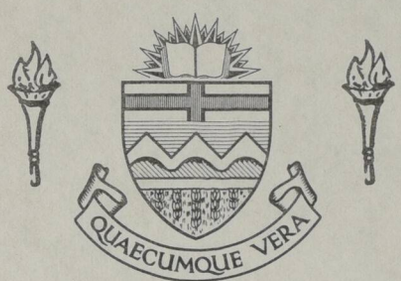
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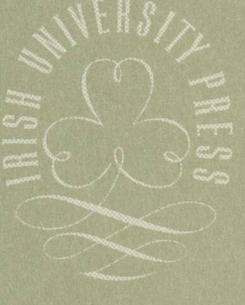
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Colonies

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OF

British Parliamentary Papers

DESPATCHES FROM SIR F B HEAD RELATING TO CANADA WITH ANSWERS FROM THE SECRETARY OF STATE

1839

Colonies

Canada

11

IRISH UNIVERSITY PRESS

SHANNON · IRELAND

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ACCOUNTS AND PAPERS:

TWENTY-ONE VOLUMES.

—(4.)—

COLONIES:

CANADA.

Session

5 February —— 27 August 1839.

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ACCOUNTS AND PAPERS:

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TWENTY-ONE VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Paper; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

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CANADA.

Return to an Address of the Honourable The House of Commons,
dated 5 March 1839;—*for*,

COPIES OR EXTRACTS

OF

DESPATCHES

FROM

SIR F. B. HEAD, BART., K.C.H.

ON

THE SUBJECT

OF

C A N A D A;

WITH

COPIES OR EXTRACTS

OF THE

ANSWERS FROM THE SECRETARY OF STATE.

Ordered, by The House of Commons, *to be Printed*,
22 *March* 1839.

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CANADA.

Copies of or Extracts from Despatches on the Subject of Canada.

From Lord Glenelg.

No. 1.

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K.C.H.

No. 1.
Lord Glenelg
to
Sir F. B. Head,
5th Dec. 1835.

Sir, Downing Street, 5th December 1835.

I have the Honour herewith to transmit to you a Commission under His Majesty's Sign Manual appointing you Lieutenant Governor of the Province of Upper Canada.

You have been selected for this Office at an Era of more Difficulty and Importance than any which has hitherto occurred in the History of that Part of His Majesty's Dominions. The Expression of Confidence in your Discretion and Ability which the Choice itself implies would only be weakened by any more formal Assurance which I could convey to you.

In the following Instructions I shall presuppose your Knowledge of many Occurrences, the correct Understanding of which is essential to the Discharge of the Duties to which you are called, but which it is unnecessary for me to recapitulate. As, however, a more exact Acquaintance with Canadian Affairs is indispensable for your Guidance in the Administration of the Government of Upper Canada, I think it right to refer you to those Sources of Information on which you will be able most safely to rely. Amongst these the first Place is due to the Journals of the Legislative Council and of the House of General Assembly. The Appendices subjoined to the annual Summary of the Proceedings of the Two Houses contain a Fund of Information on almost every Topic connected with the Statistics and political Interests of the Province; and to those Reports you will be able to resort with far greater Confidence than to any other Source of similar Intelligence. The Report of the Committee of the House of Commons of the Year 1828, with the Evidence, oral and documentary, to which it refers, will also throw much Light on the Progress and the actual State of the Questions agitated in the Upper Province. The Correspondence of my Predecessors and myself, with the Officers who have successively administered the Provincial Government, will of course engage your careful Attention.

In Upper Canada, as in all Countries which enjoy the Blessing of a free Constitution, and of a Legislature composed in part of the Representatives of the People, the Discussion of public Grievances, whether real or supposed, has always been conducted with an Earnestness and Freedom of Inquiry, of which, even when occasionally carried to Exaggeration, no reasonable Complaint can be made. The Representatives of the Canadian People, if departing at Times from the measured Style and exact Terms in which the Investigation of Truth may perhaps be most successfully conducted, have yet, even in the Agitation of Questions the most deeply affecting the Interests of their Constituents, exhibited a studious Respect for the Person and Authority of their Sovereign, and a zealous Attachment to the Principles of their balanced Constitution. Until the last Session of the Provincial Parliament the Remonstrances of the House were chiefly confined to insulated Topics of Complaint: Discussions indeed

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to
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5th Dec. 1835.

occasionally arose, and Discontent was occasionally manifested; but it may be affirmed, that generally there subsisted a Spirit of amicable Co-operation between the Executive Government and the Legislature.

The Cession by His Majesty of the Revenues raised under the Statute 14 Geo. 3. c. 88. to the Appropriation of the House of Assembly was a gratuitous and unsolicited Act, and was accepted by that Body in a Spirit of grateful Cordiality.

I will not pause to recapitulate the Events which immediately preceded, if they did not produce the Interruption of this mutual good Understanding. It is sufficient for my present Object to observe that the Relations which had formerly subsisted between the Executive Government and the Representatives of the People underwent an entire Change immediately after the Elections which took place in the Autumn of 1834. The Supporters of the local Government now for the first Time found themselves in a constant Minority on every Question controverted between them and their political Antagonists. A Committee of Grievances was appointed, by which a Report was made impugning the Administration of Affairs in every Department of the Public Service, and calling for Remedial Measures of such Magnitude and Variety as apparently to embrace every conceivable Topic of Complaint. Having adopted this Report, and having directed its Publication in an unusual Form, the House transmitted through the Lieutenant Governor to the King an Address, in which some of the more considerable of the Claims of the Committee were urged in Terms of no common Emphasis. It will be your first Duty on the Assumption of the Government to convey to the House the Answer which His Majesty has been advised to return to these Representations.

I cannot proceed to explain the Terms of that Answer without the preliminary Remark with a view to which the preceding Statement has been chiefly made. Whatever may be the Justice of the Complaints now preferred respecting the general Principles on which the public Affairs of the Province have been conducted, the Representatives of the People of Upper Canada are at least not entitled to impute to the confidential Advisers of the King any Disregard of their Remonstrances. The greater Part of the Grievances detailed by the Committee and the House are now for the first Time brought by them under His Majesty's Notice. My Predecessor the Earl of Ripon, in his Despatch of the 8th of November 1832 to Sir John Colborne, was commanded by the King to state, that "there was no Class of the Canadian People, nor any Individual amongst them, to whose Petitions His Majesty did not require that the most exact and respectful Attention should be given." His Majesty has never ceased to be actuated by the Spirit which dictated those Instructions, and of course will not deny to the House of General Assembly that careful Investigation of the Grounds of their Complaints, which He graciously pledged himself to bestow on the Representation of any individual Petitioner. I feel myself therefore entitled, on behalf of His Majesty's Government, to object to any Resort on the Part of the House to that ulterior Measure to which they allude, but which they will feel with me is to be justified only by an extreme Emergency.

I now proceed to the Consideration of the various Topics embraced in the Seventh Report of the Committee of Grievances, and in the Addresses of the Two Houses to His Majesty; and I shall advert to them in the Order in which they are pursued in the Report itself.

In the following Pages, if any Subject should appear to be passed over without due Regard, you will understand that I have at least been guilty of no intentional Omission, but have, in obedience to His Majesty's Commands, made it my Endeavour to meet every Question which the Committee and the House have thought it necessary or proper to raise.

1. It is stated that "the almost unlimited Extent of the Patronage of the Crown, or rather of the Colonial Minister for the Time being, and his Advisers here, together with the Abuse of that Patronage, are the chief Sources of Colonial Discontent. Such (it is added) is the Patronage of the Colonial Office, that the granting or withholding of Supplies is of no political Importance, unless as an Indication of the Opinion of the Country concerning the Character of the Government, which is conducted on a System that admits its Officers to take and apply the Funds of the Colonists without any legislative Vote whatever." The Committee then proceed to an Enumeration of the various

various public Offices and the different Departments and Branches of the public Service, over which this Patronage is said to extend; and by bringing the whole into one View they suggest what must be the Amount of the Authority and Influence accruing to the Executive Government from these Sources.

The Statement is substantially this: that the Number of public Offices in the Colony is too great, and that the Patronage, instead of being vested, as at present, in the Crown, and the local Representative of the Crown, should be transferred to other Hands.

In the long Enumeration of Places at the Disposal of the Executive Government in Upper Canada the Committee have not adverted to one Consideration to which I think that great Prominence might justly be assigned. It is perfectly true, as it is quite inevitable, that in Upper Canada, as in other new Countries, the Number of public Employments is and will be far larger in proportion than in older and more densely-peopled States. The general Machinery of Government must be the same in a scanty as in a large and redundant Population; corresponding Departments of the public Service, whether legislative, judicial, or administrative, must exist in both. And in a new Country, besides, there will be some Establishments for which in the settled States of Europe no Counterpart can be found; such, for example, are all which relate to the Allocation, surveying, and granting of wild Lands. Nor is it to be forgotten, that in the early Stages of such a Society many Duties devolve upon the Government which at a more advanced Period are undertaken by the better educated and wealthier Classes as an honourable Occupation of their leisure Time. Thus in the Canadas, although the mer Text of the Law would there, as in England, authorize any Man to prefer and prosecute an Indictment in His Majesty's Name, yet virtually and in substance the Prosecution of all Offences is confided to the Government or its Officers. These Causes have inevitably tended to swell the Amount of the Patronage of the Provincial Government, without supposing any peculiar Avidity on their Part for the Exercise of such Power.

