not without foundation, that had this latter course been pursued, the population and the resources of the province would have been so augmented as to make the works actually undertaken both useful and profitable. The carelessness and profusion which marked the execution of these works, the management of which, it was complained, was entrusted chiefly to members of the ruling party, were also assumed to be the result of a deliberate purpose, and to be permitted, if not encouraged, in order that a few individuals might be enriched at the expense of the community. Circumstances to which I shall hereafter revert, by which the further progress of these works has been checked, and the large expenses incurred in bringing them to their present state of forwardness, have been rendered unavailing, have given greater force to these complaints, and, in addition to the discontent produced by the objects of the expenditure, the governing party has been made responsible for a failure in the accomplishment of those objects, attributable to causes over which it had no control. But to whatever extent these practices may have been carried, the course of the parliamentary contest in Upper Canada has not been marked by that singular neglect of the great duties of a legislative body, which I have remarked in the proceedings of the Parliament of Lower Canada. The statute book of the upper province abounds with useful and well-constructed measures of reform, and presents an honourable contrast to that of the lower Province.

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While the parties were thus struggling, the operation of a cause, utterly unconnected with their disputes, suddenly raised up a very considerable third party, which began to make its appearance among the political disputants about the time that the quarrel was at its height. I have said that in Upper Canada there is no animosity of races: there is nevertheless a distinction of origin, which has exercised a very important influence on the composition of parties, and appears likely, sooner or later, to become the prominent and absorbing element of political division. The official and reforming parties which I have described were both composed, for the most part, and were almost entirely led, by native-born Canadians, American settlers, or emigrants of a very ancient date; and as one section of this more ancient population possessed, so another was the only body of persons that claimed, the management of affairs, and the enjoyment of offices conferring emolument or power, until extensive emigration from Great Britain, which followed the disastrous period of 1825 and 1826, changed the state of things, by suddenly doubling the population, and introducing among the ancient disputants for power an entirely new class of persons. The new comers, however, did not for a long time appear as a distinct party in the politics of Upper Canada. A large number of the higher class of emigrants, particularly the half-pay officers, who were induced to settle in this province, had belonged to the Tory party in England, and, in conformity with their ancient predilections, naturally arrayed themselves on the side of the official party, contending with the representatives of the people. The mass of the humbler order of emigrants, accustomed in the mother country to complain of the corruption and the profusion of the government, and to seek for a reform of abuses, by increasing the popular influence in the representative body arrayed themselves on the side of those who represented the people, and attacked oligarchical power

and abuses; but there was still a great difference of opinion between each of the two Canadian parties and that section of the British which for a while acted with it. Each of the Canadian parties, while it differed with the other about the tenure of political powers in the colony, desired almost the same degree of practical independence of the mother country; each felt and each betrayed in its political conduct a jealousy of the emigrants, and a wish to maintain the powers of office and the emoluments of the professions in the hands of persons born or long resident in the colony. The British, on the contrary, to whatever party they belong, appear to agree, in desiring that the connection with the mother country would be drawn closer. They differ very little among themselves, I imagine, in desiring such a change as should assimilate the government of U. Canada, in spirit as well as in form, to the government of England, retaining an executive sufficiently powerful to curb popular excesses, and giving to the majority of the people, or to such of them as the less liberal would trust with political rights, some substantial control over the administration of affairs. But the great common object was, and is, the removal of those disqualifications to which British emigrants are subject, so that they might feel as citizens, instead of aliens, in the land of their adoption.

Such was the state of parties when Sir F. Head, on assuming the government of the colony dismissed from the Executive Council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them. Two of these gentlemen, Dr. Rolph and Mr. R. Baldwin, were connected with the reforming party, and the third, Mr. Dunn, was an Englishman, who had held the office of Receiver-General for nearly fourteen years, and up to that time had abstained from any interference in politics. These gentlemen were at first reluctant to take office, because they feared that, as there were still

three of the former council left, they would be constantly maintaining a doubtful struggle for the measures which they considered necessary. They were, however, at length induced to forego their scruples, chiefly upon the representations of some of their friends, that when they had a governor who appeared sincere in his professions of reform, and who promised them his entire confidence, it was neither generous nor prudent to assist in a refusal which might be taken to imply distrust of his sincerity, and they accordingly accepted office. Among the first acts of the governor, after the appointment of this council, was, however, the nomination to some vacant offices of individuals, who were taken from the old official party, and this without any communication with his council. These appointments were attacked by the House of Assembly, and the new council, finding that their opinion was never asked upon these and other matters, and that they were seemingly to be kept in ignorance of all those public measures, which popular opinion nevertheless attributed to their advice, remonstrated privately on the subject with the governor. Sir Francis desired them to make a formal representation to him on the subject; they did so, and this produced such a reply from him as left them no choice but to resign. The occasion of the differences which had caused the resignation, was made the subject of communication between the governor and the Assembly, so that the whole community were informed of the grounds of the dispute.

The contest which appeared to be thus commenced on the question of the responsibility of the executive council, was really decided on very different grounds. Sir F. Head, who appears to have thought that the maintenance of the connection with Great Britain depended upon his triumph over the majority of the Assembly, embarked in the contest with a determination to use every influence in his power in order to bring it to a successful issue. He succeeded, in fact, in putting

the issue in such a light before the province, that a great portion of the people really imagined that they were called upon to decide the question of separation by their votes. The dissolution, on which he ventured, when he thought the public mind sufficiently ripe, completely answered his expectations. The British, in particular, were roused by the proclaimed danger to the connection with the mother country; they were indignant at some portions of the conduct and speeches of certain members of the late majority, which seemed to mark a determined preference of American over British institutions. They were irritated by indications of hostility to British emigration, when they saw, or fancied they saw, in some recent proceedings of the Assembly. Above all, not only they, but a great many others, had marked with envy the stupendous public works which were at that period producing their effect in the almost marvellous growth of the wealth and population of the neighbouring state of New-York; and they reproached the Assembly with what they considered an unwise economy, in preventing the undertaking or even completion of similar works, that might, as they fancied, have produced a similar development of the resources of Upper Canada. The general support of the British determined the elections in favour of the government; and though very large and close minorities which in many cases supported the defeated candidates, marked the force which the reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the crown, by its representative, appeared to make itself a party in an electioneering contest, the result was the return of a very large majority hostile in politics to that of the late Assembly.

It is rather singular, however, that the result which Sir F. Head appears really to have aimed at was by no means secured by this apparent triumph. His object

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in all his previous measures, and in the nomination of the executive councillors, by whom he replaced the retiring members, was evidently to make the council a means of administrative independence for the governor. Sir F. Head would seem to have been, at the commencement of his administration, really desirous of effecting certain reforms which he believed to be needful, and of rescuing the substantial power of the government from the hands of the party by which it had been so long monopolized. The dismissal of the old members of the executive council was the consequence of this intention; but though willing to take measures for the purpose of emancipating himself from the thralldom in which it was stated that other governors had been held, he could not acquiesce in the claims of the House of Assembly to have a really responsible colonial executive. The result of the elections was to give him, as he conceived, a House of Assembly pledged to support him as governor, in the exercise of the independent authority he had claimed. On the very first occasion, however, on which he attempted to protect an officer of the government, unconnected with the old official party, from charges which, whether well or ill-founded, were obviously brought forward on personal grounds, he found that the new house was even more determined than its predecessor to assert its right to exercise a substantial control over the government; and that, unless he was disposed to risk a collision with both branches of the legislature, then composed of similar materials, and virtually under one influence, he must succumb. Unwilling to incur this risk, when, as he justly imagined, there was no party upon whose support he could rely to bear him safely through the contest, he yielded the point. Although the committee appointed to enquire into the truth of the charges made against Mr. Hepburn refused to adopt a report confirming those charges prepared by their chairman (by whom the accusation had been brought forward, and by

whom the committee was virtually nominated,) Sir F. Head persuaded the individual in question to resign his office, and to take one of very inferior emolument. From that time he never attempted to assert the independence which the new House of Assembly had been elected to secure. The government consequently reverted in effect to the party which he had found in office when he had assumed the governorship, and which it had been his first act to dispossess. In their hands it still remains; and I must state that it is the general opinion, that never was the power of the "family compact" so extensive or so absolute as it has been from the first meeting of the existing parliament down to the present time.

It may, indeed, be fairly said, that the real result of Sir F. Head's policy was to establish that very administrative influence of the leaders of a majority in the legislature which he had so obstinately disputed. The executive councillors of his nomination, who seem to have taken office almost on the express condition of being mere cyphers, are not in fact, then, the real government of the province. It is said that the new officers of government whom Sir F. Head appointed from without the pale of official eligibility, feel more apprehension of the present house than, so far as can be judged, was ever felt by their predecessors with regard to the most violent of the reforming Houses of Assembly. Their apprehension, however, is not confined to the present house; they feel that under no conceivable contingency can they expect an Assembly disposed to support them; and they accordingly appear to desire such a change in the colonial system as might make them dependent upon the Imperial Government alone, and secure them against all interference from the legislature of the province, whatever party should obtain a preponderance in the Assembly.

While the nominal government thus possesses no real power, the Legislature, by whose leaders the substantial power is enjoyed, by no means possesses so much

of the confidence of the people as a legislature ought to command, even from those who differ from it on the questions of the day. I say this without meaning to cast any imputation on the members of the House of Assembly, because, in fact, the circumstances under which they were elected were such as to render them peculiarly objects of suspicion and reproach to a number of their countrymen. They were accused of having violated their pledges at the election. It is said that many of them came forward and were elected, as being really reformers, though opposed to any such claims of colonial independence as might involve a separation from the mother country. There seems to be no doubt that in several places, where the Tories succeeded, the electors were merely desirous of returning members who would not hazard any contest with England by the assertion of claims which, from the proclamation of the Lieutenant Governor, they believed to be practically needless; and who should support Sir F. Head in those economical reforms which the country desired far more than political changes—reforms, for the sake of which alone political changes had been sought. In a number of other instances, too, the elections were carried by the unscrupulous influence of the government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities. It was stated, but I believe without any sufficient foundation, that the Government made grants of land to persons who had no title to them, in order to secure their votes. This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places, to be given to the individuals entitled to them, if they were disposed to vote for the government candidate. The taking such measures, in order to secure their fair right of voting to the electors in a particular interest, must be considered rather as an act of official favouritism,

than as an electoral fraud. But we cannot wonder that the defeated party put the very worst construction on acts which gave some ground for it; and they conceived in consequence, a strong resentment against the means by which they believed that the representative of the crown had carried the elections, his interference in which, in any way, was stigmatised by them as a gross violation of constitutional privilege and propriety.

It cannot be a matter of surprise that such facts and such impressions produced in the country an exasperation and a despair of good government, which extended far beyond those who had actually been defeated at the poll. For there was nothing in the use which the leaders of the Assembly have made of their power to soften the discontent excited by their alleged mode of obtaining it. Many even of those who had supported the successful candidates, were disappointed in every expectation which they had formed of the policy to be pursued by their new representatives. No economical reforms were introduced. The Assembly, instead of supporting the governor, compelled his obedience to itself, and produced no change in the administration of affairs, except that of reinstating the "family compact" in power. On some topics on which the feelings of the people were deeply engaged, as, for instance, the clergy reserves, the Assembly is accused of having shown a disposition to act in direct defiance of the known sentiments of a vast majority of its constituents. The dissatisfaction arising from these causes was carried to its height by an act that appeared in defiance of all constitutional right, to prolong the power of a majority which, it was supposed, counted on not being able to retain its existence after another appeal to the people. This was the passing an act preventing the dissolution of the existing as well as any future Assembly, on the demise of the Crown. The act was passed in expectation of the approaching decease of his late Majesty; and it has, in

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fact, prolonged the existence of the present Assembly from the period of a single year to one of four. It is said that this step is justified by the example of the other North American colonies. But it is certain that it nevertheless caused very great dissatisfaction, and was regarded as an unbecoming usurpation of power.

It was the prevalence of the general dissatisfaction thus caused that emboldened the parties who instigated the insurrection to an attempt, which may be characterised as having been as foolishly contrived and as ill-conducted, as it was wicked and treasonable. This outbreak, which common prudence and good management would have prevented from coming to a head, was promptly quelled by the alacrity with which the population, and especially the British portion of it, rallied round the government. The proximity of the American frontier, the nature of the border country, and the wild and daring character, together with the periodical want of employment of its population, have unfortunately enabled a few desperate exiles to continue the troubles of their country, by means of the predatory gangs which have from time to time invaded and robbed, under the pretext of revolutionizing the province. But the general loyalty of the population has been evinced by the little disposition that has been exhibited by any portion of it to accept of the proffered aid of the refugees and foreign invaders, and by the unanimity with which all have turned out to defend their country.

It has not, indeed, been exactly ascertained what proportion of the inhabitants of Upper Canada were prepared to join Mackenzie in his treasonable enterprise, or were so disposed that we may suppose they would have arrayed themselves on his side, had he obtained any momentary success, as indeed was for some days within his grasp. Even if I were convinced that a large proportion of the population would, under any circumstances, have lent themselves to his projects, I should be inclined to attribute such a dis-

position merely to the irritation produced by those temporary causes of dissatisfaction with the government of the province which I have specified, and not to any settled design on the part of any great number, either to subvert existing institutions, or to change their present connection with Great Britain for a junction with the United States. I am inclined to view the insurrectionary movements which did take place as indicative of no deep-rooted disaffection, and to believe that almost the entire body of the reformers of this province sought only by constitutional means to obtain those objects for which they had so long peaceably struggled before the unhappy troubles occasioned by the violence of a few unprincipled adventurers and heated enthusiasts.

It cannot, however, be doubted, that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting to disaffection, has gained considerable ground. The causes of disaffection continue to act on the minds of the reformers; and their hope of redress under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself, the suspicions and terrors of that trying period, and the use made by the triumphant party of the power thrown into their hands, have heightened the passions which existed before. It certainly appeared too much as if the rebellion had been purposely invited by the government, and the unfortunate men who took part in it deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property, and character. The whole

body of reformers were subject to suspicion, and to harassing proceedings, instituted by magistrates whose political leanings were notoriously adverse to them. Several laws were passed, under colour of which individuals very generally esteemed were punished without any form of trial.

The two persons who suffered the extreme penalty of the law unfortunately engaged a great share of the public sympathy; their pardon had been solicited in petitions signed, it is generally asserted, by no less than 30,000 of their countrymen. The rest of the prisoners were detained in confinement a considerable time. A large number of the subordinate actors in the insurrection were severely punished, and public anxiety was raised to the highest pitch by the uncertainty respecting the fate of the others, who were from time to time partially released. It was not until the month of October last that the whole of the prisoners were disposed of, and a partial amnesty proclaimed, which enabled the large numbers who had fled the country, and so long, and at such imminent hazard, hung on its frontier, to return in security to their homes. I make no mention of the reasons which, in the opinion of the local government, rendered these different steps advisable, because my object is not to discuss the propriety of its conduct, but to point out the effect which it necessarily had in augmenting irritation.