With respect to the Patronage of the requisite Offices, His Majesty's Government are not solicitous to retain more in their own Hands or in those of the Governor than is necessary for the general Welfare of the People and the right Conduct of public Affairs. I confess myself, however, unable to perceive to whom the Choice amongst Candidates for public Employment could with equal Safety be confided. It requires but little Foresight or Experience to discover that such Patronage, if exercised in any Form of popular Election, or if committed to any popular Body, would be liable to be employed for Purposes far less defensible, and in a Manner less conducive to the general Good. Chosen by irresponsible Patrons, the public Officers would themselves be virtually exempt from Responsibility; and all the Discipline and Subordination which should connect together in one unbroken Chain the King and his Representative in the Province, down to the lowest Functionary to whom any Portion of the Powers of the State may be confided, would be immediately broken.

I conclude, therefore, that as in such a Country as Canada there must exist a Number of public Officers, large in proportion to the present Number and Wealth of the Inhabitants, so the Selection of them must, for the most part, be entrusted to the Head of the local Government.

I disclaim, however, on the Part of the Ministers of the Crown, every Wish to urge these general Principles beyond their just and necessary Limits. There are Cases in which I think, according to the Analogy of similar Cases in this Country, the Patronage now said to be exercised by the Lieutenant Governor might with perfect Safety and Propriety be transferred to others. On this Subject, however, it will be more convenient to state the general Principle than to attempt the specific and detailed Application of it at this Distance from the Scene of Action.

That Principle is, to maintain entire, by the Nomination and Removal of public Officers, that System of Subordination which should connect the Head of the Government with every Person through whose Instrumentality he is to exercise the various delegated Prerogatives of the Crown. What is necessary for this End must be retained; whatever Patronage is unnecessary for the Maintenance of this Principle should be frankly and at once abandoned.

No. 1.
Lord Glenelg
to
Sir F. B. Head.
5th Dec 1835.

It is noticed in the Report, as an Aggravation of the Evils of the Government Patronage, that almost every public Officer holds his Place at the Pleasure of the Crown. I cannot disguise my Opinion, that the public Good would be little advanced if the subordinate Functionaries held their Places upon a more certain Tenure. In Practice, indeed, though subject to certain Exceptions to be hereafter noticed, no public Officer is in Danger of losing his Employment, except for Misconduct or Incompetency; but there are many Kinds of Misconduct and Incompetency which could never be made the Subject of judicial Investigation, but which yet would be destructive of the Usefulness of a public Officer, and ought therefore to be followed by a Dismissal from the public Service. Nor is it necessary to insist at any Length on the Evils which would arise in the Transaction of Business, if the subordinate Officers were aware that they were entirely independent of the good Opinion of their Superiors for Continuance in their Employments.

It is not difficult to show, in reference to any conceivable Arrangement on the Subject of Patronage, that there will be Dangers against which it is impossible to take an absolute and perfect Security. I know not, however, that any less exceptionable Scheme could be devised than that which at present prevails, of giving to the Head of the local Government the Choice of the subordinate Officers, and of making their Places dependent on His Majesty's Pleasure. To prevent, however, as far as may be possible, the Continuance of any well-founded Ground of Complaint on this Head, His Majesty, disclaiming for himself and for his Representative in the Province all Desire to exercise, with the view merely to Patronage, the Power of appointing public Officers, is pleased to prescribe for your Guidance the following Rules:—

First. You will, at the earliest Opportunity, enter into a diligent Review of the Offices in the Appointment of the Crown and of the local Government, as detailed in the Report of the Committee and the Appendix, with a view to ascertain to what Extent they may, without impairing the Efficiency of the public Service, be reduced immediately and prospectively. You will report to me the Result of your Investigation, with such particular Information as will enable His Majesty's Government to decide in each Case on the Expediency of adopting your Recommendation.

Secondly. If, during the Reference of that Report to me, any Occasion occur for the Reduction of Offices, either by Abolition or by Consolidation, you will exercise your own Discretion as to waiting for fresh Instructions, or proceeding at once to the Reduction. Any Appointment, however, made under such Circumstances will be merely provisional. In case of the immediate Abolition of any Office not required for the efficient Discharge of the public Service, you will stipulate for such a Compensation to the present Holders as the Disappointment of their reasonable Expectations may entitle them to receive.

Thirdly. In the prescribed Revision of these Offices you will make it one of your Objects to form a Judgment, what Share of the Patronage of the Crown or the local Government may safely and wisely be transfered to other Hands. You will report to me on this Subject, but will refrain from taking any Steps regarding it without further Instructions from me.

Fourthly, In the Selection of Persons to execute public Trusts, you will be guided exclusively by the Comparison of the Claims which the different Candidates may derive from past Services or from personal Qualifications.

Fifthly. In general, you will not select for any public Employment in Upper Canada any Person who is not either a Native or a settled Inhabitant of the Province. To this general Rule occasional Exceptions may be admitted; as in Cases where some peculiar Art or Science is demanded which no provincial Candidate may be found to possess in the requisite Degree. An Exception must also be made in reference to those Officers who are immediately attached to your own Person, in the Choice of whom His Majesty does not think it right to subject you to any such Restriction.

Sixthly. As often as any Office shall be vacant which is not to be suppressed, and of which the annual Emolument shall exceed 200*l.*, you will make the Appointment provisional only, and with the distinct Intimation to the Party elected

elected that his Confirmation will depend entirely on the Estimate which His Majesty may form of his Pretensions; and you will on every such Occasion signify to me, for His Majesty's Information, the Grounds on which you have proceeded, and the Motives which have directed your Choice. If His Majesty should be pleased to issue, under his Sign Manual, a Warrant authorizing you to make a Grant of the Office under the Public Seal of the Province, then, and not till then, the Appointment must be considered as finally ratified. I trust that in these Regulations the House of Assembly will perceive a sufficient Proof of His Majesty's settled Purpose to exercise this Branch of his Prerogative for no other End than the general Good of his Canadian Subjects, and to prevent its being converted into an Instrument of promoting any narrow, exclusive, or party Designs.

2. Pursuing the Order observed by the Committee, I pass on to the Subject of the Provincial Post Office. Adverting to the Measures which have already been taken for the Redress of the Grievances which have been alleged to exist in the Conduct of this Department, the Committee observe, that "the Form of a Law such as the Government would approve is before the House; but its Provisions (they add) are so inapplicable and absurd that no Benefit could be derived from their Enactment."

On the Measure thus characterised I am not called to give an Opinion. It is, however, but fair to those by whom it was recommended to the Adoption of the local Legislature to observe, that it had previously undergone a most careful Investigation by the Postmaster General. His Majesty's Government cannot have the slightest Wish to urge the Adoption of any Measure to which well-founded and sufficient Objections may exist; they are content that the Bill in question should be withdrawn, to make way for any other which the Assembly may be disposed to substitute for it. Perhaps, however, on approaching the Question more closely the Assembly may find it encumbered with unexpected Difficulties. I fear that this will be the Case, especially in reference to the Intercourse by Post with all Places beyond the Limits of the Province itself. You will, however, assent to any judicious and practicable Scheme which the House may incorporate in any Bill tendered for your Acceptance; regarding as of no Weight whatever, when opposed to the general Convenience of the Public, any Considerations of Patronage or of Revenue derivable from this Source.

3. Under the Head of Salaries and Fees the Committee have entered into very copious Statements to show that the Emoluments of the public Officers in Upper Canada are excessive, and out of all just Proportion to the Value of the Services rendered. It is unnecessary for me to enter into these Details, because, as to the general Principles on which it will be your Duty to act on Questions of this Nature, there can be no Room for Controversy. Indeed, those Principles will, I think, be most conveniently considered when divested of Topics connected with the Interests and the Services of particular Persons.

There is no Measure of Retrenchment compatible with the just Claims of His Majesty's various Officers, and with the efficient Discharge of the public Service and Duty, to which the King is not disposed to give a prompt and cheerful Assent. To determine what ought to be the Scale of Remuneration to public Functionaries of different Classes would require Information too minute and exact to be obtained beyond the Limits of the Province itself. This would appear a very fit Subject for a special Inquiry, in which it might be proper to employ Commissioners, to be appointed under the Authority of an Act of the Assembly. I have reason to suppose that the Subject has never yet undergone a full and fair Investigation; and therefore I do not feel myself entitled to assume the Non-existence of those Abuses which so readily grow up under a System which is not subjected to a careful Scrutiny, conducted upon permanent and enlightened Views of public Economy. Even if the Result of the Examination should be only to show that there is no Evil of this Nature to be remedied, the Labour would be amply repaid, by placing so important a Fact beyond the Reach of all reasonable Suspicion.

In dealing with existing Interests the local Legislature will, I doubt not, be well disposed to adopt the Rules which have been uniformly taken by Parliament for the Guidance of their Discretion in similar Cases. The Saving of public Money which could arise from the unexpected Reduction of official Incomes would not only subject numerous Families to extreme Distress, but

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by impairing general Confidence in the public Credit, would weaken the Foundations on which all proprietary Rights must ultimately repose.

The King confidently relies on his faithful Subjects of Upper Canada that they will not reduce His Majesty to the distressing Alternative of either abandoning the just Interests of any of his Servants, or opposing himself to Measures having for their Object the Reduction of public Expenditure.

4. Next in the Order of Complaints is that which relates to the Amount of the Pension List. On this, as on the Subject which I have last noticed, I conceive that I shall better discharge my Duty by attempting to provide against any future Abuse than by engaging in a minute Retrospect of any which may have already occurred. I will not even pause on the Comparison, not perhaps very accurately or necessarily instituted, between the Conduct of the Central Government of the United States of America, and that which has been pursued in one of the Provinces of the British Empire, respecting the Remuneration of Officers for past Services. Such Pensions as have already been charged upon the Revenues which were at the Disposal of the Crown constitute a Debt to the Payment of which His Majesty's Honour is pledged, nor need I state that there is no Consideration so powerful as to induce the King to assent to the Violation of any Engagement lawfully and advisedly entered into by Himself or by any of His Royal Predecessors.

On the other hand, His Majesty is content that the most effectual Security should be taken against any improvident Increase of the Pension List by any future Grants, and is willing that a Limit should be fixed by Law to any Charge which may hereafter be imposed upon the provincial Revenues on this Account.

I do not anticipate that the Assembly of Upper Canada would wish to withhold from the King the Means of rewarding faithful and zealous public Services, or would think it desirable that no Provision shall ever be made by His Majesty to solace the declining Years of those who have consumed in laborious public Duties in the Colony the larger Portion of their Lives.

You will therefore assent to any Law which may be tendered for your Acceptance, of which the Object shall be to regulate, on a just and reasonable Scale, the Amount of the future Pension List of Upper Canada, and to prescribe the Principles upon which any Pensions shall be granted.

5. I proceed to the Subject of the Provision made for Ecclesiastical Establishments, and for the Maintenance of the Teachers of Religion of various Denominations.

On this Head the House of Assembly maintain Opinions from which, in their Address to His Majesty of the 13th April, the Legislative Council have recorded their most entire and earnest Dissent. The Report states, that "the House of Assembly in several successive Parliaments has expressed its entire Disapprobation of the Conduct of the Government in attempting to uphold particular Religious Sects by Money Grants, and in the 10th and 11th Parliaments has declared, that it recognizes no particular Denomination as established in Upper Canada, with exclusive Claims, Powers, or Privileges."

It appears that the Four Religious Communities whose Funds are aided by Grants from the Hereditary and Territorial Revenue are those of the Churches of England, and Scotland, and Rome, and of the Wesleyan Methodist Society; the last being in Two Divisions, which respectively take the distinct Appellation of the "Canadian" and the "British."

In the last Session of the Provincial Parliament a Bill was passed by the Assembly, the Object of which was to enable certain Commissioners to sell the Lands which, under the Constitutional Act of 1791, had been appropriated in Upper Canada to the Maintenance of a Protestant Clergy, and to pay over the Proceeds to the Receiver General, to be disposed of, under the future Direction of the Legislature, for the Promotion of Education, and for no other Purpose whatever.

This Bill was rejected by the Legislative Council on the Grounds noticed in the Address from that Body to His Majesty, and in a Report from a Select Committee appointed by them to take the Bill into Consideration, which Report is enclosed in Sir John Colborne's Despatch of the 20th May, No. 20.

Your Predecessor and the Council agree in the Opinion, that it is vain to expect the Concurrence of the Two Branches of the local Legislature in any Adjustment of this Question, and they therefore invoke the Interposition of Parliament;

Parliament; which Interposition the Assembly, on the other hand, deprecate with equal Earnestness.

The chief practical Question, then, which at present demands Consideration, is, whether His Majesty should be advised to recommend to Parliament the Assumption to itself of the Office of deciding on the future Appropriation of these Lands. There are Two distinct Reasons, both of which appear to me conclusively to forbid that Course of Proceeding.

First. Parliamentary Legislation on any Subject of exclusively internal Concern, in any British Colony possessing a Representative Assembly, is, as a general Rule, unconstitutional. It is a Right of which the Exercise is reserved for extreme Cases, in which Necessity at once creates and justifies the Exception.

But important as is the Question of the Clergy Reserves in Upper Canada, yet I cannot find in the actual State of the Question any such Exigency as would vindicate the Imperial Legislature in transferring to themselves the Settlement of this Controversy. The Conflict of Opinion between the Two Houses upon this Subject, much as it is to be lamented, yet involves no urgent Danger to the Peace of Society, and presents no insuperable Impediment to the ordinary Administration of public Affairs. Although a great Evil, it is not such as to exclude every Hope of Mitigation by the natural Progress of Discussion, and by the Influence of that Spirit which, in public Affairs, not seldom suggests to Parties alike solicitous for the general Good some mutual Surrender of extreme Views, and some Compromise on either Side of Differences which at first Sight might have appeared irreconcileable. Until every Prospect of adjusting this Dispute within the Province itself shall have been distinctly exhausted, the Time for the Interposition of Parliament will not have arrived, unless indeed both Houses shall concur in soliciting that Interposition; in which Event there would of course be an End to the constitutional Objections already noticed.

The Second Ground on which I think myself bound to abstain from advising His Majesty from referring this Question immediately to Parliament is, that the Authors of the Constitutional Act have declared this to be one of those Subjects in regard to which the Initiative is expressly reserved and recognized as falling within the peculiar Province and the special Cognizance of the local Legislature, although its ultimate Completion is no less distinctly made to depend, in addition to the ordinary Submission to His Majesty, on the Acquiescence of the Imperial Parliament.

It is not difficult to perceive the Reasons which induced Parliament in 1791 to connect with a Reservation of Land for Ecclesiastical Purposes the special Delegation to the Council and Assembly of the Right to vary that Provision by any Bill which, being reserved for the Signification of His Majesty's Pleasure, should be communicated to both Houses of Parliament for Six Weeks before that Decision was pronounced. Remembering, it should seem, how fertile a Source of Controversy Ecclesiastical Endowments had supplied throughout a large Part of the Christian World, and how impossible it was to foretell with Precision what might be the prevailing Opinions and Feelings of the Canadians on this Subject at a future Period, Parliament at once secured the Means of making a systematic Provision for a Protestant Clergy, and took full Precaution against the eventual Inaptitude of that System to the more advanced Stages of a Society then in its infant State, and of which no human Foresight could divine the more mature and settled Judgment.

In the Controversy, therefore, respecting Ecclesiastical Endowments, which at present divides the Canadian Legislature, I find no unexpected Element of Agitation, the Discovery of which demands a Departure from the fixed Principles of the Constitution, but merely the Fulfilment of the Anticipations of Parliament in 1791, in the Exhibition of that Conflict of Opinion for which the Statute of that Year may be said to have made a deliberate Preparation. In referring the Subject to the future Canadian Legislature the Authors of the Constitutional Act must be supposed to have contemplated the Crisis at which we have now arrived, the Era of warm and protracted Debate, which in a free Government may be said to be a necessary Precursor to the Settlement of any great Principle of national Policy. We must not have recourse to an extreme Remedy merely to avoid the Embarrassment, which is the present though temporary Result of our own deliberate Legislation.

 I think,

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I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the Question respecting the Clergy Reserves would be an Infringement of that cardinal Principle of Colonial Government which forbids Parliamentary Interference, except in submission to an evident and well-established Necessity.

Without expressing any further Opinion at present on the general Objects of the Bill of last Session, I think the Effect of that Bill would, as it appears, have been to constitute the Assembly not merely the Arbiters respecting the Disposal of the Funds to be raised by the Sale of these Lands, but the active and independent Agents in effecting those Sales, and thus to invest them with the appropriate Functions of the Executive Government.

6. The Report of the Committee next passes to the Subject of the Land-granting Department.

Admitting that Lord Ripon's Despatch shows that the Grievances under this Head have been in part removed, it is observed that the Extent of that Relief is not very clearly shown by the Documents before the Committee.

It is difficult, or rather impossible, for me to advance further in meeting the Views of the Assembly thus briefly expressed than by stating, that if any Ambiguity can be pointed out in Lord Ripon's Instructions respecting the Grant of Lands it shall be immediately removed, and that if His Majesty's Officers in the Province can be shown to have disregarded those Instructions, it will be your Duty to enforce the most prompt and exact Obedience to them to the full Extent of their Spirit and Intention, insomuch that there shall in future be no Doubt whether the Grievances at which they aimed have or have not been completely removed.

7. Respecting the collegiate Institutions of the Province, the Assembly express their Opinion that the Upper Canada College "is upheld at great Public Expense, with high Salaries to its principal Masters; but that the Province in general derives very little Advantage from it, and that it might be dispensed with."

His Majesty's Government can have no Wish to retain any Charge for this Establishment which may be more than adequate to provide for the effective Performance of the Duties of the Teachers. Any wise Retrenchment of that Nature may, subject to the Principles already mentioned, be immediately introduced. That the Province derives little Benefit from this College is a Fact of which the Explanation is to be found, not in the Principle of the Institution itself, but in some Error of Management, susceptible, as it should seem, of an easy Remedy. It is impossible to believe that in Upper Canada, as as in other Countries, Advantages the most important would not result from a well ordered School for the Education in the elementary Branches of Philosophy, Science, and Literature, of young Men who aspire to fill the highest Offices in Society. Nor can I suppose it a light Benefit thus to connect together the preparatory and the final Studies of Youth in one systematic Plan, which, by rendering the initiatory School a careful Preparation for the University, may give to their entire Education a Character of Solidity and Consistency scarcely attainable by any other Method.

I shall therefore deeply lament the Abolition of a College of which the Defects would appear so remediable, and of which it does not seem easy to exaggerate the Benefits.

On the Subject of King's College an unfortunate Difference of Opinion exists between the Council and the Assembly, which each of those Bodies concurs in pronouncing incurable.

His Majesty commands me to tender, through you, his Mediation on this Subject. With the previous Assent of both Houses, the King will cheerfully resume the Consideration of the Question, in what Manner a Charter could be most conveniently prepared so as to promote the Interests of Science and Literature, and the Study of Theology and Moral Philosophy, with a due Regard to the Opinions which seem to prevail in the Province respecting the proper Constitution and Objects of an University. But after having distinctly referred to the local Legislature the Duty of giving effect to their own Wishes on the Subject, in the Form of an Act of General Assembly, His Majesty cannot, at the Instance of One only of the Two Houses, withdraw it from their Cognizance.

8. The Committee complain that a very considerable Proportion of the Sum, amounting to 31,728*l.* 18*s.* 11*d.*, expended in aid of Emigration from Europe, was

was for "Articles or Services not specified, and concerning which a Committee of the House of Assembly could know nothing, unless they were to send for the detailed Accounts and Vouchers, which, if they had, it would be impossible to examine at the late Period of the Session at which the Government sent down those Statements." In the Appendices to the Reports, numbered 56 and 57, various Items of this Expenditure are noticed with apparent Dissatisfaction. You will direct the public Officers who have had the Management of this Fund to communicate to the House of Assembly, with the utmost possible Promptitude, the most minute and circumstantial Details and Explanations connected with it for which the House may be pleased to call.