The whole party of the reformers, a party which I am inclined to estimate as very considerable, and which has commanded large majorities in different houses of Assembly, has certainly felt itself assailed by the policy pursued. It sees the whole powers of government wielded by its enemies, and imagines that it can perceive also a determination to use these powers inflexibly against all the objects which it most values. The wounded private feelings of individuals, and the defeated public policy of a party, combine to spread a wide and serious irri-

tation; but I do not believe that this has yet proceeded so far as to induce at all a general disposition to look to violent measures for redress. The reformers have been gradually recovering their hopes of regaining their ascendancy by constitutional means; the sudden pre-eminence which the question of the clergy reserves and rectories has again assumed during the last summer, appears to have increased their influence and confidence; and I have no reason to believe that any thing can make them generally and decidedly desirous of separation, except some such act of the imperial government as shall deprive them of all hopes of obtaining real administrative power, even in the event of their again obtaining a majority in the Assembly. With such a hope before them, I believe that they will remain in tranquil expectation of the result of the general election, which cannot be delayed beyond the summer of 1840.

To describe the character and objects of the other parties in this province would not be very easy; and their variety and complication is so great, that it would be of no great advantage were I to explain the various shades of opinion that mark each. In a very laboured essay, which was published in Toronto during my stay in Canada, there was an attempt to classify the various parties in the province under six different heads.* Some of these were classified according to strictly political opinions, some according to religion, and some according to birth-place; and each party, it was obvious, contained in its ranks a great many who would, according to the designations used, have as naturally belonged to some other. But it is obvious, from all accounts of the different parties, that the nominal government, that is the majority of the executive council, enjoy the confidence of no considerable party, and that the party called the "family compact," which possesses the majority in both branches of the le-

* Lord Durham here alludes to an editorial article in "The Examiner" of the 18th July last.

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gislature, is, in fact, supported at present by no very large number of persons of any party. None are more hostile to them than the greater part of that large and spirited British born population, to whose steadfast exertions the preservation of the colony during the last winter is mainly attributable, and who see with indignation that a monopoly of power and profit is still retained by a small body of men, which seems bent on excluding from any participation in it the British emigrants. Zealously co-operating with the dominant party in resisting treason and foreign invasion, this portion of the population, nevertheless, entertains a general distrust and dislike of them; and though many of the most prominent of the British emigrants have always acted, and still invariably act, in opposition to the reformers, and dissent from their views of responsible government, I am very much inclined to think that they, and certainly the great mass of their countrymen, really desire such a responsibility of the government as would break up the present monopoly of office and influence.

Besides those causes of complaint which are common to the whole of the colony, the British settlers have many peculiar to themselves. The emigrants who have settled in the country within the last ten years, are supposed to comprise half the population. They complain that while the Canadians are desirous of having British capital and labour brought into the colony, by means of which their fields may be cultivated, and the value of their unsettled possessions increased, they refuse to make the colony really attractive to British skill and British capitalists. They say that an Englishman emigrating to Upper Canada is practically as much an alien in that British colony as he would be if he were to emigrate to the United States. He may equally purchase and hold lands, or invest his capital in trade in one country as in the other, and he may in either exercise any mechanical avocation, and per-

form any species of manual labour. This, however, is the extent of his privileges; his English qualifications avail him little or nothing. He cannot, if a surgeon, be licensed to act in England, practise without the licence of a board of examiners in the province. If an attorney, he has to submit to an apprenticeship of five years before he is allowed to practise. If a barrister, he is excluded from the profitable part of his profession, and though allowed to practise at the bar, the permission thus accorded to him is practically of no use in a country where, as nine attorneys out of ten are barristers also, there can be no business for a mere barrister. Thus, a person who has been admitted to the English bar is compelled to serve an apprenticeship of three years to a provincial lawyer.

By an act passed last session difficulties are thrown in the way of the employment of capital in banking, which have a tendency to preserve the monopoly possessed by the chartered banks of the colony, in which the Canadian party are supreme, and the influence of which is said to be employed directly as an instrument for upholding the political supremacy of the party. Under the system, also, of selling land pursued by the government, an individual does not acquire a patent until he has paid the whole of the purchase-money—a period of from four to ten years, according as his purchase is a Crown or clergy lot; and until the patent issues he has no right to vote. In some of the new states of America, on the contrary, especially in Illinois, an individual may practise as a surgeon or lawyer almost immediately on his arrival in the country, and he has every right of citizenship after a residence of six months in the state. An Englishman, in effect, is less an alien in a foreign country than in one which forms a part of the British empire. Such are the superior advantages of the United States at present, that nothing but the feeling, that in the one country he is among a more kindred people, under the same laws, and in a soci-

ety whose habits and sentiments are similar to those to which he has been accustomed, can induce an Englishman to settle in Canada, in preference to the States; and if in the former he is deprived of rights which he obtains in the latter, though a foreigner, it is not to be wondered at that he should in many cases give the preference to the land in which he is treated most as a citizen. It is very possible that there are but few cases in which the departure of an Englishman from Upper Canada to the States can be traced directly to any of these circumstances in particular; yet the state of society and feeling which they have engendered, has been among the main causes of the great extent of re-emigration to the new States of the Union. It operates, too, still more to deter emigration from England to the Provinces, and thus both to retard the advance of the colony, and to deprive the mother country of one of the principal advantages on account of which the existence of colonies is desirable—the field which they afford for the employment of her surplus population and wealth. The native Canadians, however, to whatever political party they may belong, appear to be unanimous in the wish to preserve these exclusive privileges. The course of legislation since the tide of emigration set most strongly to the country, and while under its influence the value of all species of property was rising, and the resources of the province were rapidly, and (for the old inhabitants) profitably developed, has been to draw a yet more marked line between the two classes, instead of obliterating the former distinctions. The law excluding English lawyers from practice is of recent origin. The Speaker of the Reforming House of Assembly, Mr. Bidwell, was among the strongest opponents of any alteration of that law which might render it less rigidly exclusive, and, on more than one occasion, gave his casting vote against a bill having for its object the admission of an English lawyer to practise in the province without

serving a previous apprenticeship. This point is of more importance to a colony than it would at first sight appear to any one accustomed only to such a state of society as exists in England. The members of the legal profession are in effect the leaders of the people, and the class from which, in a larger portion than from any other class, legislators are taken. It is, therefore, not merely a monopoly of profit, but, to a considerable extent, a monopoly of power, which the present body of lawyers contrive, by means of this exclusion, to secure to themselves. No man of mature age emigrating to a colony could afford to lose five years of his life in an apprenticeship from which he could acquire neither learning nor skill. The few professional men, therefore, who have gone to Upper Canada have turned their attention to other pursuits, retaining, however, a strong feeling of discontent against the existing order of things. And many who might have emigrated remain at home, or seek some other colony where their course is not impeded by similar restrictions.

But as in Upper Canada, under a law passed immediately after the last war with the States, American citizens are forbidden to hold land, it is of the more consequence that the country should be made as attractive as possible to the emigrating middle classes of Great Britain, the only class from which an accession of capital to be invested in the purchase or improvement of lands, can be hoped for. The policy of the law just referred to may well be doubted, whether the interests of the colony or of the mother country are considered, since the wealth and activity, and consequent commerce, of the province would have been greatly augmented had its natural advantages of soil and position been allowed to operate in attracting those who were most aware of their existence and eminently fitted to aid in their development; and there is great reason to believe that the uncertainty of the titles which many Americans possess to the land on which they have squatted

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since the passing of this law, is the main cause of much of the disloyalty, or rather very lukewarm loyalty, evinced by that population in the western district. But when this exclusion had been determined upon, it would at least have been wise to have removed everything that might have seemed like an obstacle in the way of those for whom the land was kept open, instead of closing the principal avenues to wealth or distinction against them in a spirit of petty provincial jealousy.

The great practical question, however, on which these various parties have for a long time been at issue, and which has within a very few months again become the prominent matter in debate, is that of the clergy reserves. The prompt and satisfactory decision of this question is essential to the pacification of Canada; and as it was one of the most important questions referred to me for investigation, it is necessary that I should state it fully, and not shrink from making known the light in which it has presented itself to my mind. The disputes on this subject are now of long standing. By the Constitutional Act a certain portion of the land in every township was set apart for the maintenance of a "Protestant" clergy. In that portion of this report which treats of the management of the waste lands, the economical mischiefs which have resulted from this appropriation of territory are fully detailed; and the present disputes relate solely to the application, and not to the mode of raising, the funds which are now derived from the sale of the clergy reserves. Under the term "Protestant clergy," the clergy of the church of England has always claimed the sole enjoyment of these funds. The members of the church of Scotland have claimed to be put entirely on a level with the church of England, and have demanded that these funds should be equally divided between both. The various denominations of protestant dissenters have asserted that the term includes them, and that out of these funds an equal provision should be made for all christians

who do not belong to the Church of Rome. But a great body of all Protestant denominations, and the numerous Catholics who inhabit the province, have maintained that any such favour towards any one, or even all of the Protestant sects, would be most unadvisable, and have either demanded the equal application of those funds to the purposes of all religious creeds whatsoever, or have urged the propriety of leaving each body of religionists to maintain its establishment, to repeal or disregard the law, and to apply the clergy funds to the general purposes of the government, or to the support of a general system of education.

The supporters of these different schemes having long contended in this province, and greatly inconvenienced the imperial government by constant references to its decision, the Secretary of State for the Colonies proposed to leave the determination of the matter to the provincial legislatures, pledging the imperial government to do its utmost to get a parliamentary sanction to whatever course they might adopt. Two bills, in consequence passed the last House of Assembly, in which the reformers had the ascendancy, applying these funds to the purposes of education; and both these bills were rejected by the legislative council.

During all this time, however, though much irritation had been caused by the exclusive claims of the Church of England, and the favour shown by the government to one, and that a small religious community, the clergy of that church, though an endowed, were not a dominant priesthood. They had a far larger share of the public money than the clergy of and other denomination; but they had no exclusive privileges and no authority, save such as might spring from their efficient discharge of their sacred duties, or from the energy, ability or influence of members of their body. But the last public act of Sir John Colborne before quitting the government of the Province in 1835, which was the establishment of

the fifty-seven rectories, has completely changed the aspect of the question. It is understood that every rector possesses all the spiritual and other privileges enjoyed by an English Rector; and that though he may have no right to levy tithes (for even this has been made a question,) he is in all other respects in precisely the same position as a clergyman of the established church of England. This is regarded by all other teachers of religion in the country as having at once degraded them to a position of legal inferiority to the clergy of the church of England; and it has been resented most warmly. In the opinion of many persons this was the chief predisposing cause of the recent insurrection, and it is an abiding and unabated cause of discontent. Nor is this to be wondered at. The church of England in Upper Canada, by numbering in its ranks all those who belong to no other sect, represents itself as being more numerous than any single denomination of Christians in the country. Even admitting, however, the justice of the principle upon which this enumeration proceeds, and giving that church credit for all that it thus claims, its number could not amount to one-third, probably not a fourth, of the population. It is not, therefore, to be expected that the other sects, three at least of whom, the Methodists, the Presbyterians, and the Catholics, claim to be individually more numerous than the Church of England, should acquiesce quietly in the supremacy thus given it. And it is equally natural that the English dissenters and Irish Catholics, remembering the position which they have occupied at home, and the long and painful struggle through which alone they have obtained the imperfect equality they now possess, should refuse to acquiesce for themselves in the creation of a similar establishment in their new country, and thus to bequeath to their children a strife as arduous and embittered as that from which they have so recently and imperfectly escaped.

But for this act, it would have been possible, though highly impolitic, to have allowed the clergy reserves to remain upon their former undetermined and unsatisfactory footing. But the question as to the application of this property must now be settled, if it is intended that the province is to be free from violent and perilous agitation. Indeed, the whole controversy, which had been in a great measure suspended by the insurrection, was, in the course of last summer, revived with more heat than ever by the most inopportune arrival in the colony of opinions given by the British law officers of the Crown in favour of the legality of the establishment of the rectories. Since that period the question has again absorbed public attention; and it is quite clear that it is upon this practical point that issue must sooner or later be joined on all the constitutional questions to which I have previously adverted. I am well aware that there are not wanting some who represent the agitation of this question as merely the result of its present unsettled character, and who assert, that if the claims of the English church to the exclusive enjoyment of this property were established by the Imperial Parliament, all parties, however loud their pretensions, or however vehement their first complaints, would peaceably acquiesce in an arrangement which would then be inevitable. This might be the case if the establishment of some dominant church were inevitable. But it cannot be necessary to point out that, in the immediate vicinity of the United States, and with their example before the people of Canada, no injustice, real or fancied, occasioned and supported by a British rule, would be regarded in this light. The result of any determination on the part of the British government or Legislature to give one sect a predominance and superiority would be, it might be feared, not to secure the favoured sect, but to endanger the loss of the colony, and, in vindicating the exclusive pretensions of the English church, to hazard one of the

fairest possessions of the British Crown.

I am bound, indeed, to state, that there is a degree of feeling, and an unanimity of opinion on the question of ecclesiastical establishments over the northern part of the continent of America, which it will be prudent not to overlook in the settlement of this question. The superiority of what is called "the voluntary principle" is a question on which I may almost say that there is no difference of opinion in the United States; and it cannot be denied that on this, as on other points, the tone of thought prevalent in the Union has exerted a very considerable influence over the neighbouring provinces. Similar circumstances, too, have had the effect of accustoming the people of both countries to regard this question in a very different light from that in which it appears in the old world; and the nature of the question is indeed entirely different in old and new countries. The apparent right which time and custom give the maintenance of an ancient and respected institution cannot exist in a recently settled country, in which everything is new; and the establishment of a dominant church there is a creation of exclusive privileges in favour of one out of many religious denominations, and that composing a small minority at the expense not merely of the majority, but of many as large minorities. The church, too, for which alone it is proposed that the state should provide, is the church which, being that of the wealthy, can best provide for itself, and has the fewest poor to supply with gratuitous instruction. Another consideration, which distinguishes the grounds on which such a question must be decided in old and new countries is, that the state of society in the latter is not susceptible of such an organization as is necessary for the efficiency of any church establishment of which I know, more especially of one so constituted as the established church of England; for the essence of its establishment is its parochial clergy. The services of a parochial clergy are almost inapplicable

to a colony, where a constantly varying population is widely scattered over the country. Any clergy there must be rather missionary than parochial.

A still stronger objection to the creation of a church establishment in this colony, is that not merely are the members of the church of England a small minority at present; but inasmuch as the majority of emigrants are not members of the church of England, the disproportion is likely to increase, instead of disappearing, in the course of time. The mass of British emigrants will be either from the middle classes of Great Britain, or the poorer classes of Ireland; the latter almost exclusively Catholics, and the former in a great proportion either Scotch Presbyterians or English dissenters.

It is most important that this question should be settled, and so settled as to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns. And I know no mode of doing this but by repealing all provisions in Imperial acts that relate to the application of the clergy reserves, and the funds arising from them, leaving the disposal of the funds to the local Legislature, and acquiescing in whatever decision it may adopt. The views which I have expressed on this subject sufficiently mark my conviction that, without the adoption of such a course, the most mischievous practical cause of dissension will not be removed.