9. Next in Order occurs the Statement, that "the present System of auditing the Public Accounts is altogether insufficient for ensuring the Application of the Revenue to the Purposes for which it is intended to be applied."

The Remedy suggested is that of establishing a Board of Audit, of which the Proceedings should be regulated by a well-considered Statute under a responsible Government.

Deferring at present any Remark on the Expression "responsible Government," to which I shall more conveniently advert hereafter, I must express my Agreement in the Position that the Establishment of a Board of Audit by Law is the best Remedy in this Case. His Majesty will gladly concur in the Enactment of any Law which shall be properly framed for constituting such a Board. With a view to aid the Deliberations of the Legislature, I transmit to you various Documents explanatory of the Constitution and Proceedings of the Commission for auditing the Public Accounts of this Kingdom.

The Assembly express their Disbelief that any efficient Measure of this Kind will obtain the Consent of the Legislative Council. I trust that this Apprehension will be dispelled by the Event. If unfortunately it should be confirmed, you will, in the Exercise of His Majesty's delegated Authority, proceed at once to constitute a Board of Audit, upon the Principles of that which at present exists in this Kingdom, so far as the Two Cases may be analogous; and although I am aware that, unaided by positive Legislation, such a Board would be comparatively inefficient, yet no inconsiderable Advance would be thus made towards the Introduction of an effective System of Audit.

If you should find it necessary to act on this Instruction, great Care must be used to prevent the new Establishment from being converted into the Means of any real or seeming Abuse, in the Way of an improvident Increase of the Patronage of the Crown. Of a Board consisting of Five or Three Auditors One alone should at first receive a Salary, because the Institution itself would be provisional only, and liable to Revision so soon as a proper Act could be passed for the Purpose. I think it highly probable that amongst the Gentlemen of the Province most conversant with its financial Interests a sufficient Number would be found who, as honorary and unpaid Commissioners, would complete the Board, and who, though not engaging in the mere ordinary Routine of Business, would exercise a general Superintendence over the more important Proceedings of the Commission. Especially it would be requisite to obtain such Aid in determining the Number and Remuneration of the Clerks and other subordinate Officers. But it must not be forgotten that the effective Remedy, as the Report observes, is to be found in a Board established by Law; and I earnestly hope that a Law to that Effect may pass both Houses of the Legislature.

10. The withholding of Public Accounts from the House of Assembly is the next Head of Complaint.

It is proposed, that to remedy this Evil a Statute should be passed, providing the Time and Manner of making such Returns, and naming the Officers who should render them to the Legislature; "but," add the Committee, "it is well known that such an Enactment would fail in the Council, which has an Interest in preventing the Enforcement of practical Accountability to the People."

Although I cannot permit myself to believe that the Council would really oppose themselves to any judicious Measure of this Kind, I fear that such Legislation would be found to involve many serious if not insuperable Difficulties. I must object to the Appointment of Individuals for any Purpose of this Kind by Name in a Statute, or by any Authority other than that of the King. Persons so appointed would exercise a Control over all the Functions

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of the Executive Government, and would have a Right of inspecting the Records of all public Offices to such an Extent as would leave His Majesty's Representative, and all other public Functionaries, little more than a dependent and subordinate Authority. Further, such Officers would be virtually irresponsible and independent.

On this Subject, however, His Majesty commands me to state, that there is no Information connected with the Receipt and Expenditure of any Part of the Revenue of Upper Canada which he wishes to withhold from the Representatives of the Canadian People. You will, immediately on your Arrival in the Province, apprise the Heads of every public Department by which any such Funds are received or administered that they must constantly keep in Preparation, to be produced to the Assembly, in compliance with any Addresses which may be presented to you by that House, Copies and Abstracts of all Public Accounts; and you will consider in what Form these can be drawn up, so as to exhibit all material Information in the most complete and luminous Manner. It will perhaps be possible to concert with the House before-hand some System for preparing such Returns; and as often as they may present to you Addresses for such Information you will promptly accede to their Wishes, except in the extreme Case, which it is difficult to suppose, of any Demand of that Nature being made in such a Form that the Compliance with it would endanger some great public Interest.

11. The Report then passes to the Consideration of Cases in which your Predecessor is charged with having failed to show Respect, even in subordinate Matters, to the Wishes of the House of Assembly.

I will not encumber this Communication by entering into a Review of the particular Transactions noticed by the Committee in illustration of this Complaint; I am not, indeed, sufficiently in possession of the Facts to enable me to do so; nor do I think it convenient to combine a personal Discussion with a general Statement of the Principles by which your Conduct is to be governed.

The only general Direction that I have to give you on this Subject is, that you will always receive the Addresses of the Assembly with the most studious Attention and Courtesy. As far as may be consistent with your Duty to the King, you will accede to their Wishes cheerfully and frankly. Should that Duty ever compel you to differ from their Opinion, or to decline Compliance with their Desires, you will explain in the most direct and of course in the most conciliatory Terms the Grounds of your Conduct.

12. The next Topic of Complaint is, that many of the Recommendations contained in Lord Ripon's Despatch of the 8th November 1832 have not been carried into effect. Amongst these are especially mentioned such as relate to the Amendment of the Election Laws, the Non-interference of His Majesty's Officers at Elections, the Disclosure to the House of the Receipt and Expenditure of the Crown Revenue, the Exclusion of Ministers of Religion from the Legislative and Executive Councils, the reducing the Costs of Elections, the judicial Independence, and the Limitation of the Number of public Officers who may sit in the Assembly.

Adhering, without Reserve or Qualification, to all the Instructions issued under His Majesty's Commands by Lord Ripon, the King is pleased to direct that you do adopt that Despatch as a Rule for the Guidance of your own Conduct, and that you exert your legitimate Authority and Influence to the utmost possible Extent to carry into effect all such of his Lordship's Suggestions as may still continue unfulfilled.

13. The Selection of Justices of the Peace is said to "have been made chiefly from Persons of a peculiar Bias in Politics, and to be the Means of extending the Power and Influence of the Colonial System." It is not in my Power to verify the Accuracy of this Opinion; and I am happy to feel myself relieved from the Necessity of such an Investigation. If any such Abuse exists it cannot be too promptly or decisively remedied. Whenever any Increase of the Number may appear to you desirable you will propose to any Gentleman in Upper Canada possessing the necessary Qualifications of Knowledge, Property, and Character, and unquestionable Fidelity to the Sovereign, the Assumption of the Office of a Justice of the Peace, without reference to any political Considerations.

14. A very considerable Part of the Report is devoted to the Statement and Illustration of the Fact, that the Executive Government of Upper Canada is virtually

virtually irresponsible; and the Conclusion drawn from this Statement is, that under the present System there can be no Prospect of a good and faithful Administration of public Affairs.

Without entering, on the one hand, unnecessarily into a Discussion of those general Principles to which my Attention is thus invited, or digressing, on the other hand, into personal Topics, it is enough for me to observe on the present Occasion, that Experience would seem to prove that the Administration of public Affairs in Canada is by no means exempt from the Control of a practical Responsibility. To His Majesty and to Parliament the Governor of Upper Canada is at all Times most fully responsible for his official Acts. That this Responsibility is not merely nominal, but that His Majesty feels the most lively Interest in the Welfare of his Canadian Subjects, and is ever anxious to devote a patient and laborious Attention to any Representations which they may address to him, either through their Representatives or as Individuals, is proved not only by the whole Tenor of the Correspondence of my Predecessors in this Office, but by the Despatch which I am now addressing to you. That the Imperial Parliament is not disposed to receive with Inattention the Representations of their Canadian Fellow Subjects is attested by the Labours of the Committees which have been appointed by the House of Commons during the last few Years to enquire into Matters relating to those Provinces.

It is the Duty of the Lieutenant Governor of Upper Canada to vindicate to the King and to Parliament every Act of his Administration. In the event of any Representations being addressed to His Majesty upon the Subject of your official Conduct, you will have the highest possible Claim to a favourable Construction; but the Presumptions which may reasonably be formed in your Behalf will never supersede a close Examination how far they coincide with the real Facts of each particular Case which may be brought under Discussion.

This Responsibility to His Majesty and to Parliament is second to none which can be imposed on a public Man, and it is one which it is in the Power of the House of Assembly at any Time, by Address or Petition, to bring into active Operation.

I further unreservedly acknowledge that the Principle of effective Responsibility should pervade every Department of your Government; and for this Reason, if for no other, I should hold that every public Officer should depend on His Majesty's Pleasure for the Tenure of his Office. If the Head of any Department should place himself in decided Opposition to your Policy, whether that Opposition be avowed or latent, it will be his Duty to resign his Office into your Hands, because the System of Government cannot proceed with Safety on any other Principle than that of the cordial Co-operation of its various Members in the same general Plans of promoting the public Good. The inferior Members of the different Offices should consider Neutrality on this great litigated Question of provincial Policy as at once their Duty and their Privilege. Diligently obeying all the lawful Commands of their Superiors, they will be exempted from Censure if the Course which they have been directed to pursue should issue in any unfortunate Results.

Some of the Members of the local Government will also occasionally be Representatives of the People in the Assembly, or will hold Seats in the Legislative Council. As Members of the local Legislature they will of course act with Fidelity to the Public, advocating and supporting no Measures which, upon a large View of the general Interest, they shall not think it incumbent on them to advance. But if any such Person shall find himself compelled by his Sense of Duty to counteract the Policy pursued by you as Head of the Government, it must be distinctly understood that the immediate Resignation of his Office is expected of him, and that, failing such a Resignation, he must, as a general Rule, be suspended from it. Unless this Course be pursued it would be impossible to rescue the Head of the Government from the Imputation of Insincerity, or to conduct the Administration of public Affairs with the necessary Firmness and Decision.