I feel it my duty also, in this as in the Lower Province, to call especial attention to the policy which has been and which ought to be, pursued towards the large Catholic population of the province. On this subject I have received complaints of a general spirit of intolerance, and disfavour towards all persons of this creed, to which I am obliged to give considerable credit from the great respectability and undoubted loyalty of those from whom the complaints were received. Bishop M'Donnell, the venerable Roman Catholic Bishop of Kingston, and Mr. Manahan, M. P. P. for the county of

Hastings, have made representations in letters, which will be given in the appendix to this report. The Catholics constitute at least a fifth of the whole population of Upper Canada. Their loyalty was most generally and unequivocally exhibited at the late outbreak. Nevertheless it is said they are wholly excluded from all share in the government of the country and the patronage at its disposal. "In Upper Canada," says Mr. Manahan, "there never was one Irish Roman Catholic an Executive or Legislative Councillor; nor has one ever been appointed to any public situation of emolument and profit in the colony."

The Irish Catholics complain very loudly and justly of the existence of Orangeism in this colony. They are justly indignant that, in a province which their loyalty and bravery have materially contributed to save, their feelings are outraged by the symbols and processions of this association. It is somewhat difficult to understand the nature and the objects of the rather anomalous Orangeism of Upper Canada. Its members profess to desire to uphold the Protestant religion, but to be free from those intolerant feelings towards their Catholic countrymen which are the distinctive marks of the Irish Orangemen. They assert, that the main object to which the support of the English church is subsidiary, is to maintain the connection with Great Britain. They have sworn many ignorant Catholics into their body; and at their public dinners, after drinking the "pious, glorious, and immortal memory," with all the usual formality of abuse of the Catholics, they toast the health of the Catholic Bishop, M'Donnell. It would seem that their great purpose has been to introduce the machinery, rather than the tenets, of Orangeism, and the leaders probably hope to make use of this kind of permanent conspiracy and illegal organization to gain political power for themselves. In fact, the Catholics scarcely appear to view this institution with more jealousy than the reformers of the prov-

ince. It is an Irish Tory institution, having not so much a religious as a political bearing. The Irish Catholics who have been initiated have entered chiefly from its supposed national character, and probably with as little regard to the political objects with which it is connected. Still the organization of this body enables its leaders to exert a powerful influence over the populace; and it is stated that, at the last general election, the Tories succeeded in carrying more than one seat by means of the organised mob thus placed at their disposal. It is not, indeed, at the last election only that the success of the government candidates has been attributed to the existence of this association. At former elections, especially those for the county of Leeds, it is asserted that the return of the Canadian deputy-grand-master, and of the then attorney-general, his colleague, was procured by means of a violent and riotous mob of Orangemen, who prevented the voters in the opposition interest from coming up to poll. In consequence of this and other similar outrages, the Assembly presented an address to Sir F. Head, begging "that His Excellency would be pleased to inform the house whether the government of the province had taken or determined to take any steps to prevent or discourage public processions of Orange societies, or to discourage the formation and continuance of such societies." To this address the Governor made the following reply:—"The government of this province has neither taken, nor determined to take, any steps to prevent or discourage the formation or the continuance of such societies." It is to be presumed that this answer proceeded from a disbelief of the truth of those charges of outrage and riot which were made the foundation of the address. But it can excite no surprise that the existence of such an institution, offending one class by its contemptuous hostility to their religion, and another by its violent opposition to their politics, and which had been sanctioned by the governor, as was con-

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ceived, on account of its political tendencies, should excite among both classes a deep feeling of indignation, and add seriously to the distrust with which the government was regarded.

In addition to the irritation engendered by the position of parties by the specific causes of dispute to which I have adverted, and by those features in the government of the colony which deprive the people of all power to effect a settlement on the questions by which the country is most deeply agitated, or to redress abuses in the institutions or in the administration of the province, there are permanent causes of discontent, resulting from the existence of deep-seated impediments in the way of its industrial progress. The province is without any of those means by which the resources of a country are developed, and the civilization of a people is advanced or upheld. The general administration of justice, it is true, appears to be much better in Upper than in Lower Canada. Courts of justice, at least, are brought into every man's neighbourhood by a system of circuits; and there is still some integrity in juries. But there are general complaints of the union of political and judicial functions in the chief justice; not because any suspicion attaches to that judge's discharge of his duties, but on account of the party grounds upon which his subordinates are supposed to be appointed, and the party bias attributed to them. Complaints, too, similar to those which I have adverted to in the Lower Province, are made against the system by which the sheriffs are appointed; it is stated that they are selected exclusively from the friends or dependents of the ruling party; that very insufficient securities are taken from them; and the money arising from executions and sales, which are represented as unhappily very numerous in this province, generally remains in their hands for at least a year. For reasons also which I have specified in my account of the Lower Province, the composition of the Ma-

gistracy appears to be serious cause of mischief and dissatisfaction.

But independently of these sources of complaint are the impediments which I have mentioned. A very considerable portion of the province has neither roads, post-offices, mills, schools, nor churches. The people may raise enough for their own subsistence, and may even have a rude and comfortless plenty, but they can seldom acquire wealth; nor can even wealthy landowners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral, and social position than they themselves fill. Their means of communication with each other or the chief towns of the province are limited and uncertain, with the exception of the labouring class, most of the emigrants who have arrived within the last ten years are poorer now than at the time of their arrival in the province. There is no adequate system of local assessment to improve the means of communication; and the funds occasionally voted for this purpose are, under the present system, disposed of by a House of Assembly which represents principally the interests of the more settled districts, and which it is alleged has been chiefly intent in making the disposal a means of strengthening the influence of its members in the constituencies which they represent. These funds have consequently almost always been applied in that part of the country where they were least needed; and they have been too frequently expended so as to produce scarcely any perceptible advantages. Of the lands which were originally appropriated for the support of schools throughout the country, by far the most valuable portion has been diverted to the endowment of the university, from which those only derive any benefit who reside in Toronto, or those who, having a large assured income, are enabled to maintain their children in that town at an expense which has been estimated at £50 per annum for each child. Even in the most thickly peopled districts there are

but few schools, and those of a very inferior character: while the more remote settlements are almost entirely without any.

Under such circumstances there is little stimulus to industry or enterprise, and their effect is aggravated by the striking contrast presented by such of the United States as border upon this Province, and where all is activity and progress. I shall, hereafter, in connection with the disposal of the public lands, advert to circumstances affecting not Upper Canada merely, but the whole of our North American colonies in an almost equal degree, which will illustrate in detail the causes and results of the more prominent of these evils. I have referred to the topic in order to notice the inevitable tendency of these inconveniences to aggravate whatever discontent may be produced by purely political causes, and to draw attention to the fact, that those who are most satisfied with the present political state of the Province, and least disposed to attribute economical injuries and social derangement to the form or the working of the government, feel and admit that there must have been something wrong to have caused so striking a difference in progress and wealth between Upper Canada and the neighbouring states of the Union. I may also observe, that these evils affect chiefly that portion of the people which is composed of British emigrants, and who have had no part in the causes to which they are attributable. The native-born Canadians, as they generally inhabit the more settled districts of the Province, are the owners of nearly all the waste lands, and have almost exclusively had the application of all public funds, might be expected to have escaped from the evils alluded to, and even to have profited by the causes out of which they have sprung. The number of those who have thus profited is, however, comparatively small; the majority of this class, in common with the emigrant population, have suffered from the general depression, and share in the discontent

and restlessness which this depression has produced.

The trade of the country is, however, a matter which appears to demand a notice here, because so long as any such marked and striking advantages in this respect are enjoyed by Americans, as at present arise from causes which government has the power to remove, it is impossible but that many will look forward with desire to political changes. There are laws which regulate, or rather prohibit, the importation of articles, except from England, especially of tea, which were framed originally to protect the privileges of monopolies here; but which have been continued in the Province after the English monopoly had been removed. It is not that these laws have any applicable effect in raising the price of the commodities in question—almost all used in the Province is smuggled across the frontier—but their operation is at once injurious to the fair dealer, who is under-ld by persons who have obtained their articles in the cheaper market of the United States, and to the Province, which can neither regulate the traffic, nor make it a source of revenue. It is probable, indeed, that the present law has been allowed to continue through inadvertence; but if so, it is no very satisfactory evidence of the care or information of the Imperial government that it knows or feels so little the oppressive influence of the laws to which it subjects its dependencies.

Another and more difficult topic connected with this subject, is the wish of this Province that it should be allowed to make use of New York as a port of entry. At present the rate of duty upon all goods coming from the United States, whatever may be their nature, and the port in Europe from which they may have been shipped, is such as to compel all importers to receive the articles of their trade through the Saint Lawrence, the navigation of which river opens generally several weeks later than the time at which goods may be obtained in all

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parts of Upper Canada bordering upon Lake Ontario, by way of Oswego. The dealer, therefore, must submit to an injurious delay in his business, or must obtain his goods in the autumn, and have his capital lying dead for six months. Either of these courses must lessen the amount of traffic by diminishing the quantity, or lessening the price, of all commodities; and the mischief is seriously enhanced by the monopoly which the present system places in the hands of what are called "forwarders" on the St. Lawrence and Rideau canals. If goods might be shipped from England to be landed at New York in bond, and to be admitted into Upper Canada free of duty, upon the production of a certificate from the officer of customs at the English port from which they are shipped, this inconvenience would be removed, and the people of the Province would in reality benefit by their connection with England in the superior cheapness of their articles, without paying for it as highly as they do at present in the limitation of their commerce.

I have already stated, in my account of Lower Canada, the difficulties and disputes which are occasioned by the financial relations of the two Provinces. The state of affairs, however, which causes these disputes is of far greater practical mischief to Upper Canada. That province some years ago conceived the noble project of removing or obviating all the natural impediments to the navigation of the St. Lawrence, and the design was to make these works on a scale so commensurate with the capabilities of that broad and deep river, as to enable sea-going vessels to navigate its whole course to the head of Lake Huron. The design was, perhaps, too vast, at least for the first effort of a state at that time comparatively small and poor; but the boldness with which the people undertook it, and the immense sacrifices which they made in order to achieve it, are gratifying indications of a spirit which bids fair hereafter to render Upper Ca-

nada as thriving a country as any state of the American Union. The House of Assembly, with this object in view, took a large portion of the shares of the Welland Canal, which had been previously commenced by a few enterprising individuals. It then commenced the great ship canal, called the Cornwall Canal, with a view of enabling ships of considerable draught to avoid the Long Sault Rapids: and this work was, at an immense outlay, brought very far towards a completion. It is said that there was very great mismanagement, and perhaps no little jobbing, in the application of the funds, and the execution of the work. But the greatest error committed was undertaking the works in Upper, without ensuring their continuation in Lower Canada. For the whole of the works in the Upper Province, when completed, would be comparatively, if not utterly, useless, without the execution of similar works on the part of the St. Lawrence which lies between the province line and Montreal. But this co-operation the Lower Canada Assembly refused or neglected to give; and the works of the Cornwall Canal are now almost suspended from the apparent utility of completing them.

The necessary expense of these great undertakings was very large; and the prodigality superadded thereto has increased it to such an extent, that this Province is burthened with a debt of more than a million of pounds; the whole revenue, which is about £60,000, being hardly adequate to pay the interest. The province has already been fortunately obliged to throw the whole support of the few and imperfect local works which are carried on in different parts of the Province on local assessments; but it is obvious that it will soon be obliged to have recourse to direct taxation to meet its ordinary civil expenditure. For the custom duties cannot be increased without the consent of Lower Canada, and that consent it is useless to expect from any House of Assembly chosen under

the suspended constitution. The canals, of which the tolls would, if the whole series of necessary works were completed, in all probability render the past outlay a source of profit, instead of loss, remain in a state of almost hopeless suspension: the Cornwall Canal being unfinished, and the works already completed daily falling into decay, and the Welland Canal, which has been a source of great commercial benefit, being now in danger of becoming useless, from the want of money to make the necessary repairs. After all its great hopes, and all the great sacrifices which it has made to realize them, Upper Canada now finds itself loaded with an enormous debt, which it is denied the means of raising its indirect taxation to meet, and mocked by the aspect of these unfinished works which some small combined efforts might render a source of vast wealth and prosperity, but which now are a source of useless expense and bitter disappointment.

It may well be believed that such a state of things is not borne without repining by some of the most enterprising and loyal people of the Province. It is well known that the desire of getting over these difficulties has led many persons in this Province to urge the singular claim to have a convenient portion of Lower Canada taken from that Province, and annexed to Upper Canada; and that it induces many to desire a Union of the Provinces as the only efficient means of settling all these disputes on a just and permanent footing. But it cannot be matter of surprise that in despair of any efficient remedies being provided by the imperial government, many of the most enterprising colonists of Upper Canada look to that bordering country in which no great industrial enterprise ever feels neglect, or experiences a check, and that men the most attached to the existing form of government would find some compensation in a change, whereby experience might bid them hope that every existing obstacle would be speedily removed, and each man's fortune share in

the progressive prosperity of a flourishing state.

A dissatisfaction with the existing order of things, produced by causes such as I have described, necessarily extends to many who desire no change in the political institutions of the Province. Those who most admire the form of the existing system wish to see it administered in a very different mode. Men of all parties feel that the actual circumstances of the colony are such as to demand the adoption of widely different measures from any that have yet been pursued in reference to them. They ask for greater firmness of purpose in their rulers, and a more defined and consistent policy on the part of the government; something, in short, that will make all parties feel that an order of things has been established to which it is necessary that they should conform themselves, and which is not to be subject to any unlooked for and sudden interruption consequent upon some unforeseen move in the game of politics in England. Hitherto the course of policy adopted by the English Government towards this colony has had reference to the state of parties in England, instead of the wants and circumstances of the Province; neither party could calculate upon a successful result to their struggles for any particular object, because, though they might be able to estimate accurately enough their strength in the colony, they could not tell how soon some hidden spring might be put in motion in the Colonial-office in England which would defeat their best laid plans, and render utterly unavailing whole years of patient effort.

THE EASTERN PROVINCES AND NEWFOUNDLAND.

Though I have stated my opinion that my inquiries would have been very incomplete had they been confined to the two Canadas, the information which I am

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enabled to communicate with respect to the other North American colonies is necessarily very limited. As, however, in these provinces, with the exception of Newfoundland, there are no such discontents as threaten the disturbance of the public tranquillity, I did not think it necessary to institute any minute inquiries into the details of the various departments of government. It is only necessary that I should state my impression of the general working of the government in these colonies, in order that if institutions similar to those of the disturbed provinces should here appear to be tending to similar results, a common remedy may be devised for the impending as well as for existing disorders. On this head I have obtained much useful information from the communications which I had with the Lieutenant Governors of these colonies, as well as with individuals connected with them, but, above all, from the frequent and lengthened discussions which passed between me and the gentlemen who composed the deputations sent to me last autumn from each of the three eastern provinces, for the purpose of discussing the principles as well as details of a plan of government for the whole of the British North American Colonies. It was most unfortunate that the events of temporary, but pressing importance which compelled my return to England interrupted these discussions; but the delegates with whom I had the good fortune to carry them on, were gentlemen of so much ability, so high in station, and so patriotic in their views, that their information could not fail to give me a very fair view of the working of the Colonial constitution under somewhat different circumstances in each. I insert in the Appendix a communication which I received from one of those gentlemen, Mr. Young, a leading and very active member of the House of Assembly of Nova Scotia, respecting that Province.

It is not necessary, however, that I should enter into any lengthened account of the nature or working of the form of

government established in these provinces, because in my account of Lower Canada I have described the general characteristics of the system common to all, and adduced the example of these provinces in illustration of the defects of their common system. In all these provinces we find representative government coupled with an irresponsible executive; we find the same constant collision between the branches of the government; the same abuse of the powers of the representative bodies, owing to the anomaly of their position, aided by the want of good municipal institutions; and the same constant interference of the imperial administration in matters which should be left wholly to the provincial governments. And if in these Provinces there is less formidable discontent and less obstruction to the regular course of Government, it is because in them there has been recently a considerable departure from the ordinary course of the colonial system, and a nearer approach to sound constitutional practice.

This is remarkably the case in New Brunswick, a province which was till a short time ago one of the most constantly harassed by collisions between the executive and legislative powers; the collision has now been in part terminated by the concessions of all the revenues of the province to the Assembly. The policy of this concession, with reference to the extent and mode in which it was made, will be discussed in the separate Report on the disposal and management of public lands; but the policy of the government in this matter has at any rate put an end to disputes about the revenue which were on the point of producing a constant parliamentary conflict between the crown and the Assembly in many respects like that which has subsisted in L. Canada; but a more important advance has been made towards the practice of the British constitution in a recent change which has been made in the executive and legislative councils of the colony, whereby, as I found from the representatives of the pre-

sent official body in the delegation from New Brunswick, the administrative power of the province had been taken out of the hands of the old official party, and placed in those of members of the former liberal opposition. The constitutional practice had been, in fact, fully carried into effect in this province; the government had been taken out of the hands of those who could not obtain the assent of the majority of the Assembly, and placed in the hands of those who possessed their confidence; the result is, that the government of New Brunswick, till lately one of the most difficult in the North American colonies, is now the most harmonious and easy.

In Nova Scotia some, but not a complete approximation has been made to the same judicious course. The government is in a minority in the Assembly, and the Assembly and the Legislative Council do not perfectly harmonize. But the questions which divide parties at present happen really to be of no great magnitude; and all are united and zealous in the great point of maintaining the connection with Great Britain. It will be seen from Mr. Young's paper, that the questions at issue, though doubtless of very considerable importance, involve no serious discussion between the government and the people. The majority of members of the opposition is stated by the official party to be very uncertain, and is admitted by themselves to be very narrow. Both parties look with confidence to the coming general election; and all feel the greatest reliance on the good sense and good intentions of the present lieutenant governor Sir Colin Campbell.

I must, however, direct particular attention to the following temperate remarks of Mr. Young on the constitution of the Executive and Legislative Councils:—

"The majority of the House of Assembly is dissatisfied with the composition of the Executive and Legislative Councils, and the preponderance in both of interests which they conceive to be unfavourable to reform: this is the true

ground, as I take it, of the discontent that is felt. The respectability and private virtues of the gentlemen are admitted by all; it is of their political predilections that the people complain; they desire reforming and liberal principles to be more fully represented and advocated there, as they are in the Assembly.

"The majority of the House, while they appreciate and have acknowledged the anxiety of his Excellency the Lieutenant Governor to gratify their just expectations, have expressed their dissatisfaction that the church of England should have been suffered to retain a majority in both councils, notwithstanding the remonstrances of the House and the precise and explicit directions of the Colonial Secretary. Religious dissensions are happily unknown among us, and the true way to prevent their growth and increase is to avoid conferring an inordinate power on any one sect, however worthy it may be of respect and favour."

The Political history of Prince Edward's Island is contained in the system pursued with regard to its settlement, and the appropriation of its lands, which is fully detailed in the subsequent view of that department of government in the North American Colonies; and its past and present disorders are but the sad result of that fatal error which stifled its prosperity in the very cradle of its existence, by giving up the whole island to a handful of distant proprietors. Against this system, this small and powerless community has in vain been struggling for some years: a few active and influential proprietors in London have been able to drown the remonstrances and defeat the efforts of a distant and petty province: for the ordinary evils of distance are, in the instance of Prince Edward's Island, aggravated by the scantiness of its population, and the confined extent of its territory. This island, most advantageously situated for the supply of the surrounding colonies and of all the fisheries, possesses a soil peculiarly adapted to the production of grain; and

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from its insular position is blessed with a climate far more genial than a great part of the continent which lies to the southward. Had its natural advantages been turned to proper account, it might at this time have been the granary of the British colonies, and instead of barely supporting a poor and unenterprising population of 40,000, its mere agricultural resources would, according to Major Head, have maintained in abundance a population of at least ten times that number. Of nearly 1,400,000 acres contained in the island, only 10,000 are said to be unfit for the plough. Only 100,000 are now under cultivation. No one can mistake the cause of this lamentable waste of the means of this national wealth. It is the possession of almost the whole soil of the island by absentee proprietors, who would neither promote nor permit its cultivation, combined with the defective government which first caused and has since perpetuated the evil. The simple legislative remedy for all this mischief having been suggested by three successive secretaries of State has been embodied in an act of the local Legislature, which was reserved for the Royal assent; and the influence of the proprietors in London was such, that that assent was for a long time withheld. The question was referred to me during my stay in Canada; and I believe I may have the satisfaction of attributing to the recommendation which I gave, in accordance with the earnest representations of the lieutenant governor, Sir Charles Fitzroy, the adoption at least of a measure intended to remove the abuse that has so long retarded the prosperity of this colony.

The present condition of these colonies presents none of these alarming features which mark the state of the two Canadas. The loyalty and attachment to the mother country which animate their inhabitants is warm and general. But their varied and ample resources are turned to little account. Their scanty population exhibits, in most portions of them, an aspect of poverty, backward-

ness, and stagnation; and wherever a better state of things is visible, the improvement is generally to be ascribed to the influx of American settlers or capitalists. Major Head describes his journey through a great part of Nova Scotia as exhibiting the melancholy spectacle of "half the tenements abandoned, and lands everywhere falling into decay;" "and the lands," he tells us, "that were purchased thirty and forty years ago, at 5s. an acre, are now offered for sale at 3s." "The people of Prince Edward's Island are," he says, "permitting Americans to take out of their hands their valuable fisheries, from sheer want of capital to employ their own population in them." "The country on the noble river St. John's," he states, "possesses all that is requisite, except that animation of business which constitutes the value of a new settlement." But the most striking indication of the backward state of these provinces is afforded by the amount of the population. These provinces, among the longest settled on the North American Continent, contain nearly 30,000,000 of acres, and a population, estimated at the highest, at no more than 365,000 souls, giving only one inhabitant for every 80 acres. In New Brunswick, out of 16,500,000 acres, it is estimated that at least 15,000,000 are fit for cultivation; and the population being estimated at no more than 140,000, there is not one inhabitant for 100 acres of cultivatable land.

It is a singular and melancholy feature in the condition of these provinces, that the resources rendered of so little avail to the population of Great Britain, are turned to better account by the enterprising inhabitants of the United States. While the emigration from the province is large and constant, the adventurous farmers of New England cross the frontier, and occupy the best farming lands. Their fishermen enter our bays and rivers, and in some cases monopolise the occupations of our own unemployed countrymen; and a great portion of the trade of the St. John's is in their hands. Not only do

the citizens of a foreign nation do this, but they do it with British capital. Major Head states, "that an American merchant acknowledged to him that the capital with which his countrymen carried on their enterprises in the neighbourhood of St. John's was chiefly supplied by Great Britain; and," he adds, as a fact within his own knowledge, "that wealthy capitalists at Halifax, desirous of an investment for their money, preferred lending it in the United States to applying it to speculation in N. Brunswick, or to lending it to their own countrymen in that province."

I regret to say that Major Head also gives the same account respecting the difference between the aspect of things in those provinces and the bordering state of Maine. On the other side of the line, good roads, good schools, and thriving farms afford a mortifying contrast to the condition in which a British subject finds the neighbouring possessions of the British Crown.

With respect to the colony of Newfoundland, I have been able to obtain no information whatever, except from sources open to the public at large. The assembly of that Island signified their intention of making an appeal to me respecting some differences with the Governor, which had their immediate origin in a dispute with a Judge. Owing probably to the uncertain and tardy means of communicating between Quebec and that Island, I received no other communication on this or any other subject until after my arrival in England, when I received an address expressive of regret at my departure.

I know nothing, therefore, of the state of things in Newfoundland, except that there is and long has been the ordinary colonial collision between the representative body on one side and the executive on the other; that the representatives have no influence on the composition or the proceedings of the executive government; and that the dispute is now carried on, as in Canada, by impeachments of various public officers on one hand and proroga-

tions on the other. I am inclined to think that the cause of these disorders is to be found in the same constitutional defects as those which I have signalized in the rest of the North American colonies. If it be true that there exists in this island a state of society which renders it unadvisable that the whole of the local Government should be entirely left to the inhabitants, I believe that it would be much better to incorporate this colony with a larger community, than to attempt to continue the present experiment of governing it by a constant collision of constitutional powers.

The following is the conclusion of this report:—

"I have now brought under review the most prominent features of the condition and institutions of the British Colonies in North America. It has been my painful task to exhibit a state of things which cannot be contemplated without grief by all who value the well-being of our Colonial fellow-countrymen and the integrity of the British Empire. I have described the operation of those causes of division which unhappily exist in the very composition of society; the disorder produced by the working of an ill-contrived constitutional system, and the practical mismanagement which those fundamental defects have generated in every department of government.

It is not necessary that I should take any pains to prove that this is a state of things which should not, which cannot continue. Neither the political nor the social existence of any community can bear much longer, the operation of those causes, which have, in Lower Canada, already produced a long practical cessation of the regular course of constitutional government, which have occasioned the violation and necessitated the absolute suspension of the provincial constitution, and which have resulted in two insurrections, two substitutions of martial for civil law, and two periods of a general abeyance of every guarantee that is considered essential for the protection of a British

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subject's rights. I have already described the state of feeling which prevails among each of the contending parties, or rather races; their all-pervading and irreconcilable enmity to each other; the entire and irremediable dissatisfaction of the whole French population, as well as the suspicion with which the English regard the Imperial Government; and the determination of the French, together with the tendency of the English to seek for a redress of their intolerable present evils in the chances of a separation from Great Britain. The disorders of Lower Canada admit of no delay; the existing form of government is but a temporary and forcible subjugation. The recent constitution is one of which neither party would tolerate the re-establishment, and of which the bad working has been such that no friend to liberty or to order could desire to see the province again subjected to its mischievous influence. Whatever may be the difficulty of discovering a remedy, its urgency is certain and obvious.

Nor do I believe that the necessity for adopting some extensive and decisive measure for the pacification of Upper Canada is at all less important. From the account which I have given of the causes of disorder in that province, it will be seen that I do not consider them by any means of such a nature as to be irremediable, or even to be susceptible of no remedy, that shall not effect an organic change in the existing constitution. It cannot be denied, indeed, that the continuance of the many practical grievances which I have described as subjects of complaint, and above all, the determined resistance to such a system of responsible government as would give the people a real control over its own destinies, have, together with the irritation caused by the late insurrection, induced a large portion of the population to look with envy at the material prosperity of their neighbours in the United States, under a perfectly free and eminently responsible government; and in despair of obtaining such benefits under their present institu-

tions, to desire the adoption of a republican constitution or even an incorporation with the American Union. But I am inclined to think that such feelings have made no formidable or irreparable progress; on the contrary, I believe that all the discontented parties, and especially the reformers of Upper Canada, look with considerable confidence to the result of my mission. The different parties believe that when the case is once fairly put before the mother country the desired changes in the policy of their government will be readily granted: they are now tranquil and I believe loyal; determined to abide the decision of the home government, and to defend their property and their country against rebellion and invasion. But I cannot but express my belief, that this is the last effort of their almost exhausted patience, and that the disappointment of their hopes on the present occasion, will destroy forever the expectation of good resulting from British connection. I do not mean to say that they will renew the rebellion, much less do I imagine that they will array themselves in such force as will be able to tear the government of their country from the hands of the great military power which Great Britain can bring against them. If now frustrated in their expectations, and kept in hopeless subjection to rulers irresponsible to the people, they will, at best, only await in sullen prudence the contingencies which may render the preservation of the province dependent on the devoted loyalty of the great mass of its population.

With respect to the other North American provinces, I will not speak of such evils as imminent, because I firmly believe that whatever discontent there may be, no irritation subsists which in any way weakens the strong feeling of attachment to the British Crown and empire. Indeed, throughout the whole of the North American provinces there prevails among the British population an affection for the mother country, and a preference for its institutions, which a wise

and firm policy, on the part of the imperial government, may make the foundation of a safe, honourable, and enduring connexion. But even this feeling may be impaired, and I must warn those in whose hands the disposal of their destinies rests, that a blind reliance on the all-enduring loyalty of our countrymen may be carried too far. It is not politic to waste and cramp their resources, and to allow the backwardness of the British provinces every where to present a melancholy contrast to the progress and prosperity of the United States. Throughout the course of the preceding pages, I have constantly had occasion to refer to this contrast. I have not hesitated to do so, though no man's just pride in his country, and firm attachment to its institutions, can be more deeply shocked by the mortifying admission of inferiority. But I should ill discharge my duty to your Majesty, I should give but an imperfect view of the real condition of these provinces, were I to detail mere statistical facts without describing the feelings which they generate in those who observe them daily, and daily experience their influence on their own fortunes. The contrast which I have described is the theme of every traveller who visits these countries, and who observes on one side of the line the abundance, and on the other the scarcity of every material prosperity which thriving agriculture and flourishing cities indicate, and of that civilization which schools and churches testify even to the outward senses. While it excites the exultation of the enemies of British institutions, its reality is more strongly evinced by the reluctant admission of your majesty's most attached subjects. It is no true loyalty to hide from your Majesty's knowledge the existence of an evil which it is in your Majesty's power, as it is your Majesty's benevolent pleasure to remove. For the possibility of reform is yet afforded by the patient and fervent attachment which your Majesty's English subjects in all these provinces still feel to their allegiance and the

mother country. Calm reflection and royal confidence have retained these feelings unimpaired, even by the fearful drawback of the general belief that every man's property is of less value on the British than on the opposite side of the boundary. It is time to reward this noble confidence, by showing that men have not indulged in vain the hope that there is a power in British institutions to rectify existing evils, and to produce in their place a well-being which no other domination could give. It is not in the terrors of the law, or in the might of our armies, that the secure and honourable bond of connexion is to be found. It exists in the beneficial operation of those British institutions which link the utmost development of freedom and civilization with the stable authority of an hereditary monarchy, and which, if rightly organized and fairly administered in the colonies, as in Great Britain, would render a change of institutions only an additional evil to the loss of the protection and commerce of the British empire.

But while I count thus confidently on the possibility of a permanent and advantageous retention of our connexion with these important colonies, I must not disguise the mischief and danger of holding them in their present state of disorder. I rate the chances of successful rebellion as the least danger in prospect. I do not doubt that the British government can, if it choose to retain their dependencies at any cost, accomplish its purpose. I believe that it has been the means of enlisting one part of the population against the other, and of garrisoning the Canadas with regular troops sufficient to awe all internal enemies. But even this will not be done without great expense and hazard. The expense of the last two years furnishes only a foretaste of the cost to which such a system of government will subject us. On the lowest calculation, the addition of £1,000,000 a year to our annual colonial expenditure will barely enable us to obtain this end. Without a change in our system of government, the

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discontent which now prevails will spread and advance. As the cost of retaining these colonies increases their value will rapidly diminish; and if by such means the British nation shall be content to retain a barren and injurious sovereignty, it will but tempt the chances of foreign aggression, by keeping continually exposed to a powerful and ambitious neighbour a distant dependency, in which invaders would find no resistance, but might rather reckon on active co-operation from a portion of the resident population.