I need hardly say, that in the event of any public Officer being urged into a Resignation of his Place by his Inability to give a conscientious Support to his official Superior, the Merits of the Question would undergo an Investigation of more than common Exactness by His Majesty's Ministers, and that His Majesty's Decision would be pronounced with a perfect Impartiality towards

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those who had the Honour to serve him in the Province, however high or however subordinate might be their respective Stations.

By a stedfast Adherence to these Rules I trust that an effective System of Responsibility would be established throughout the whole Body of public Officers in Upper Canada, from the highest to the lowest, without the Introduction of any new and hazardous Schemes, and without Recourse to any System of which the Prudence and Safety have not been sufficiently ascertained by a long Course of practical Experience.

15. I next advert to Two Subjects of far more Importance than any of those to which I have hitherto adverted. I refer to the Demand made partly in the Report of the Committee, and partly in the Address from the Assembly to His Majesty, for Changes in the Mode of appointing legislative Councillors, and for the Control by the Assembly of the territorial and casual Revenues of the Crown.

On these Subjects I am, to a considerable Extent, relieved from the Necessity of any particular Investigation, because Claims precisely identical have been preferred by the Assembly of Lower Canada, and because, in the Instructions to the Commissioners of Inquiry who have visited that Province, I have already had occasion to state the Views which have received His Majesty's deliberate Sanction. The Principles of Government in the Two Sister Provinces must, I am well aware, be in every material respect the same; I shall therefore annex for your Information, as an Appendix to this Despatch, so much of the Instructions to the Earl of Gosford and his Colleagues as applies to these Topics.

In the Prosecution of the Inquiries of the Commissioners in Lower Canada, they will be instructed to enter into full and unreserved Communication with you upon these Questions, and to frame their Report in such a Manner as may enable His Majesty to adopt a just and final Conclusion upon the Course to be pursued respecting them in both the Canadas. For this Purpose you will supply the Commissioners with all the Information which you may think necessary for them to receive, and with every Suggestion which you may think it expedient to make for their Assistance in comparing the State of these Questions in the Two Provinces. If it should ultimately appear desirable, the Commission may perhaps be directed to resort to Upper Canada, there to pursue, in concurrence with yourself, a more exact Inquiry into these Subjects than they could institute at Quebec, in reference to the Affairs of the Upper Province.

In general, the Earl of Gosford and his Colleagues will be directed to enter into unreserved Communication with you, not only on the Points just mentioned, but on every Subject of common Interest to the Two Provinces. You on your Part will conduct yourself towards them in the most cordial Spirit of Frankness and Co-operation.

I have thus, in Order, adverted to every Subject to which the Assembly of Upper Canada have called the Attention of His Majesty's Government. You will communicate to the Legislative Council and to that House the Substance of this Despatch, as containing the Answer which His Majesty is pleased to make to the Addresses and Representations which I have had the Honour to lay before Him from the Two Houses in their last Session. I trust that in this Answer they will find sufficient Evidence of the earnest Desire by which His Majesty's Councils are animated to provide for the Redress of every Grievance by which any Class of His Majesty's Canadian Subjects are affected.

I close this Communication with the Expression of my earnest Hope, and I trust not too confident Belief, that the Representatives of the People of Upper Canada will receive with Gratitude and Cordiality this renewed Proof of His Majesty's paternal Solicitude for the Welfare of his loyal Subjects in that Province; and that, laying aside all groundless Distrusts, they will cheerfully co-operate with the King, and with you as His Majesty's Representative, in advancing the Prosperity of that interesting and valuable Portion of the British Empire.

I have, &c.
(Signed) GLENELG.

No. 2.

No. 2.
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to
Sir F. B. Head,
30th Dec. 1835.

(No. 5.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K.C.H.

Sir, Downing Street, 30th December 1835.

I have the Honour to transmit to you herewith the Copies of a Correspondence which has passed with the Secretary at War on the Subject of allowing to you, as Lieutenant Governor of Upper Canada, the Services of a Military Aide-de-camp, borne on the Establishment of this Country; and you will observe, that under the peculiar Circumstances of your Appointment the Secretary at War has consented, for the present at least, to apply to the Lords Commissioners of the Treasury for Permission to issue Pay to the Officer who may be selected by you to act as your Aide-de-camp.

Sir G. Grey, 18th Dec.
Mr. Marshall, 26th Dec.

I have, &c.
(Signed) Glenelg.

No. 3.

No. 3.
Lord Glenelg
to
Sir F. B. Head,
2d Feb. 1836.

(No. 15.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K.C.H.

Sir, Downing Street, 2d February 1836.

With reference to my Despatch of the 30th December, I have the Honour to inform you, that the Lords Commissioners of the Treasury have signified to me their Assent to the Arrangement proposed to them by the Secretary at War for providing for the Pay of your Aide-de-camp, in the Votes for Staff Services comprised in the Army Estimates; and their Lordships have also directed the Commissary on the Station to issue to that Officer the Allowances usually granted to Military Aides-de-camp.

I beg, however, to remind you that this Arrangement is to be considered as merely of a provisional Nature, to be discontinued whenever it may become possible to provide for the Pay and Allowances of your Aide-de-camp out of Provincial Funds.

I have, &c.
(Signed) Glenelg.

No. 4.

No. 4.
Lord Glenelg
to
Sir F. B. Head,
22d March 1836.

(No. 40.)

Extract of a Despatch from Lord Glenelg to Sir F. B. Head, K.C.H.

Sir, Downing Street, 22d March 1836.

I have received your Despatches, dated the 5th and the 15th of February, Nos. 3. and 5., containing Copies of the Communications which had passed between yourself and the Legislative Council and Assembly of Upper Canada.

Before I pass to the particular Subjects to which you have thus called my Attention, I would avail myself of this Commencement of our official Correspondence as a fit Opportunity, for explaining the Spirit in which I am anxious that it should be conducted. It is impossible that I should place implicit Confidence in my own Conclusions respecting passing Events in Upper Canada as they are successively reported to me. Although I do not regard a personal Observation of such Occurrences essential to a correct Understanding of their Character and Tendency, yet at this Distance from the Scene it is often

 unavoidable

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Sir F. B. Head,
22d March 1836.

unavoidable that my Judgment on such Matters should for a considerable Time be suspended; during any such Interval I anticipate great Relief and Support from the Reliance which I am happily entitled to repose in your Discretion. I shall however offer for your Solution any Doubts which may suggest themselves to me with perfect Unreserve, and without yielding to the Fear that you will ever misconstrue such Inquiries into an Expression of Distrust or of unavowed Disapprobation. In the Pursuit of the great Object which we have in common, you will, I am sure, agree with me, that our official Intercourse should be characterized both by an entire Frankness and by mutual Confidence, and that on either Side the most indulgent and favourable Construction should be given to every Expression which may be susceptible of more than One Meaning.

Reverting now to the Subject of the Despatches to which I have referred, the first Remark which occurs to me relates to the Manner in which you made your inaugural Address to the Two Houses of Provincial Legislature. It appears to have been delivered by you in Person in the Council Chamber, although the Session was still in progress. I presume that you considered this Peculiarity in the Mode of communicating with the Legislature as required and justified by the Novelty of the Occasion. I should entirely concur in that Opinion, if I were assured that neither of the Houses would complain of having been thus summoned into the Governor's Presence, as a Breach of their Privileges. I trust that no such Objection has been raised, or that if insisted on by any one, it will have been overruled by the good Sense and right Feeling of the Legislative Bodies.

Your Address to the Council and Assembly was judicious and well considered.

In proceeding to communicate a complete Transcript of your Instructions, instead of the Substance of them, you exercised a Discretion which I do not venture to disapprove. It is impossible to prescribe for the Guidance of an Officer placed in such a Situation as yours Rules of Conduct on Questions of this Kind, so inflexible as not to yield to Circumstances which could not be foreseen, or to the Pressure of Considerations which at this Distance could not be appreciated.

The Motives which prompted you to avow in the most public Manner, that in thus divulging the precise Terms of your Instructions you were acting in opposition to His Majesty's Orders, command my Respect, even though I am not quite satisfied of their Sufficiency. Though less consonant with the frank and open Bearing of your own Character, it might have been more judicious to avoid the direct Avowal of the Fact that you were disregarding an express Injunction of the King. In your Solicitude to take upon yourself the Responsibility which you have thought it right to incur, you may perhaps have, however unintentionally, contributed a little to impair the Respect due to the Royal Authority.

I do not disguise from you my Fears that the Publication of that Part of the Instructions to the Commissioners in Lower Canada, which was subjoined to your own may have involved the Earl of Gosford in much Embarrassment. I am not without an Apprehension, that the Effect of your having adopted a Course, different from that which Lord Gosford had previously taken, may have been to create a Feeling of Dissatisfaction on the Part of the Legislature of Lower Canada, which may seriously impede the successful Progress of his Mission. As it was in your Power to have communicated, on his Lordship's Responsibility, the Statement which he had himself conveyed to the Legislature of the Lower Province, of the Effect of those Passages of the Commissioners Instructions which were appended to your own, I do not perceive why you could not have accompanied a literal Transcript of the Body of your Instructions with the Epitome which Lord Gosford had already prepared and used of the Appendix to them.

The Address of the House of Assembly of the 5th of February placed you in a Position of Delicacy, from which you extricated yourself with Skill, Calmness, and Discretion.

I have thus addressed you in that Spirit of Frankness and Unreserve to which I referred in the Commencement of this Despatch. The respectful Expression of such Differences of Judgment as may arise between us may,

I am

No. 4.
Lord Glenelg
to
Sir F. B. Head,
22d March 1836.