I am far from presenting this risk in a manner calculated to irritate the just pride which would shrink from the thoughts of yielding to the menaces of a rival nation, because, important as I consider the foreign relations of this question, I do not believe that there is now any very proximate danger of a collision with the U. States, in consequence of that power desiring to take advantage of the disturbed state of the Canadas. In the despatch of the 9th of August I have described my impression of the state of feeling with respect to the Lower Canada insurrection, which had existed, and was then in existence, in the U. States. Besides the causes of hostility which originate in the mere juxtaposition of that power to our North American provinces, I described the influence which had undoubtedly been exercised by the mistaken political sympathy with the insurgents of Lower Canada, which the inhabitants of the United States were induced to entertain. There is no people in the world so little likely as that of the United States to sympathize with the real feelings and policy of the French Canadians; no people so little likely to share in their anxiety to preserve ancient and barbarous laws, and to check the industry and improvement of their country, in order to gratify some idle and narrow notion of a petty and visionary nationality. The Americans who have visited Lower Canada, perfectly understand the real truth of the case; they see that the

quarrel is a quarrel of races; and they certainly show very little inclination to take part with the French Canadians and their institutions. Of the great number of American travellers coming from all parts of the union, who visited Quebec during my residence there, and whose society I, together with the gentlemen attached to my mission, had the advantage of enjoying, no one ever expressed to us any approbation of, what may be termed, the national objects of the French Canadians, while many did not conceal a strong aversion to them. There is no people in the world to whom French Canadian institutions are more intolerable, when circumstances compel submission to them. But the mass of the American people had judged of the quarrel from a distance; they had been obliged to form their judgment on the apparent grounds of the controversy; and were thus deceived, as all those are apt to be who judge under such circumstances, and on such grounds. The contest bore some resemblance to the great struggle of their own forefathers, which they regard with the highest pride. Like that, they believed it to be a contest of the colony against the empire, whose misconduct alienated their own country: they considered it to be a contest undertaken by a people professing to seek independence of distant control, and extension of popular privileges; and finally, a contest of which the first blow was struck in consequence of a violation of a colonial constitution, and the appropriation of the colonial revenues without the consent of the colonists. It need not surprise us, that such apparently probable and sufficient causes were generally taken, by the people of the United States, as completely accounting for the whole dispute; that the analogy between the Canadian insurrection and the war of independence was considered to be satisfactorily made out; and that a free and high-spirited people eagerly demonstrated its sympathy with those whom it regarded as gallantly attempting with unequal means, to assert

that glorious cause which its own fathers had triumphantly upheld.

In the case of Upper Canada, I believe the sympathy to have been much more strong and durable; and though the occasion of the contest was apparently less marked, I have no doubt that this was more than compensated by the similarity of language and manners, which enabled the rebels of the Upper Province to present their case much more easily and forcibly to those whose sympathy and aid they sought. The incidents of any struggle of a large portion of a people with its government, are sure, at some time or another, to elicit some sympathy with those who appear, to the careless view of a foreign nation, only as martyrs to the popular cause, and as victims of a government conducted on principles differing from its own. And I have no doubt that if the internal struggle be renewed, the sympathy from without will, at some time or another, resume its former strength.

For it must be recollected that the natural ties of sympathy between the English population of the Canadas and the inhabitants of the frontier states of the union are peculiarly strong. Not only do they speak the same language, live under laws having the same origin, and preserve the same customs and habits, but there is a positive alternation, if I may so express it, of the populations of the two countries. While large tracts of the British territory are peopled by American citizens, who still keep up a constant connection with their kindred and friends, the neighbouring states are filled with emigrants from Great Britain, some of whom have quitted Canada after unavailing efforts to find there a profitable return for their capital and labour; and many of whom have settled in the United States, while other members of their families, and the companions of their youth, have taken up their abode on the other side of the frontier. I had no means of ascertaining the exact degree of truth in some statements which I have

heard respecting the number of Irish settled in the state of New York; but it is commonly asserted that there are no less than 40,000 Irish in the militia of that state. The intercourse between these two divisions of what is, in fact, an identical population, is constant and universal. The border townships of Lower Canada are separated from the United States by an imaginary line; a great part of the frontier of Upper Canada by rivers, which are crossed in ten minutes; and the rest by lakes, which interpose hardly a six hours' passage between the inhabitants of each side. Every man's daily occupations bring him in contact with his neighbours on the other side of the line; the daily wants of one country are supplied by the produce of the other; and the population of each is in some degree dependent on the state of trade and the demands of the other. Such common wants beget an interest in the politics of each country among the citizens of the other. The newspapers circulate in some places almost equally on the different sides of the line; and men discover that their welfare is frequently as much involved in the political condition of their neighbours as of their own countrymen.

The danger of any serious mischief from this cause appears to me to be less at the present moment than for some time past. The events of last year, and the circulation of more correct information respecting the real causes of contention, have apparently operated very successfully against the progress or continuance of this species of sympathy; and I have the satisfaction of believing that the policy which was pursued during my administration of the government was very efficient in removing it. The almost complete unanimity of the press of the United States, as well as the assurances of individuals well conversant with the state of public opinion in that country convince me, that the measures which I adopted met with a concurrence that completely turned the tide of feeling in favour of the British government. Nor can I doubt,

number of Irish settlers in New-York; but it is there are no less a militia of that between these in fact, an identical and universal. Lower Canada United States by great part of the Canada by rivers, in minutes; and interpose hardly between the inhabitants every man's daily contact with his side of the line; country are supposed the other; and in some degree of trade and the Such common in the politics of the citizens of the ers circulate in ally on the different men discover quently as much condition of their in countrymen. serious mischief to me to be less an for some time et year, and the direct information es of contention, d very success- or continuance ly; and I have ng that the poli- ring my admin- ot was very effi- the almost com- of the Uni- e assurances of nt with the state ountry convince. hich I adopted hat completely in favour of the r can I doubt,

from the unvarying evidence that I have received from all persons who have recently travelled through the frontier states of the Union, that there hardly exists, at the present moment, the slightest feeling, which can properly be called sympathy. Whatever aid the insurgents have recently received from citizens of the U. States, may either be attributed to those national animosities which are the too sure result of past wars, or to those undisguised projects of conquest and rapine which, since the invasion of Texas, find but too much favor among the daring population of the frontiers. Judging from the character and behaviour of the Americans most prominent in the recent aggressions on Upper Canada, they seem to have been produced mainly by the latter cause; nor does any cause appear to have secured to the insurgents of Lower Canada any very extensive aid, except that in money and munitions of war, of which the source cannot very clearly be traced. Hardly any Americans took part in the recent disturbances in Lower Canada. Last year the outbreak was the signal for numerous public meetings in the great cities of the frontier states, from Buffalo to New-York. At these the most entire sympathy with the insurgents was openly avowed; large subscriptions were raised, and volunteers invited to join. Since the last outbreak no such manifestations have taken place. The meetings which the Nelsons and others have attempted in New-York, Philadelphia, Washington and elsewhere, have ended in complete failure, and, at the present moment, there does not exist the slightest indication of any sympathy with the objects of the Lower Canadian insurgents, or of any desire to co-operate with them for political purposes. The danger, however, which may be apprehended from the mere desire to repeat the scenes of Texas in the Canadas, is a danger from which we cannot be secure while the disaffection of any considerable portion of the population continues to give an appearance of weakness to our

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government. It is in vain to expect that such attempts can wholly be repressed by the federal government; or that they could even be effectually counteracted by the utmost exertion of its authority, if any sudden turn of affairs should again revive a strong and general sympathy with insurrection in Canada. Without dwelling on the necessary weakness of a merely federal government—without adverting to the difficulty which authorities, dependent for their very existence on the popular will, find in successfully resisting a general manifestation of public feeling the impossibility which any government would find in restraining a population like that which dwells along the thousand miles of this frontier, must be obvious to all who reflect on the difficulty of maintaining the police of a dispersed community.

Nor is this danger itself unproductive of feelings, which are in their turn calculated to produce yet further mischief. The loyal people of Canada, indignant at the constant damage and terror occasioned by incursions from the opposite shore, naturally turn their hostility against the nation and the government which permit, and which they accuse even of conniving at the violation of international law and justice. Mutual recriminations are bandied about from one side to the other; and the facilities of intercourse which keep alive the sympathy between portions of the two populations, afford at the same time occasions for the collision of angry passions and national antipathies. The violent party papers on each side, and the various bodies whose pecuniary interests a war would promote foment the strife. A large portion of each population endeavours to incite its own government to war, and at the same time labours to produce the same result by irritating the national feelings of the Canadian press; and every friendly act of the American people or government appears to be systematically subjected to the most unfavourable construction. It is not only to be apprehended that this mutual sus-

picion and dislike may be brought to a head by acts of mutual reprisals, but that the officers of the respective governments, in despair of preserving peace, may take little care to prevent the actual commencement of war.

Though I do not believe that there ever was a time, in which the specific relations of the two countries rendered it less likely that the U. S. would imagine that a war with England could promote their own interests, yet it cannot be doubted that the disturbed state of the Canadas is a serious drawback on the prosperity of a great part of the Union. Instead of presenting an additional field for their commercial enterprise, these provinces, in their present state of disorder, are rather a barrier to their industrial energies. The present state of things also occasions great expense to the federal government, which has been under the necessity of largely augmenting its small army, on account chiefly of the troubles of Canada.

Nor must we forget that, whatever assurances and proofs of amicable feeling we may receive from the government of the U. S., however strong may be the ties of mutual pacific interests that bind the two nations together, there are subjects of dispute which may produce less friendly feelings. National interests are now in question between us, of which the immediate adjustment is demanded by every motive of policy. These interests cannot be supported with the necessary vigour while disaffection in a most important part of our North American possessions appears to give an enemy a certain means of inflicting injury and humiliation on the empire.

But the chances of rebellion or foreign invasion are not those which I regard as either the most probable or the most injurious. The experience of the last two years suggests the occurrence of a much more speedy and disastrous result. I dread, in fact, the completion of the sad work of depopulation and impoverishment which is now rapidly going on.

The present evil is not merely that improvement is stayed, and that the wealth and population of these colonies do not increase according to the rapid scale of American progress. No accession of population takes place by immigration, and no capital is brought into the country. On the contrary, both the people and the capital seem to be quitting these distracted provinces. From the French portion of Lower Canada there has, for a long time, been a large annual emigration of young men to the northern states of the American Union, in which they are highly valued as labourers, and gain good wages, with their saving from which they generally return to their homes in a few months or years. I do not believe that the usual amount of this emigration has been increased during the last year, except by a few persons prominently compromised in the insurrection, who have sold their property, and made up their minds to a perpetual exile; but I think there is some reason to believe that, among the class of habitual emigrants whom I have described, a great many now take up a permanent residence in the United States. But the stationary habits and local attachments of the French Canadians render it little likely that they will quit their country in great numbers. I am not aware that there is any diminution of the British population from such cause. The employment of British capital in U. C. is not materially checked in the principal branch of trade; and the main evils are the withdrawal of enterprising British capitalists from the French portion of the country, the diminished employment of the capital now in the province, and the entire stoppage of all increase of the population by immigration. But from Upper Canada the withdrawal both of capital and of population has been very considerable. I have received accounts from most respectable sources of a very numerous emigration from the whole of the western and London districts. It was said by persons who professed to have witnessed it, that

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considerable numbers had, for a long time, daily passed over from Amherstburgh to Detroit; and a most respectable informant stated that he had seen, in one of the districts which I have mentioned, no less than 15 vacant farms together on the road side. A body of the reforming party have avowed, in the most open manner, their intention of emigrating from political motives, and publicly invited all who might be influenced by similar feelings to join in their enterprise. For this the Mississippi Emigration Society has been formed, with the purpose of facilitating emigration from Upper Canada to the new territory of the Union, called Iowa, on the west bank of the Upper Mississippi. The prospectus of the undertaking, and the report of the deputies who were sent to examine the country in question, were given in the public press, and the advantages of the new colony strongly enforced by the Reformers and depreciatingly discussed by the friends of the government. The number of persons who have thus emigrated is not, however, I have reason to believe, as great as it has often been represented. Many who might be disposed to take such a step, cannot sell their farms on fair terms; and though some, relying on the ease with which land is obtained in the U. S., have been content to remove merely their stock and their chattels, yet there are others again who cannot at the last make the sacrifices which a forced sale would necessitate, and who continue even under their present state of alarm to remain in hopes of better times. In the districts which border on the St. Lawrence little has in fact come of the determination to emigrate, which was loudly expressed at one time. And some even of those who actually left the country are said to have returned. But the instances which have come to my knowledge induce me to attach even more importance to the class than to the alleged number of the emigrants; and I can by no means agree with some of the dominant party, that the persons

who thus leave the country are disaffected subjects whose removal is a great advantage to loyal and peaceable men. In a country like Upper Canada, where the introduction of population and capital is above all things needful for its prosperity, and almost for its continued existence, it would be more prudent as well as just, more the interest as well as the duty of government to remove the causes of disaffection, than to drive out the disaffected. But there is no ground for asserting that all the reformers who have thus quitted the country are disloyal and turbulent men; nor indeed is it very clear that all of them are reformers, and that the increasing insecurity of person and property have not, without distinction of politics, driven out some of the most valuable settlers of the province. A great impression has been lately made by the removal of one of the largest proprietors of the province, a gentlemen who arrived there not many years ago from Trinidad, who has taken no prominent, and certainly no violent part in politics, and who has now transferred himself and his property to the United States, simply because in U. Canada he can find no secure investment for the latter, and no tranquil enjoyment of life. I heard of another English gentleman, who, having resided in the country for six or seven years, and invested large sums in bringing over a superior breed of cattle and sheep, was, while I was there, selling off his stock and implements, with a view of settling in Illinois. I was informed of an individual who, thirty years ago, had gone into the forest with his axe on his shoulder, and with no capital at starting had, by dint of patient labour, acquired a farm and stock, which he had sold for £2,000, with which he went into the U. States. This man, I was assured, was only a specimen of a numerous class to whose unwearied industry the growth and prosperity of the colony are mainly to be ascribed. They are now driven from it, on account of the present insecurity of all who, having in former times been identi-

fied in politics with some of those that subsequently appeared as prominent actors in the revolt, are regarded and treated as rebels, though they had held themselves completely aloof from all participation in schemes or acts of rebellion. Considerable alarm also exists as to the general disposition to quit the country, which was said to have been produced by some late measures of the authorities among that mild and industrious, but peculiar race of descendants of the Dutch, who inhabit the back part of the Niagara district.

Such are the lamentable results of the political and social evils which have so long agitated the Canadas; and such is their condition that, at the present moment, we are called on to take immediate precautions against dangers so alarming as those of rebellion, foreign invasion, and utter exhaustion and depopulation. When I look on the various and deep-rooted causes of mischief which the past inquiry has pointed out as existing in every institution, in the constitutions, and in the very composition of society throughout a great part of these provinces, I almost shrink from the apparent presumption of grappling with these gigantic difficulties. Nor shall I attempt to do so in detail. I rely on the efficacy of reform in the constitutional system by which these colonies are governed, for the removal of every abuse in their administration which defective institutions have engendered. If a system can be devised which shall lay in these countries the foundation of an efficient and popular government, ensure harmony, in place of collision, between the various powers of the state, and bring the influence of a vigorous public opinion to bear on every detail of public affairs, we may rely on sufficient remedies being found for the present vices of the administrative system.

DEFECTS AND REMEDIES.

The preceding pages have sufficiently pointed out the nature of those evils, to

the extensive operation of which, I attribute the various practical grievances, and the present unsatisfactory condition of the North American Colonies. It is not by weakening, but strengthening the influence of the people on its government; by confining within much narrower bounds than those hitherto allotted to it, and not by extending the interference of the Imperial authorities in the details of colonial affairs, that I believe that harmony is to be restored, where dissension has so long prevailed; and a regularity and vigor hitherto unknown, introduced into the administration of these provinces. It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution, and introduce into the government of those great colonies, those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient. We are not now to consider the policy of establishing representative government in the North American colonies. That has been irrevocably done; and the experiment of depriving the people of their present constitutional power, is not to be then thought of. To conduct their government harmoniously, in accordance with its established principles, is now the business of its rulers; and I know not how it is possible to secure that harmony in any other way than by administering the government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary I believe that the interests of the people of these colonies require the protection of prerogatives which have not hitherto been exercised. But the crown must, on the other hand, submit to the necessary consequences of representative institutions; and if it has to carry on the government

in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence.

In England, this principle has been so long considered an indisputable and essential part of our constitution, that it has really hardly ever been found necessary to inquire into the means by which its observance is enforced. When a ministry ceases to command a majority in Parliament on great questions of policy, its doom is immediately sealed; and it would appear to us as strange to attempt, for any time, to carry on a government by means of ministers perpetually in a minority, as it would be to pass laws with a majority of votes against them. The ancient constitutional remedies by impeachment and a stoppage of the supplies, have never, since the reign of William III., been brought into operation for the purpose of removing a ministry. They have never been called for, because, in fact, it has been the habit of ministers rather to anticipate the occurrence of an absolutely hostile vote, and to retire, when supported only by a bare and uncertain majority. If Colonial Legislatures have frequently stopped the supplies, if they have harassed public servants by unjust or harsh impeachments, it was because the removal of an unpopular administration could not be effected in the colonies by those milder indications of a want of confidence, which have always sufficed to attain the end in the mother country. The means which have occasionally been proposed in the colonies themselves appear to me by no means calculated to attain the desired end in the best way. These proposals indicate such a want of reliance on the willingness of the imperial government to acquiesce in the adoption of a better system, as, if warranted, would render an harmonious adjustment of the different powers of the state utterly hopeless. An elective executive council would not only be utterly inconsistent with monarchical government, but would really, under the

nominal authority of the crown, deprive the community of one of the great advantages of an hereditary monarchy. Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the colonial governor to be instructed to secure the co-operation of the House of Assembly in his policy, by entrusting its administration to such men as could command a majority; and if he were given to understand that he need count on no aid from home in any difference with the Assembly, that should not directly involve the relations between the mother country and the colony. This change might be effected by a single despatch containing such instructions; or if any legal enactment were requisite it would only be one that would render it necessary that the official acts of the governor should be countersigned by some public functionary. This would induce responsibility for every act of the government, and, as a natural consequence, it would necessitate the substitution of a system of administration, by means of competent heads of departments, for the present rude machinery of an executive council. The governor, if he wished to retain advisers not possessing the confidence of the existing Assembly, might rely on the effect of an appeal to the people, and, if unsuccessful, he might be coerced by a refusal of the supplies, or his advisers might be terrified by the prospect of impeachment. But there can be no reason for apprehending that either party would enter on a contest, when each would find its interest in the maintenance of harmony; and the abuse of the powers which each would constitutionally possess, would cease when the struggle for larger powers became unnecessary. Nor can I conceive that it would be found impossible or difficult to conduct a colonial government with precisely that limitation of the respective powers which has been so long and so easily maintained in Great Britain. I know it has been urged, that the princi-

ples which are productive of harmony and good government in the mother country, are by no means applicable to a colonial dependency. It is said that it is necessary that the administration of a colony should be carried on by persons nominated without any reference to the wishes of the people; that they have to carry into effect the policy, not of that people, but of the authorities at home; and that a colony which should name all its administrative functionaries, would, in fact, cease to be dependent. I admit that the system which I propose would, in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them. Perfectly aware of the value of our colonial possessions, and strongly impressed with the necessity of maintaining our connection with them, I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. The matters, which so concern us, are very few. The constitution of the form of government—the regulation of foreign relations, and of trade with the mother country, the other British colonies, and foreign nations—and the disposal of the public lands, are the only points on which the mother country requires a control. This control is now sufficiently secured by the authority of the Imperial Legislature; by the protection which the colony derives from us against foreign enemies; by the beneficial terms which our laws secure to its trade; and by its share of the reciprocal benefits which would be conferred by a wise system of colonization. A perfect subordination, on the part of the colony, on these points, is secured by the advantages which it finds in the continuance of its connection with the empire. It certainly is not strengthened, but greatly weakened, by a vexatious interference, on the part of the home government, with the

enactment of laws for regulating the internal concerns of the colony, or in the selection of the persons entrusted with their execution. The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but, at least, they have a greater interest in coming to a right judgment on these points, and will take greater pains to do so than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the empire. If the colonists make bad laws, and select improper persons to conduct their affairs, they will generally be the only, always the greatest, sufferers; and like the people of other countries, they must bear the ills which they bring on themselves, until they choose to apply the remedy. But it surely cannot be the duty or the interest of Great Britain to keep a most expensive military possession of these colonies, in order that a governor or secretary of state may be able to confer colonial appointments on one rather than another set of persons in the colonies. For this is really the only question at issue. The slightest acquaintance with these colonies proves the fallacy of the common notion that any considerable amount of patronage in them is distributed among strangers from the mother country. Whatever inconvenience a constant frequency of changes among the holders of office may produce, is a necessary disadvantage of free government, which will be amply compensated by the perpetual harmony which the system must produce between the people and its rulers. Nor do I fear that the character of the public servants will, in any respect, suffer from a more popular tenure of office. For I can conceive no system so calculated to fill important posts with inefficient persons as the present, in which public opinion is too little consulted in the original appointment, and in which it is almost impossible to remove those who disappoint the expectations of their usefulness, without inflict-

ing a kind of brand on their capacity or integrity.

I am well aware that many persons, both in the colonies and at home, view the system which I recommend with considerable alarm, because they distrust the ulterior views of those by whom it was originally proposed, and whom they suspect of urging its adoption, with the intent only of enabling them more easily to subvert monarchical institutions or assert the independence of the colony. I believe, however, that the extent to which these ulterior views exist, has been greatly overrated. We must not take every rash expression of disappointment as an indication of a settled aversion to the existing constitution; and my own observation convinces me, that the predominant feeling of all the English population of the North American colonies is that of devoted attachment to the mother country. I believe that neither the interests nor the feelings of the people are incompatible with a colonial government, wisely and popularly administered. The proofs, which many who are much dissatisfied with the existing administration of the Government have given of their loyalty, are not to be denied or overlooked. The attachment constantly exhibited by the people of these provinces towards the British Crown and Empire, has all the characteristics of a strong national feeling. They value the institutions of their country, not merely from a sense of the practical advantages which they confer, but from sentiments of national pride; and they uphold them the more, because they are accustomed to view them as marks of their nationality which distinguish them from their republican neighbours. I do not mean to affirm that this is a feeling which no impolicy on the part of the mother country will be unable to impair; but I do most confidently regard it as one which may, if rightly appreciated, be made the link of an enduring connection. The British people of the North American colonies are a people on whom we may safely

rely, and to whom we must not grudge power. For it is not to the individuals who have been loudest in demanding the change that I propose to concede the responsibility of the colonial administration, but to the people themselves. Nor can I conceive that any people, or any considerable portion of a people, will view with dissatisfaction a change which would amount simply to this, that the Crown would henceforth consult the wishes of the people in the choice of its servants. The important alteration in the policy of the colonial government which I recommend, might be wholly or in great part effected for the present by the unaided authority of the Crown; and I believe that the great mass of the discontent in U. C. which is not directly connected with personal irritation, arising out of the incidents of the late troubles, might be dispelled by an assurance that the government of the colony should henceforth be carried on in conformity with the views of the majority in the Assembly. But I think that for the well being of the colonies, and the security of the mother country, it is necessary that such a change should be rendered more permanent than a momentary sense of the existing difficulties can ensure its being. I cannot believe that persons in power in this country will be restrained from the injudicious interference with the internal management of these colonies, which I deprecate, while they remain the petty and divided communities which they now are. The public attention at home is distracted by the various and sometimes contrary complaints of these different contiguous provinces. Each now urges its demands at different times, and in somewhat different forms, and the interests which each individual complainant represents as in peril, are too petty to attract the due attention of the empire. But if these important and extensive colonies should speak with one voice, if it were felt that every error of our colonial policy must cause a common suffering and a common discontent throughout the whole wide ex-

tent of British America, those complaints would never be provoked; because no authority would venture to run counter to the wishes of such a community, except on points absolutely involving the few imperial interests, which it is necessary to remove from the jurisdiction of colonial legislation.

It is necessary that I should also recommend what appears to me an essential limitation on the present powers of the representative bodies in these colonies. I consider good government not to be attainable while the present unrestricted powers of voting public money and of managing the local expenditure of the community, are lodged in the hands of an Assembly. As long as a revenue is raised, which leaves a large surplus after the payment of the necessary expenses of the civil government, and as long as any member of the Assembly may, without restriction, propose a vote of public money, so long will the Assembly retain in its hands the powers which it everywhere abuses, of misapplying that money. The prerogative of the Crown which is constantly exercised in Great Britain for the real protection of the people, ought never to have been waived in the colonies; and if the rule of the Imperial Parliament, that no money vote should be proposed without the previous consent of the crown, were introduced into these colonies, it might be wisely employed in protecting the public interests, now frequently sacrificed in that scramble for local appropriations, which chiefly serves to give an undue influence to particular individuals or parties.

The establishment of a good system of municipal institutions throughout these provinces is a matter of vital importance. A general legislature, which manages the private business of every parish, in addition to the common business of the country, wields a power which no single body, however popular in its constitution, ought to have; a power which must be destructive of any constitutional balance. The true principle of limiting popular power

is that apportionment of it in many different depositaries, which has been adopted in all the most free and stable states of the Union. Instead of confiding the whole collection and distribution of all the revenues raised in any country for all general and local purposes to a single representative body, the power of local assessment, and the application of the funds arising from it, should be entrusted to local management. It is in vain to expect that this sacrifice of power will be voluntarily made by any representative body. The establishment of municipal Institutions for that whole country should be made a part of every colonial constitution; and the prerogative of the Crown should be constantly interposed to check any encroachment on the function of the local bodies, until the people should become alive, as most assuredly they almost immediately would be, to the necessity of protecting their local privileges.

THE UNION.

The Union of the two Provinces would secure to Upper Canada the present great object of its desire. All disputes as to the division or amount of the revenue would cease. The surplus revenue of Lower Canada would supply the deficiency of that part of the Upper Province, and the Province thus placed beyond the possibility of locally jobbing the surplus revenue, which it cannot reduce, would, I think, gain as much by the arrangement as the Province, which would thus find a means of paying the interest of its debt. Indeed it would be by no means unjust to place this burden on Lower Canada, inasmuch as the public works for which the debt was contracted are as much the concern of one Province as of the other. Nor is it to be supposed that, whatever may have been the mismanagement, in which a great part of the debt originated, the canals of Upper Canada will always be a source of loss, instead of profit. The completion of the projected and necessary line of public works would be promoted by such an union. The access to the sea would be secured to Upper Canada. The saving of public money which would be insured by the Union of various establishments in the two Provinces, would supply the means of conducting the general improvement on a more efficient scale than it has yet been carried on. And the responsibility of the executive would be secured by the increased weight which the representative body of the united province would bring to bear on the Imperial Government and Legislature.

But while I convince myself that such desirable ends would be secured by the legislative union of

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the two Provinces, I am inclined to go further, and enquire whether all these objects would not more surely be attained by extending this legislative union over all the British Provinces in North America; and whether the advantages which I anticipate for two of them might not, and should not, in justice be extended over all. Such an union would at once decisively settle the question of races; it would enable all the provinces to co-operate for common purposes, and, above all, it would form a great and powerful people, possessing the means of securing good and responsible government for itself, and which, under the protection of the British empire, might in some measure counterbalance the preponderant and increasing influence of the United States on the American continent. I do not anticipate that a Colonial Legislature thus strong and thus self-governing would desire to abandon the connexion with Great Britain. On the contrary, I believe that the practical relief from undue interference which would be the result of such a change would strengthen the present bond of feelings and interests; and that the connexion would only become more durable and advantageous, by having more of equality, of freedom, and of local independence. But at any rate, our first duty is to secure the well being of our colonial countrymen, and if in the hidden decrees of that wisdom by which the world is ruled, it is written, that these countries are not for ever to remain portions of the empire, we owe it to our honour to take good care that, when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself.

I am, in truth, so far from believing that the increased power and weight that would be given to these colonies by union would endanger their connexion with the empire that I look to it as the only means of fostering such a national feeling throughout them as would effectually counterbalance whatever tendencies may now exist towards separation. No large community of free and intelligent men will long feel contented with a political system which places them, because it places their country, in a position of inferiority to their neighbours. The colonist of Great Britain is linked, it is true, to a mighty empire; and the glories of its history, the visible signs of its present power, and the civilization of its people, are calculated to raise and gratify his national pride. But he feels also that his link to that empire is one of remote dependence; he catches but passing and inadequate glimpses of its power and prosperity; he knows that in its government he and his own countrymen have no voice. While his neighbour, on the other side of the frontier, assumes importance, from the notion that his vote exercises some influence on the councils, and that he himself has some share in the onward progress of a mighty nation, the colonist feels the deadening influence of the narrow and subordinate community to which he belongs. In his own, and in the surrounding colonies, he finds petty objects occupying petty,

stationary, and divided societies; and it is only when the chances of an uncertain and tardy communication bring intelligence of what has passed a month before on the other side the Atlantic, that he is reminded of the empire with which he is connected. But the influence of the United States surrounds him on every side, and is for ever present. It extends itself as population augments and intercourse increases; it penetrates every portion of the continent into which the restless spirit of American speculation impels the settler or the trader. It is felt in all the transactions of commerce, from the important operations of the monetary system down to the minor details of ordinary traffic. It stamps on all the habits and opinions of the surrounding countries the common characteristics of the thoughts, feelings, and customs of the American people. Such is necessarily the influence which a great nation exercises on the small communities which surround it. Its thoughts and manners subjugate them, even when nominally independent of its authority. If we wish to prevent the extension of this influence, it can only be done by raising up for the N. A. colonist some nationality of his own; by elevating these small and unimportant communities into a society having some objects of a national importance; and by thus giving their inhabitants a country which they will be unwilling to see absorbed even into one more powerful.