I am convinced, be made without hazarding on either Side the Loss or the Diminution of that mutual Confidence with which it is our Duty to co-operate, for the Advancement of the King's Service and the general Welfare of His Majesty's Subjects.

I desire to express my Approbation of the Spirit and Manner in which you conduct your official Intercourse with the House of Assembly,—temperate, judicious, and self-possessed; meeting their Wishes cordially whenever you are able, and when you think yourself precluded from so doing, announcing to them frankly and courteously, your Opinion and Determination.

No. 5.

No. 5.
Lord Glenelg
to
Sir F. B. Head,
22d March 1836

(No. 41.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 22d March 1836.

I have received your Despatch dated the 5th of February, No. 4., on the Subject of the domestic and pecuniary Difficulties by which you are encountered in the Administration of the Government of Upper Canada.

I admit without Reserve, that when I had the Honour to signify to you His Majesty's Pleasure that this high Trust should be offered to your Acceptance, no political Connexion or personal Acquaintance subsisted between us. You were known to me only by your general Reputation, and by the Reports of those who had enjoyed the Opportunity of estimating your Qualifications for the Conduct of public Affairs. Having met on these Terms, I further acknowledge, that in our Conversations before you quitted England you urgently and repeatedly communicated to me your Apprehension, that in succeeding an Officer of Military Rank so much above your own, and in appearing as Lieutenant Governor of the Province denuded of many of those Indications of Authority which he had borne, you would labour under grave Disadvantages. Whether you also insisted on the probable Inadequacy of your official Income to your inevitable Expenditure, my Memory is not equally clear; but I attach greater Weight to your Recollections than my own of what then passed between us, and am willing to consider the Subject now, on the Assumption that before your Departure from England this Difficulty was distinctly foreseen and intimated by you.

The Question respecting a permanent Aide-de-camp has, I am happy to say, been adjusted according to your Wishes and Recommendation; a Provision for that Charge has been introduced into the annual Estimate, and has been sanctioned by the House of Commons.

The Necessity of supplying the Deficiency in your Military Rank by some Accession to your Civil Honours, was brought under the Consideration of the King on the Eve of your Departure for America, when His Majesty was graciously pleased to promote you in the Guelphic Order. I would cheerfully refer to your own more mature Judgment the Question, whether, under such Circumstances, I could with Propriety submit to the King my Advice to transmit to you a Patent for a still higher Dignity. The Value (because the Significancy) of such Honours depends chiefly on the Occasion on which they are bestowed, and the Motives which may appear to have suggested the Grant. Having proceeded to Upper Canada with one recent Mark of His Majesty's Favour, if you should receive a Second within a few Weeks from your Assumption of the Government, so precipitate an Eagerness to confer Rewards, at the very Commencement of your Service, must either appear unaccountable, or if the Fact that you had been raised to the Rank of a Baronet on the Receipt of your first Despatches from Upper Canada, in consequence of your having discovered and reported that this Dignity was necessary for the Support of your Influence there, were publicly avowed, the Object itself would be defeated by such an Avowal.

 Further,

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to
Sir F. B. Head,
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Further, it is not at all evident that the Object which you have in view would be secured or even promoted by your Accession to the Rank of a Baronet. The Difficulty with which you have to contend is, that although Governor of the Province, and therefore elevated above every other Person there in Civil Rank, you are yet, in your Military Position, several Degrees below many of those with whom you are constantly brought into official or personal Intercourse. Now this Difficulty, whatever be its force, would be unimpaired, even if your Promotion to the Baronetage should take place.

For these Reasons I have not been able to submit your Name to the King as an eligible Candidate for the Dignity of a Baronet, at the present Time; yet, cautiously guarding myself against being supposed to enter into any Pledge, direct or indirect, on the Subject, I readily admit, that it is a Reward to which any Man who should successfully accomplish the Objects of your Appointment in Upper Canada might properly aspire.

On the Subject of your official Income you reason upon Principles to the Truth of which I willingly subscribe. I admit that your annual Receipt ought at the very least to cover your annual Expenditure, and that the Public have not the slightest Claim to expect the Devotion of your private Resources to the Charges of your Government. I further acknowledge, that the Governor of so important a Part of His Majesty's Dominions must incur many Expenses, which not only do not promote, but which may tend greatly to impair his personal Comfort and Gratification. I also allow, that on taking possession of such an Office, no Man can abruptly reduce to any considerable Extent the Scale of Hospitality and of visible Expenditure of his immediate Predecessor, without incurring a Loss of Influence much more than proportionate to that Reduction. All this being conceded, the Inquiry is, whether you can properly maintain the Expense of the Government of Upper Canada on an official Income, less than that of Sir John Colborne by the Amount of the Military Allowances which he received as the Chief Officer in command of His Majesty's Forces in the Province. The Advantages which he derived from the Command of a Regiment must be excluded from Consideration: they formed an accidental Accession to his Income, and must be regarded as Part of his private Fortune, and not in any Manner connected with his Government.

Now, in attempting to determine how far an Income of 3,350*l.* per Annum is sufficient to provide for your reasonable Expenses, including amongst them that liberal Style of living which your Station exacts, and which the Public have been taught to anticipate, I have no Rule for my Guidance, except that which I may derive from Sir John Colborne's Experience, and from your own. Earnestly disclaiming the Presumption of constituting myself a Judge of the Wisdom of any Part of your Predecessor's domestic Arrangements, I am yet compelled, by your Reference to them, to remark that they seem to have been projected upon a Plan according rather with the Munificence of his Disposition than with the Exigencies of his Office. I confess that I doubt whether a Governor of Upper Canada, could with any Justice be expected to extend his Hospitality, to the numerous Travellers attracted to the Province by Curiosity or other Motives. Neither am I convinced that it could be really necessary or advantageous to provide Entertainments for every Colonist above the Rank of a Retail Shopkeeper. Any Person placed at the Head of the local Society must have it in his Power, to no inconsiderable Extent, to regulate the prevailing Usages of all the wealthier Classes on Subjects of this Kind; and while he may be justly expected to take the Lead in placing social Intercourse on a liberal and agreeable Footing, will also be at liberty to inculcate and to recommend by his Example those simple and prudent Habits of Life, which to a certain Extent ought to prevail in every Country, where there is a constant and increasing Demand for the Accumulation and Employment of Capital.

The Experiment tried by Sir John Colborne, conducted as it was upon so large a Scale, does I confess not appear to me conclusive. Your own Experience, at the Date of your Despatch, embraced only Eleven Days, in which it is impossible that many Hours could have been given to the Consideration of any Questions of Domestic Economy. I am thus without any Ground on which I could recommend to Parliament a Grant in aid of your Provincial Income. If I possessed such Grounds, His Majesty's Government would infallibly

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Lord Glenelg
to
Sir F. B. Head,
22d March 1836.

infallibly be met in the House of Commons by the Assertion of the Principle, that every Colony should maintain its own Civil Government; a Principle which, if it be respected in this Country on the Ground of national Economy, is yet more justly valued in the Colonies, as a Security against the Interference of Parliament with their internal Affairs.

If after a sufficient Length of Observation it shall be established to your Satisfaction and my own, that your official Income is inadequate to the Demands to which your Office reasonably subjects you, I shall think it my Duty, not for your Sake merely, but with a view to the permanent Interest of the Public at large, to stipulate for the necessary Increase as a Part of that Civil List for which His Majesty's Hereditary Revenue is to be surrendered.

Such is the only Answer which it is in my Power to return to your Despatch. I cannot suppose that you intended to open this Discussion by compelling me to elect between the immediate and unqualified Acceptance of all your Terms, and the immediate Acceptance of your Resignation. I cannot conceal from myself, nor shall I affect to conceal from you, that your Retirement from the Office would be highly inconvenient in its direct, and still more in its indirect Consequences. In the Extent of your Ability to distress the King's Government, and to impede His Majesty's Service, I find, however, the strongest Security against your Resort to the Use of that Power. The high Opinion which I entertain of your Character and Principles is sufficient to prevent my doing you the Injustice of believing that at so early a Period, and without clear and indisputable Necessity, you will abandon the important Trust so recently committed to your Charge. You will, I am convinced, review the Decision which you have announced, and withhold your final Determination until you shall have maturely weighed the various Considerations, of a public as well as a private Kind, which appear to forbid your Retreat from the arduous and therefore honourable Station in which it has been His Majesty's Pleasure to place you; for myself at least, I must decline the Responsibility of laying your Resignation before The King, and of concurring in so untimely a Change in the Administration of Affairs of the Province, until I shall have received your Answer to this Despatch. You must permit me to commend the whole Subject to your mature and patient Reflection; and to remind you, that it is no longer possible for you to consider your personal Concern in the Question, except in its Connexion with national Interests of the greatest Importance.

I have, &c.
(Signed) GLENELG.

No. 6.

No. 6.
Lord Glenelg
to
Sir F. B Head,
30th March 1836.

(No. 43.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 30th March 1836.

I HAVE the Honour to acknowledge the Receipt of your Despatch of the 23d February, No. 9., announcing that you had found it necessary to increase the Number of Executive Councillors of Upper Canada, and that you had accordingly appointed to that Situation, until His Majesty's Pleasure should be known, Messrs. J. H. Dunn, R. Baldwin, and John Rolph.

I beg to convey to you my Approval of this Measure, and I shall have much Satisfaction in recommending to His Majesty to confirm the Appointment of these Gentlemen. I have also to express to you my Concurrence in the Propriety of the Course which you adopted with reference to the Conditions attempted to be attached by Mr. Baldwin to his Acceptance of the Post of Executive Councillor, and I am happy to perceive that Mr. Baldwin has not, by persisting in his Demands, deprived His Majesty's Service of the Advantage which will, I trust, result from his Assistance at your Councils.

I have, &c.
(Signed) GLENELG.