While I believe that the establishment of a comprehensive system of government and of an effectual union between the different provinces, would produce this important effect on the general feelings of their inhabitants, I am inclined to attach very great importance to the influence which it would have in giving greater scope and satisfaction to the legitimate ambition of the most active and prominent persons to be found in them. As long as personal ambition is inherent in human nature, and as long as the morality of every free and enlightened community encourages its aspirations, it is one great business of a wise government to provide for its legitimate development. If, as it is commonly asserted, the disorders of these colonies have in great measure been fomented by the influence of designing and ambitious individuals, this evil will best be remedied by allowing such a scope for the desires of such men as shall direct their ambition into the legitimate chance of furthering, and not of thwarting their government. By creating high prizes in a general and responsible government, we shall immediately afford the means of pacifying the turbulent ambitions, and of employing in worthy and noble occupations the talents which are now only exerted to foment disorder. We must remove from these colonies the cause to which the sagacity of Adam Smith traced the alienation of the provinces which now form the United States. We must provide some scope for what he calls "the importance" of the leading men in the colony, beyond what he forcibly terms the present "petty prizes of the paltry rattle of colonial faction." A general legislative union would elevate and gratify the hopes of able and

aspiring men. They would no longer look with envy and wonder at the great arena of the bordering federation, but see the means of satisfying every legitimate ambition in the high offices of the judicature and executive government of their own union.

Nor would a Union of the various provinces be less advantageous in facilitating a co-operation for various common purposes, of which the want is now very seriously felt. There is hardly a department of the business of government which does not require, or would not be better performed, by being carried on under the superintendence of a general government; and when we consider the political and commercial interests that are common to these Provinces, it appears difficult to account for their having ever been divided into separate governments, since they have all been portions of the same empire, subject to the same crown, governed by the same laws and constitutional customs, inhabited, with one exception, by the same race, contiguous and immediately adjacent to each other, and bounded along the whole frontier by the territories of the same powerful and rival state. It would appear that every other motive that has induced the union of various provinces into a single state, exists for the consolidation of these provinces under a common legislature and executive. They have the same common relation to the Mother country—the same relation to foreign nations. When one is at war, the others are at war; and the hostilities that are caused by an attack on one must seriously compromise the welfare of the rest. Thus, the dispute between Great Britain and the state of Maine, appears immediately to involve the interests of none of these colonies, except New Brunswick or Lower Canada, to one of which the territory claimed by us must belong. But if a war were to commence on this ground, it is most probable that the American government would select Upper Canada as the most vulnerable, or, at any rate, as the easiest point of attack. A dispute respecting the fisheries of Nova Scotia would involve precisely the same consequences. An Union for common defence against foreign enemies is the natural bond of connexion that holds together the great communities of the world; and between no parts of any kingdom or state is the necessity of such an union more obvious than between the whole of these colonies.

Their internal relations furnish quite as strong motives for union. The post-office is at the present moment under the management of the same imperial establishment. If, in compliance with the reasonable demands of the colonies, the regulation of a matter so entirely of internal concern, and the revenue derived from it, were placed under the controul of the provincial legislatures, it would still be advisable that the management of the post-office throughout the whole of British North America should be conducted by one general establishment. In the same way, so great is the influence on the other provinces of the arrangements adopted with respect to the disposal of public lands and

colonization in any one, that it is absolutely essential that this department of government should be conducted on one system, and by one authority. The necessity of common fiscal regulations is strongly felt by all the colonies; and a common Custom House establishment would relieve them from the hindrances to their trade, caused by the duties now levied on all commercial intercourse between them. The monetary and banking system of all is subject to the same influences, and ought to be regulated by the same laws. The establishment of a common Colonial currency is very generally desired. Indeed, I know of no department of government that would not greatly gain both in economy and efficiency, by being placed under a common management. I should not propose, at first, to alter the existing public establishments of the different provinces, because the necessary changes had better be left to be made by the united government; and the judicial establishments should certainly not be disturbed until the future Legislature shall provide for their reconstruction on an uniform and permanent footing. But even in the administration of Justice, an union would immediately supply a remedy for one of the most serious wants under which all the provinces labour, by facilitating the formation of a general appellate tribunal for all the North American Colonies.

But the interests which are already in common between these provinces are small in comparison with those which the consequences of such a union might, and I think I may say assuredly would call into existence; and the great discoveries of modern art, which have throughout the world, and in no where more than in America, entirely altered the character and the channels of communication between distant countries, will bring all the North American colonies into constant and speedy intercourse with each other. The success of the great experiment of steam navigation across the Atlantic, opens a prospect of a speedy communication with Europe, which will materially affect the future state of all these provinces. In a despatch which arrived in Canada after my departure, the Secretary of State informed me of the determination of your Majesty's government to establish a steam communication between Great Britain and Halifax; and instructed me to turn my attention to the formation of a road between that port and Quebec. It would, indeed, have given me sincere satisfaction, had I remained in the Province, to remove, by any means in my power, so highly desirable an object; and the removal of the usual restrictions on my authority as Governor General, having given me the means of effectually acting in concert with the various provincial governments, I might have been able to make some progress in the work. But I cannot point out more strikingly the evils of the present want of a general government for these provinces, than by adverting to the difficulty which would practically occur under the previous and present arrangements of both executive and legislative au-

authorities in the various provinces, in attempting to carry such a plan into effect. For the various colonies have no more means of concerting such common works with each other than with the neighbouring states of the union. They stand to one another in the position of foreign states, and of foreign states without diplomatic relations. The governors may correspond with each other; the legislatures may enact laws, carrying the common purposes into effect in their respective jurisdiction; but there is no means by which the various details may speedily and satisfactorily be settled with the concurrence of the different parties. And in this instance, it must be recollected that the communication and the final settlement would have to be made between, not two, but several of the provinces. The road would run through three of them; and Upper Canada, into which it would not enter, would, in fact, be more interested in the completion of such a work than any even of the provinces through which it would pass. The colonies indeed have no common centre in which the arrangement could be made, except in the colonial-office at home, and the details of such a plan would have to be discussed just where the interests of all parties would have the least means of being fairly and fully represented, and where the minute local knowledge necessary for such a matter would be least likely to be found.

The completion of any satisfactory communication between Halifax and Quebec, would, in fact, produce relations between these provinces, that would render a general union absolutely necessary. Several surveys have proved that a rail-road would be perfectly practicable the whole way. Indeed, in North America, the expense and difficulty of making a rail-road, bears by no means the excessive proportion to those of a common road that it does in Europe. It appears to be a general opinion in the United States, that the severe snows and frosts of that continent very slightly impede, and do not prevent, the travelling on rail-roads; and if I am rightly informed, the Utica railroad, in the Northern part of the State of New York, is used throughout the winter. If this opinion be correct, the formation of a railroad from Halifax to Quebec would entirely alter some of the distinguishing characteristics of the Canadas. Instead of being shut out from all direct intercourse with England during half the year, they would possess a far more certain and speedy communication throughout the winter than they now possess in summer. The passage from Ireland to Quebec would be a matter of ten or 12 days, and Halifax would be the great port by which a large portion of the trade and all the conveyances of passengers to the whole of British North America would be carried on. But even supposing these brilliant prospects to be such as we could not reckon on seeing realized, I may assume that it is not intended to make this road without a well founded belief that it will become an important channel of communication between the upper and lower provinces. In either case, would not the maintenance of such a road,

and the mode in which the government is administered in the different provinces, be matters of common interest to all? If the great natural channel of the St. Lawrence gives all the people who dwell in any part of its basin such an interest in the government of the whole as renders it wise to incorporate the two Canadas, the artificial work, which would in fact supersede the lower part of the St. Lawrence, as the outlet of a great part of the Canadian trade, and would make Halifax, in a great measure, an outpost to Quebec, would surely in the same way render it advisable that the incorporation should be extended to provinces through which such a road would pass.

With respect to the two smaller colonies of Prince Edward's Island and Newfoundland, I am of opinion, that not only would most of the reasons which I have given for an union of the others, apply to them, but that their smallness makes it absolutely necessary, as the only means of securing any proper attention to their interests, and investing them with that consideration, the deficiency of which they have so much reason to lament in all the disputes which yearly occur between them and the citizens of the United States, with regard to the encroachments made by the latter on their coasts and fisheries.

With such views, I should, without hesitation, recommend the immediate adoption of a general legislative union of all the British provinces in North America, if the regular course of government were suspended or perilled in the Lower Provinces, and the necessity of the immediate adoption of a plan for their government, without reference to them, a matter of urgency; or if it were possible to delay the adoption of a measure with respect to the Canadas until the project of an union could have been referred to the Legislatures of the Lower Provinces. But the state of the Lower Province, though it justifies the proposal of an union, would not, I think, render it gracious or even just, on the part of Parliament, to carry it into effect without referring it for the ample deliberation and consent of the people of those colonies. Moreover, the state of the two Canadas is such, that neither the feelings of the parties concerned, nor the interests of the crown or colonies themselves, will admit of a single session, or even of a large portion of a session of Parliament being allowed to pass without a definite decision by the Imperial Legislature as to the basis on which it purposes to found the future government of those colonies.

In existing circumstances, the conclusions to which the foregoing considerations lead me, is, that no time should be lost in proposing to Parliament a bill for repealing the 31 Geo. III.; restoring the union of the Canadas under one Legislature; and re-constituting them as one province.

The bill should contain provisions by which any or all of the other N. American colonies may, on the application of the Legislature, be, with the consent of the two Canadas, or their united Legis-

ature, admitted into the union on such terms as may be agreed on between them.

As the mere amalgamation of the houses of Assembly of the two provinces would not be advisable, or give at all a due representation to each, a parliamentary commission should be appointed, for the purpose of forming the electoral divisions and determining the number of members to be returned on the principle of giving representation, as near as may be, in proportion to population. I am averse to every plan that has been proposed for giving an equal number of members to the two provinces, in order to attain the temporary end of out-numbering the French, because I think the same object will be obtained without any violation of the principles of representation, and without any such appearance of injustice in the scheme as would set public opinion, both in England and America, strongly against it; and because, when emigration shall have increased the English population in the Upper Province, the adoption of such a principle would operate to defeat the very purpose it is intended to serve. It appears to me that any such electoral arrangement, founded on the present provincial divisions, would tend to defeat the purposes of union, and perpetuate the idea of disunion.

At the same time, in order to prevent the confusion and danger likely to ensue from attempting to have popular elections in districts recently the seats of open rebellion, it will be advisable to give the governor a temporary power of suspending by proclamation, stating specifically the grounds of his determination, the writs of electoral districts in which he may be of opinion that elections could not safely take place.

The same commission should form a plan of local government by elective bodies subordinate to the general legislature, and exercising a complete control over such local affairs as do not come within the province of general legislation. The plan so framed should be made an act of the Imperial Parliament, so as to prevent the general legislature from encroaching on the powers of the local bodies.

A general executive on an improved principle should be established, together with a supreme court of appeal, for all the North American colonies. The other establishments and laws of the two colonies should be left unaltered, until the legislature of the union should think fit to change them; and the security of the existing endowments of the Catholic church in Lower Canada should be guaranteed by the act.

The constitution of a second legislative body for the united legislature, involves questions of very great difficulty. The present constitution of the legislative councils of these provinces, has always appeared to me inconsistent with sound principles, and little calculated to answer the purpose of placing the effective check which I consider necessary on the popular branch of the Legislature. The analogy which some persons have attempted to draw between the house of Lords and the Legisla-

tive councils seems to me erroneous. The constitution of the House of Lords is consonant with the frame of English society; and as the creation of a precisely similar body in such a state of society as that of these Colonies is impossible, it has always appeared to me most unwise to attempt to supply its place by one which has no point of resemblance to it, except that of being a non-elective check on the elective branch of the Legislature. The attempt to invest a few persons, distinguished from their fellow-colonists neither by birth nor hereditary property, and often only transiently connected with the country, with such a power, seems only calculated to ensure jealousy and bad feeling in the first instance, and collision at last. I believe that when the necessity of relying, in Lower Canada, on the English character of the Legislative Council as a check on the national prejudices of a French Assembly shall be removed by the union, few persons in the colonies will be found disposed in favour of its present constitution. Indeed, the very fact of union will complicate the difficulties which have hitherto existed; because a satisfactory choice of councillors would have to be made with reference to the varied interests of a much more numerous and extended community.

It will be necessary, therefore, for the completion of any stable scheme of government, that Parliament should revise the constitution of the Legislative Council, and by adopting every practical means to give that institution such a character as would enable it, by its tranquil and safe, but effective working, to act as an useful check on the popular branch of the Legislature, prevent a repetition of those collisions which have already caused such dangerous irritation.

The plan which I have framed for the management of the public lands being intended to promote the common advantage of the colonies and of the mother country, I therefore propose that the entire administration of it should be confided to an imperial authority. The conclusive reasons which have induced me to recommend this course will be found at length in the separate report on the subject of public lands and emigration.

All the revenues of the Crown, except those derived from this source, should at once be given up to the United Legislature on the concession of an adequate civil list.

The responsibility to the united Legislature of all officers of the government except the governor and his secretary, should be secured by every means known to the British constitution. The governor as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the united legislature shall repose confidence; and that he must look for no support from home in any contest with the legislature, except on points involving strictly imperial interests. The independence of the judges should be secured, by giving them the same tenure of office and security of income as exist in England. No money votes should be allowed to originate without the previous con-

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ment of the Crown. In the same act should be contained a repeal of past provisions with respect to the clergy reserves, and the application of the funds arising from them.

In order to promote emigration on the greatest possible scale, and with the most beneficial results to all concerned, I have elsewhere recommended a system of measures which has been expressly framed with that view, after full enquiry and careful deliberation. Those measures would not subject either the colonies or the mother country to any expense whatever. In conjunction with the measures suggested for disposing of public lands, and remedying the evils occasioned by past mismanagement in that department, they form a plan for colonization to which I attach the highest importance. The objects, at least, with which the plan has been formed, are to provide large funds for emigration, and for creating and improving means of communication throughout the provinces; to guard emigrants of the labouring class against the present risks of the passage; to secure for them all a comfortable resting-place, and employment at good wages immediately on their arrival; to encourage the investment of surplus British capital in these colonies, by rendering it as secure and as profitable as in the United States; to promote the settlement of wild lands and the general improvement of the colonies; to add to the value of every man's property in land; to extend the demand for British-manufactured goods, and the means of paying for them, in proportion to the amount of emigration and the general increase of the colonial people; and to augment the colonial revenues in the same degree.