No. 7.
Lord Glenelg
to
Sir F. B. Head,
31st May 1836.

No. 7.

(No. 60.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 31st May 1836.

YOUR Despatch of the 6th April, announcing that you proposed on the 20th of that Month to prorogue the Legislature of Upper Canada, reached me on the 14th instant. No further Intelligence has as yet been received at this Department from the Province.

You will readily understand with how deep an Interest, I have perused your Recapitulation of the Events which have marked the last Session of the Legislature of Upper Canada, and how anxiously I have expected the Arrival of those Communications which would complete the Record of its Proceedings up to the Date of its Prorogation. In the Absence of Intelligence on these important Points, I feel that it is not possible for me to convey to you any definite Instructions for your Guidance, or even to express any decided Opinion on the Course which you have hitherto pursued; but nevertheless I cannot allow the present Opportunity to pass without an Acknowledgment of your recent Despatches, and without assuring you that my Colleagues and myself are fully alive to the Delicacy and Difficulties of your Situation, and are most anxious to relieve you in some degree from that undivided Weight of Responsibility which the present Posture of Affairs has unavoidably devolved on you. The Trust which we repose in your Discretion and Judgment, diminishes the Anxiety which we should otherwise feel on this Point. In whatever Circumstances you may be placed, I am confident that your Measures will continue to be distinguished by a firm, yet temperate and conciliatory Exercise of the constitutional Powers entrusted to you, and that you will by your Conduct ensure to yourself the Approbation of the well-disposed Classes in the Province, and vindicate His Majesty's Selection of you for the important Post which you now occupy..

Whenever your further Despatches shall be received His Majesty's Government will lose no Time in devoting their Attention to the whole Subject of the present State of Affairs in Upper Canada, and in conveying to you the necessary Instructions for your Guidance.

I have, &c.
(Signed) GLENELG.

No. 8.
Lord Glenelg
to
Sir F. B. Head,
3th June 1836.

No. 8.

(No. 63.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 13th June 1836.

I HAVE the Honour to inform you, that the Petition to the House of Commons from the Assembly of Upper Canada, a Copy of which you transmitted to me in your Despatch of the 21st April, No. 26, was presented to the House by Mr. Hume on Friday last, the 10th instant.

In presenting the Petition, Mr. Hume abstained from stating its Contents or making any Observations on its Prayer, but he announced his Intention of moving that it should be printed, with a view to its being considered on a future Day.

On the usual Motion that the Petition should lie on the Table, Sir George Grey stated, that, owing to the Course adopted by Mr. Hume, he should also abstain at that Time from any general Observations on the Petition, but that, having seen a Copy of the Petition, he was aware that it contained a Charge affecting your personal Character, a Charge which you had fully and openly met in a Despatch addressed to me, and that he should therefore feel it to be his Duty, should the House order the Petition to be printed, to move for the Production of so much of your Despatch as related to that Charge, in order that your Statement might be before the House at the same Time with the Petition.

As

No. 8.
Lord Glenelg
to
Sir F. B. Head,
13th June 1836.

As it is not intended to offer any Objection to the Petition being printed, it is the Intention of Sir George Grey to move immediately for the Production of an Extract from your Despatch of the 21st April, and of the Enclosures referred to in that Part of the Despatch, which will be produced, and which will be printed at the same Time with the Petition.

I need scarcely add, that I consider the Explanation which you have afforded to be a full and complete Answer to the Charge, which has been preferred against you.

I have, &c.
(Signed) GLENELG.

No. 9.

No. 9.
Lord Glenelg
to
Sir F. B. Head,
14th June 1836.

(No. 64.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 14th June 1836.

No. 26, 21st April.
No. 28, 27th —
No. 29, 28th —
No. 30, 4th May.
No. 32, 8th —
No. 33, —

I AVAIL myself of the earliest Opportunity which I have been able to find for acknowledging the Receipt of the Despatches enumerated in the Margin.

It must be superfluous to assure you of the deep and lively Interest with which His Majesty's Government contemplate the recent Proceedings in Upper Canada, or to state our Conviction of the decisive Influence which your Measures must exercise on the Affairs of British North America in general. With such Views of the Magnitude of the Occasion, I find it impossible to discuss the various Questions raised or suggested by the Despatches before me, until I shall have been able to bring them fully under the Notice of my Colleagues; at the same Time, there are some Topics which I do not think it right to postpone, and to which I shall for the present confine myself.

It is with equal Surprise and Concern that I have read the Terms in which, in your Despatch of the 8th of May, you refer to my Despatch No. 40. of the 22d of March. You observe that it is your Duty to receive with silent Submission all Expressions of my Disapprobation, and proceed to defend yourself against the Charges which you understand me as having intended to prefer. I am, however, at once able and happy to say, in the most unqualified Manner, that my Despatch of the 22d of March was not written with the Design of conveying any Reproof, or of intimating any Disapprobation; and I am persuaded that on referring to it again, you will be satisfied that no Room really exists for the less favourable Construction which you have given to my Words. Entertaining Doubts of the Conformity to Parliamentary Usage of one of your Proceedings, and not satisfied as to the Prudence of another, I expressed my Views without the slightest Reserve, though not without some Uncertainty how far they might be well founded. In thus addressing you, nothing could be more remote from my Purpose than to censure your Conduct; I simply availed myself of that Privilege of frank and open Intercourse, which must subsist between all Persons jointly engaged in the Pursuit of a common political Object, and without which public Affairs could never be conducted with Safety or Success. Ready as I am, at all Times, to receive and to invite from the Governors of His Majesty's Colonies, the Expression of any Dissent from my own Judgment, I think myself entitled to claim from them an equal Freedom in avowing whatever Difficulty I may feel respecting any of their Measures. It is my earnest Wish to maintain, with yourself especially, such Habits of reciprocal Confidence as shall, in our official Relation to each other, ensure both of us against Misconceptions, which might be prejudicial to His Majesty's Service and to the general Interests of the King's Subjects.

Your Construction of my Despatch No. 40. has given me the greater Pain, because to address you in the Language of Reproof was not only remote from my real Intention, but in direct Contradiction to it.

Without anticipating the Opinions which I may hereafter have to express respecting your Administration of the Government of Upper Canada, I cannot omit to acknowledge that it has been characterized by a Zeal for the general Good of the Province, and by an Energy, Firmness, and Promptitude of Decision which entitle you to the cordial Sympathy and grateful Acknowledgments

No. 9.
Lord Glenelg
to
Sir F. B. Head,
14th June 1836.

of the Ministers of the Crown. To be insensible to the Spirit and the Ability with which you have acted, and to give to occasional Errors of Judgment (if Errors they really were) more Attention than to the predominating Motives and the broad Character of your Policy, is a Reproach to which I cannot admit myself justly liable.

I will not pass over in Silence, even on the present Occasion, your Demand for Advancement to the Dignity of a Baronet, even though I am unprepared to convey to you my final Answer on that Subject. I trust that you will receive what I am about to state as intimating no foregone Conclusion on the Question, for it is in truth, under the peculiar Circumstances of the Moment, a Question involving many Considerations upon which I must necessarily consult with my Colleagues in Office.

I must, however, notwithstanding the Strength of your Expressions, venture to doubt whether, on more mature Reflection, you would really think it right to make your Continuance in your present Office dependent, on the immediate Acquiescence in that Demand. I do not suggest those Considerations which more immediately relate to your own personal Honour and Reputation in this Matter, because a Right to touch on such Topics is among the Privileges only of private and personal Intimacy; but I am perhaps at liberty to remind you of the Claims, which the King, and His Majesty's Subjects at large, are entitled to prefer, and to which I am convinced that you are keenly alive. It is not less true in Civil than in Military Life, that the Moment of Peril is never to a brave and loyal Man, the Moment of Retreat. Of all Men he is least entitled to retire at such a Season, who, in a just and fearless Reliance on his own Resources, has undertaken an arduous Responsibility which it might be impossible to devolve on a Successor. He who acts in this Spirit may be fairly said to have given the most sacred Pledge to abide the Issue of his own Undertaking. Nor need I remind you, that no one who in that Spirit perseveringly and successfully serves the King, on a conspicuous Theatre of Action, can justly doubt that the Reward of such generous Self-devotion will be dealt out with no niggard Hand, by his King and Country.

I have but one other Topic to notice at present. You demand a full and unfettered Discretion in the Conduct of the Affairs in which you are engaged, and deprecate all unnecessary Interference. His Majesty's Government, while they respect the Independence, subscribe to the Justice of this Claim. On this Subject I cannot explain myself more clearly, than by transmitting to you the accompanying Extracts from a Despatch, which on the 8th instant I addressed to the Earl of Gosford. You will receive them as entirely confidential, but as containing Rules for your own Guidance.

Vide Papers relative to the Affairs of Lower Canada, ordered to be printed 20th February 1837. Page 31.

I trust that my promised Communication will not be long delayed, but I must guard myself against entering into any specific Pledge as to the Time when I shall be able to transmit it to you.

I have, &c.
(Signed) GLENELG.

No. 10.
Lord Glenelg
to
Sir F. B. Head,
25th July 1836.

No. 10.

(No. 73.)

COPY of a DESPATCH from LORD GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 25th July 1836.

29 Feb. 1836, No. 12.
21 Mar. — No. 15.
6 April — No. 24.
21 — — No. 26.
27 — — No. 28.
28 — — No. 29.
4 May — No. 30.
8 — — No. 32.
8 — — No. 33.
11 — — No. 35.
16 — — No. 37.
19 — — No. 38.
28 — — No. 40.
1 June — No. 41.
30 May — No. 42.