When the details of the measure, with the particular reasons for each of them are examined, the means proposed will, I trust, be found as simple as the ends are great; nor have they been suggested by any fanciful or merely speculative view of the subject. They are founded on the facts given in evidence by practical men, on authentic information, as to the wants and capabilities of the colonies; on an examination of the circumstances which occasion so high a degree of prosperity in the neighbouring states; on the efficient working and remarkable results of improved methods of colonization in other parts of the British empire; in some measure on the deliberate proposals of a Committee of the House of Commons; and, lastly, on the favourable opinion of every intelligent person in the colonies whom I consulted with respect to them. They involve, no doubt, a considerable change of system, or rather the adoption of a system where there has been none; but this, considering the number and magnitude of past errors, and the present wretched economical state of the colonies, seems rather a recommendation than an objection. I do not flatter myself that so much good can be accomplished without an effort; but in this, as in other suggestions, I have presumed that the imperial government and Legislature will appreciate the actual crisis in the affairs of these colonies, and will not shrink from any exertion that

may be necessary to preserve them to the empire.

By the adoption of the various measures here recommended, I venture to hope that the disorders of the Colonies may be arrested, and their future well-being and connection with the British empire secured. Of the certain result of my suggestions, I cannot, of course, speak with entire confidence, because it seems almost too much to hope that evils of so long a growth, and such extent, can be removed by the tardy application of even the boldest remedy; and because I know that as much depends upon the consistent vigour and prudence of those who have to carry it into effect as on the soundness of the policy suggested. The deep-rooted evils of Lower Canada will require great firmness to remove them. The disorders of Upper Canada, which appear to me to originate entirely in mere defects of its constitutional system, may, I believe, be removed by adopting a more sound and consistent mode of administering the government. We may derive some confidence from the recollection that very simple remedies yet remain to be resorted to for the first time; and we need not despair of governing a people who really have hitherto very imperfectly known what it is to have a government. I have made no mention of emigration on an extended scale as a cure for political disorders, because it is my opinion until tranquillity is restored, and a prospect of free and stable government is held out, no emigrants should be induced to go to, and that few would at any rate remain in, Canada. But if by the means which I have suggested, or by any other, peace can be restored, confidence created, and popular and vigorous government established, I rely on the adoption of a judicious system of colonization as an effectual barrier against the recurrence of many of the existing evils. If I should have miscalculated the proportions in which the friends and the enemies of British connexion may meet in the united legislature, one year's emigration would redress the balance. It is by a sound system of colonization that we render these extensive regions available for the benefits of the British people. The mismanagement by which the resources of our Colonies have hitherto been wasted, has I know, produced in the public mind too much of a disposition to regard them as mere sources of corruption and loss, and to entertain, with too much complacency, the idea of abandoning them as useless. I cannot participate in the notion that it is the part either of prudence or honour to abandon our countrymen, when our government of them was plunged them into disorder, or our territory, when we discover that we have not turned it to proper account. The experiment of keeping Colonies and governing them well ought at least to have a trial, ere we abandon for ever the vast dominion which might supply the wants of our surplus population, and raise up millions of fresh consumers of our manufactures, and producers of a supply for our wants. The warmest admirers and the strongest opponents of republican institutions admit or assert that the amazing prosperity of the United States is less

owing to their form of government than to the unlimited supply of fertile land, which maintains succeeding generations in an undiminishing affluence of fertile soil. A region as large and as fertile is open to your Majesty's subjects in your Majesty's American dominions. The recent improvements of the means of communication will, in a short time, bring the unoccupied lands of Canada and New Brunswick within as easy a reach of the British Isles, as the territories of Iowa and Wisconsin are of that incessant emigration that annually quits New England for the Far West.

I see no reason, therefore, for doubting that, by good government, and the adoption of a sound system of colonization, the British possessions in North America may thus be made the means of conferring on the suffering classes of the mother country many of the blessings which have hitherto been supposed to be peculiar to the social state of the new world. In conclusion, I must earnestly impress on your Majesty's advisers, and on the Imperial Parliament, the paramount necessity of a prompt and decisive settlement of this important question, not only on account of the extent and variety of interests involving the welfare and security of the British empire, which are perilled by every hour's delay, but on account of the state of feeling which exists in the public mind throughout all your Majesty's North American possessions, and more especially the two Canadas.

In various dispatches addressed to your Majesty's Secretary of State, I have given a full description of that state of feeling, as I found it evinced by all classes and all parties, in consequence of the events which occurred in the last session of the British Parliament. I do not allude now to the French Canadians, but the English population of both provinces. Ample evidence of their feelings will be found in the addresses which were presented to me from all parts of the North American colonies, and which I have inserted in an appendix to this report. But, strong as were the expressions

of regret and disappointment at the sudden annihilation of those hopes which the English had entertained of seeing a speedy and satisfactory termination of that state of confusion and anarchy under which they had so long laboured, they sunk into insignificance when compared with the danger arising from those threats of separation and independence, the open and general utterance of which was reported to me from all quarters. I fortunately succeeded in calming this irritation for the time, by directing the public mind to the prospect of those remedies which the wisdom and beneficence of your Majesty must naturally incline your Majesty to sanction, whenever they are brought under your Majesty's consideration. But the good effects thus produced by the responsibility which I took upon myself, will be destroyed; all the feelings will recur with redoubled violence; and the danger will become immeasurably greater, if such hopes are once more frustrated, and the Imperial Legislature fails to apply an immediate and final remedy to all those evils of which your Majesty's subjects in America so loudly complain, and of which I have supplied such ample evidence.

For these reasons, I pray your Majesty's earnest attention to this Report. It is the last act arising out of the loyal and conscientious discharge of the high duties imposed upon me by the commission with which your Majesty was graciously pleased to entrust me. I humbly hope that your Majesty will receive it favourably, and believe that it has been dictated by the most devoted feeling of loyalty and attachment to your Majesty's person and throne, by the strongest sense of public duty, and by the earnest desire to perpetuate and strengthen the connection between this Empire and the North American Colonies, which would then form one of the brightest ornaments in your Majesty's Imperial Crown.

All which is humbly submitted to your Majesty.
DURHAM.

London, January 31, 1839.

Extracts from the Report on Lower Canada.

RESPONSIBLE GOVERNMENT.

It was not until some years after the commencement of the present century that the population of Lower Canada began to understand the representative system which had been extended to them, and that the Assembly evinced any inclination to make use of its powers. Immediately, however, upon its so doing, it found how limited those powers were, and entered upon the struggle to obtain the authority which analogy pointed out as inherent in a representative assembly. Its freedom of speech immediately brought it into collision with the governor; and the practical working of the assembly commenced by its leaders being thrown into prison. In the course of time, however, the government was induced, by its necessities, to ac-

cept the assembly's offer to raise an additional revenue by fresh taxes; and the assembly thus acquired a certain controul over the levying and appropriation of a certain portion of the public revenue. From that time until the final abandonment in 1832 of every portion of the reserved revenue, excepting the casual and territorial funds, an unceasing contest was carried on, in which the assembly, making use of every power which it gained for the purpose of gaining more, acquired, step by step, an entire controul over the whole revenue of the country.

I pass thus briefly over the events which have heretofore been considered the features of the Canadian controversy, because as the contest has ended in the concession of the financial demands

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of the assembly, and the admission by the govern-
ment of the impropriety of attempting to withhold
any portion of the public revenues from its con-
trol, that contest can now be regarded as of no
importance except as accounting for the exaspera-
tion and suspicion which survived it. Nor am I
inclined to think that the disputes which subse-
quently occurred are to be attributed entirely to the
operation of mere angry feelings. A substantial
cause of grievance yet remained. The Assembly,
after it had obtained entire control over the public
revenues, still found itself deprived of all voice in
the choice or even designation of the persons in
whose administration of affairs it could feel con-
fidence. All the administrative power of govern-
ment remained entirely free from its influence; and
though Mr. Papineau appears by his own conduct
to have deprived himself of that influence in the
government which he might have acquired, I must
attribute the refusal of a civil list to the determi-
nation of the assembly not to give up its only
means of subjecting the functionaries of govern-
ment to any responsibility.

The powers for which the assembly contended
appear, in both instances, to be such as it was per-
fectly right in demanding. It is difficult to con-
ceive what could have been their theory of govern-
ment who imagined that in any colony of England
a body invested with the name and character of a
representative assembly could be deprived of any
of the powers which, in the opinion of Englishmen,
are inherent in a popular legislature. It was a
vain delusion to imagine that by mere limitations
in the Constitutional Act, or an exclusive system of
government, a body, strong in the consciousness
of wielding the public opinion of the majority, could
regard certain portions of the provincial revenues
as sacred from its control, could confine itself to
the mere business of making laws, and look on as
a passive or indifferent spectator, while those laws
were carried into effect or evaded, and the whole
business of the country was conducted by men, in
whose intentions or capacity it had not the slightest
confidence. Yet such was the limitation placed on
the authority of the Assembly of Lower Canada;
it might refuse or pass laws, vote or withhold sup-
plies, but it could exercise no influence on the no-
mination of a single servant of the crown. The
Executive Council, the law officers, and whatever
heads of departments are known to the adminis-
trative system of the province, were placed in
power, without any regard to the wishes of the
people or their representatives; nor indeed are
there wanting instances in which a mere hostility
to the majority of the assembly elevated the most
incompetent persons to posts of honour and trust.
However decidedly the assembly might condemn
the policy of the government, the persons who had
advised that policy, retained their offices and their
power of giving bad advice. If a law was passed
after repeated conflicts, it had to be carried into
effect by those who had most strenuously opposed
it. The wisdom of adopting the true principle of
representative government, and facilitating the

management of public affairs, by entrusting it to
the persons who have the confidence of the repre-
sentative body has never been recognized in the
government of the North American Colonies. All
the officers of government were independent of the
assembly; and that body which had nothing to say
to their appointment, was left to get on as it best
might with a set of public functionaries, whose
paramount feeling may not unfairly be said to have
been one of hostility to itself.

A body of holders of office thus constituted,
without reference to the people or their representa-
tives, must in fact, from the very nature of colonial
government, acquire the entire direction of the af-
fairs of the province. A governor, arriving in a
colony in which he almost invariably has had no
acquaintance with the state of parties, or the char-
acter of individuals, is compelled to throw him-
self almost entirely upon those whom he finds plac-
ed in the position of his official advisers. His
first acts must necessarily be performed, and his
first appointments made, at their suggestion. And
as those first acts and appointments give a charac-
ter to his policy, he is generally brought thereby
into immediate collision with the other parties in
the country, and thrown into more complete de-
pendence upon the official party and its friends.
Thus, a governor of Lower Canada has almost
always been brought into collision with the assem-
bly, which his advisers regard as their enemy. In
the course of the contest in which he was thus in-
volved, the provocations which he received from
the assembly, and the light in which their conduct
was represented by those who alone had any access
to him, naturally imbued him with many of their
antipathies; his position compelled him to seek
the support of some party against the Assembly;
and his feelings and his necessities thus combined
to induce him to bestow his patronage and to
shape his measures to promote the interests of the
party on which he was obliged to lean. Thus every
successive year consolidated and enlarged the
strength of the ruling party. Fortified by family
connection, and the common interest felt by all who
held, and all who desired, subordinate offices, that
party was thus erected into a solid and permanent
power, controlled by no responsibility, subject to
no serious change, exercising over the whole gov-
ernment of the province an authority utterly inde-
pendent of the people and its representatives and
possessing the only means of influencing either the
government at home, or the colonial representative
of the crown.

The entire separation of the legislative and exe-
cutive powers of a state, is the natural error of
governments desirous of being free from the check
of representative institutions. Since the Revolu-
tion of 1688, the stability of the English constitu-
tion has been secured by that wise principle of our
government which has vested the direction of the
national policy, and the distribution of patronage,
in the leaders of the Parliamentary majority.
However partial the Monarch might be to particu-
lar ministers, or however he might have personally

committed himself to their policy he has invariably been constrained to abandon both, as soon as the opinion of the people has been irrevocably pronounced against them through the medium of the House of Commons. The practice of carrying on a representative government on a different principle seems to be the rock on which continental imitations of the British constitution have invariably split; and the French Revolution of 1830 was the necessary result of an attempt to uphold a ministry with which no Parliament could be got to act in concert. It is difficult to understand how any English statesmen could have imagined that representative and irresponsible government could be successfully combined. There seems, indeed, to be an idea that the character of representative institutions ought to be thus modified in colonies; that it is an incident of colonial dependence, that the officers of government should be nominated by the crown without any reference to the wishes of the community, whose interests are entrusted to their keeping. It has never been very clearly explained what are the imperial interests, which require this complete nullification of representative government.

But, if there should be such a necessity, it is quite clear that a representative government in a colony must be a mockery, and a source of confusion. For those who support this system, have never yet been able to devise, or to exhibit in the practical working of colonial government, any means for making so complete an abrogation of political influences palatable to the representative body. It is not difficult to apply the case to our own country. Let it be imagined that at a general election the opposition were to return 500 out of 658 members of the house of commons, and that the whole policy of the ministry should be condemned, and every bill introduced by it rejected by this immense majority. Let it be supposed that the crown should consider it a point of honour and duty to retain a ministry so condemned and so thwarted; that repeated dissolutions should in no way increase, but should even diminish, the ministerial minority; and that the only result which could be obtained by such a development of the force of the opposition, were not the slightest change in the policy of the ministry, nor the removal of a single minister, but simply the election of a Speaker of the politics of the majority; and I think it will not be difficult to imagine the fate of such a system of government. Yet such was the system, such literally was the course of events in Lower Canada, and such in character, though not quite in degree, was the spectacle exhibited in U. C. and at one time or another, in every one of the North American Colonies. To suppose that such a system would work well, implies a belief that the French Canadians have enjoyed representative institutions for half a century, without acquiring any of the characteristics of a free people; that Englishmen renounce every political opinion and

feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic.

It appears, therefore, that the opposition of the Assembly to the government was the unavoidable result of a system which stunted the popular branch of the Legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire controul over the administration of the province. I say all this without reference to the ultimate aim of the Assembly, which I have before described as being the maintenance of a Canadian nationality against the progressive intrusion of the English race. Having no responsible ministers to deal with, it entered upon that system of long enquiries by means of its committees, which brought the whole action of the executive immediately under its purview, and transgressed our notions of the proper limits of parliamentary interference. Having no influence in the choice of any public functionary, no power to procure the removal of such as were obnoxious to it merely on political grounds, and seeing almost every office of the colony filled by persons in whom it had no confidence, it entered on the vicious course of assailing its prominent opponents individually, and disqualifying them for the public service, by making them subjects of inquiries and consequent impeachments, not always conducted with even the appearance of a due regard to justice; and when nothing else could attain its end of altering the policy or the composition of the colonial government, it had recourse to that *ultima ratio* of representative power to which the more prudent forbearance of the Crown has never driven the House of Commons in England, and endeavoured to disable the whole machine of government by a general refusal of the supplies.

It was an unhappy consequence of the system which I have been describing, that it relieved the popular leaders of all the responsibilities of opposition. A member of opposition in this country acts and speaks with the contingency of becoming a minister constantly before his eyes, and he feels, therefore, the necessity of proposing no course, and of asserting no principles, on which he would not be prepared to conduct the government, if he were immediately offered it. But the colonial demagogue bids high for popularity without the fear of future exposure. Hopelessly excluded from power, he expresses the wildest opinions, and appeals to the most mischievous passions of the people, without any apprehension of having his sincerity or prudence hereafter tested, by being placed in a position to carry his views into effect; and thus the prominent places in the ranks of opposition are occupied for the most part by men of strong passions, and merely declamatory powers, who think but little of reforming the abuses which serve them as topics for exciting discontent.

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