IN my Despatch of the 14th ultimo, No. 64., I acknowledged the Receipt of various Despatches from you, although I stated that I was unable to discuss at that Time all the Questions raised or suggested by them. I enumerate in the Margin the Series of Despatches to which it is my present Purpose to advert, including those referred to in mine of the 14th of June. I would not willingly have departed from the Rule of official Correspondence, which requires that a separate Answer should be returned to each distinct Communication; but the various Topics brought under my Notice in this Series of Despatches are so intimately blended with each other that I find a strict Adherence to that Rule in the present Instance impossible.

1. Of

No. 10.
Lord Glenelg
to
Sir F. B. Head,
25th July 1836.

1. Of these Topics, the first in order of Time is the Appointment of Captain Macaulay to the Office of Surveyor General. Your Proceedings in regard to the late Surveyor General, Mr. Hurd, are entitled to my unqualified Approbation; in calling upon that Gentleman to resign, you discharged an invidious Duty with equal Firmness and Moderation. I also approve your Refusal to appoint Mr. Radenhurst as his Successor, notwithstanding the Number and Weight of the Testimonies in favour of that Gentleman. I do not inquire whether the Charges preferred against Mr. Radenhurst, of a Breach of Trust in the subordinate Office which he had so long filled, were well founded or otherwise,—that Inquiry is not necessary to the Consideration of his Claims for Advancement,—I must look at him, not in the Light of a Person called upon to exculpate himself from the Imputation of a grave Offence, but as a Candidate for a public Trust of the highest Importance; and in this View of the Matter I am bound to decide against his Claims, conceiving it to be impossible that he should enjoy public Confidence.

The Appointment of Captain Macaulay appears, in so far as his personal Character and Qualifications for the Office are concerned, to have been entirely unexceptionable. But as Captain Macaulay deliberately tendered the Resignation of that Office, without any Explanation of his Motives, but (to quote his own Language) "on Grounds which, as a Wellwisher of the Government, were "with him paramount," I cannot hesitate to accept that Resignation, and to impose on you the Duty of making another Choice.

2. The Proceedings which led to the Resignation of the Executive Council next demand my Attention. In the Address of the 4th of March from that Body to yourself, I understand them to maintain, that the Constitutional Act of 1791 imposed on the Governor, the Duty of communicating with the Council on every Act of his Administration, and required him on every Occasion to abstain from the Exercise of his Powers until he had first weighed and had either adopted or rejected their Advice. Their Address must further be understood as an Assertion that the People at large believed such to be the System actually observed by yourself and your Predecessors; and in the event of your not being disposed to adhere to it, the Members of the Council demanded your Permission to disabuse the public Mind on this Subject.

From the Construction thus given to the Act of 1791 I must altogether dissent; nor do I know that it would be possible to refute it, in Terms more complete and satisfactory than those employed in your Answer of the 5th March. I find it moreover very difficult to believe that the People of Upper Canada at large, supposed such Powers to be habitually and practically exercised by the Executive Council. In so contracted a Society as that of Toronto it is impossible that the Public should not have been better informed on a Question of such general Interest, and respecting which the Means of obtaining correct Intelligence could not have been really wanting.

When I advert to the Length of Service of Messrs. Robinson, Markland, and Wells in the Council, and to their constant Acquiescence in the Practice which they at length denounced as unconstitutional, I have no Difficulty in declaring my Opinion that you judged and acted rightly in calling upon them to resign their Seats at the Council Board. You will inform them that His Majesty has been pleased to accept their Resignations.

With regard to Messrs. Dunn, Baldwin, and Rolph, who had very recently taken their Seats at the Board, there is, I think, room for a much more favourable Interpretation of the Terms of the Address of the 4th of March. Differing as I do from them as to the Construction of the Act of 1791, and doubting the Prevalence of the Opinion which they requested Permission to contradict, I am yet willing to believe that they signed the Address under the Influence of no Motives but such as might have been reconciled with their Duty to the Crown and with their cordial Co-operation with yourself in the proper Business of the Executive Council. Some Indulgence may perhaps have been due to the Novelty of the Situation in which they found themselves placed, and to Distrusts which a more intimate Acquaintance with you, might perhaps, have promptly dispelled. I admit, however, unreservedly, that so long as they continued to assert the Right of Intervention, in every Act of the Executive Government, it was impossible that you should receive them as Members of your Council. Messrs. Baldwin and Rolph having adhered to that Demand, your Breach with

No. 10.
Lord Glenelg
to
Sir F. B. Head
25th July 1836

them was unavoidable. Mr. Dunn having offered to recede from it, a Distinction, as it seems to me, might have been made in his Favour.

You took, indeed, an Objection to the Address of the 4th March, which, if well founded, certainly left no Possibility of separating the Case of any One Member from that of his Associates. Your Answer represents that Address as asserting the Principle that the Members of the Executive Council are to be responsible, not to the King, or to His Majesty's Representative in the Province, but to the People, or to the popular Branch of the Legislature. Whether a latent Meaning of this Kind may really have been entertained in any Quarter it is not for me to decide; no such Pretension, however, appears to have been distinctly avowed by the Members of the Council themselves. When I advert to the State of public Affairs in the Province, at the Period in question, I cannot but admit that you had probable Grounds for assuming that the Construction which you placed on the Address of the 4th of March, was not in fact, at variance with the Meaning and Purpose of the Authors of that Document. Still I am not satisfied that it was judicious to ascribe to their Language an offensive Sense of which it is not necessarily or properly susceptible; it strikes me, on the contrary, that a needless Disadvantage was incurred by thus preferring a Charge to which the accused Parties might assert that they had not rendered themselves liable.

3. From a Consideration of your Proceedings regarding the Executive Council, I naturally advance to a still more important Subject.

After reviewing the Conduct of the House of Assembly from the Time of the Resignation of the Six Members of the Council, to the Close of the Session, and after considering the Language of the House and of its Committee on the Topics at Issue, between you and the Councillors, I must own myself at a Loss to determine what is the precise Principle on which, as to the Question of Responsibility, the Majority of the House were finally prepared to take their Stand. The Language of the House, indeed, in its Addresses and Resolutions, would embrace that Principle in its utmost Latitude; so also in the Report of the Committee, there are some Passages which appear to maintain that Doctrine in the largest Sense in which it has ever been put forward in any of the Colonies, namely, that as in this Kingdom the King acts on the Advice of responsible Ministers, so in the Canadas the Governor is to act on the Advice of a responsible Council. There are again other Passages in the Report which present the Principle in a more modified Character, limiting it to the Obligation imposed on the Lieutenant Governor to consult the Executive Council on all public Questions, although at the same Time admitting his Freedom to act in opposition to their Advice. But, in order to judge of the Propriety of your Proceedings, it is quite unnecessary to inquire what may have been precisely the Views of the House of Assembly. Whatever may have been their Meaning, the Course of Conduct which they adopted and the Position which they assumed seem to me to have made a Rupture with that Body unavoidable. Let it be assumed that the Principle for which they desired to contend, was by them taken in the more moderate of the Two Senses already stated, and let it be admitted further, which certainly I am by no means prepared to admit, that this Principle is calculated to advance the Well-being of the Province, still, as no such Principle can be recognized either as incorporated in the Text or exemplified in the Practice of the Provincial Constitution, the House was surely not entitled to adopt the extreme Measure of stopping the Supplies on this Occasion. Much indeed is it to be regretted that this great Constitutional Resource was resorted to for the Purpose of attempting to enforce Changes in the System of Government itself, Changes more especially which neither His Majesty's Representative in the Province nor his subordinate Officers have Power to introduce. Under these Circumstances, and with the strong Conviction which you entertained as to the general Dissatisfaction of the Inhabitants with the Conduct of their Representatives, I approve your Prorogation and subsequent Dissolution of the Assembly.

4. The House has ascribed to you, a wilful Departure from Truth, on the Subject of Mr. Sullivan's contingent Accession to the Government of Upper Canada. On this Point I have already expressed to you my Opinion that your Defence is satisfactory and conclusive.

5. With respect to the Reservation of the Money Bills for the Signification of His Majesty's Pleasure, and the Refusal of the Contingencies of the House, although

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Lord Glenelg,
to
Sir F. B. Head,
25th July 1836.

although I am of opinion that such Measures ought not to be resorted to except on Grounds of the most cogent Necessity, I am disposed, with the Information which I at present possess, to think that, committed as you were to a great Contest, and encountered by an unreasonable Employment of Weapons reserved only for extreme Emergencies, you were justified in summoning to your Aid all the Powers which the Constitution has in store for such a Crisis.

6. I now proceed to your Recommendation that Mr. Dunn should be removed from the Office of Receiver General. Disposed as I am at all Times to accede to your Wishes, I must own myself unable to comply with the present Suggestion. I have already said that I distinguish favourably Mr. Dunn's Conduct from that of his Fellow Councillors. He is chargeable neither with the Inconsistency of Messrs. Robinson, Markland, and Wells, nor with the peremptory Adherence of Messrs. Baldwin and Rolph, to the Demands made in the Letter of the 4th of March. Widely as I differ from Mr. Dunn in his Construction of the Act of 1791, I do not presume to censure his frank and firm Assertion of an opposite Judgment, which, when apprized of your Dissent, he expressed his Readiness not to urge to any practical Consequence inconsistent with the faithful Discharge of his Duty. The only other Error attributed to him is that of having written in the ordinary Language of Courtesy respecting a Proceeding of the House of Assembly—a Proceeding to which he lent no Aid or Countenance, and of which indeed he had never heard until it was officially made known to him. So far am I from reprobating Mr. Dunn's Adherence to the conventional Language of Respect, in alluding to any Act of the Representatives of the Canadian People, that I should have been ready to condemn as unprofitable and as injurious to the Cause of good Government the Employment of a less measured and ceremonious Style.

7. On referring to the Addresses from yourself to public Bodies in the Province, which accompany your Despatches, I feel Pleasure in doing Justice to the Ability, Decision, and ardent Zeal for His Majesty's Service by which they are in general characterized, and to the Soundness of many of the Principles which they assert and vindicate. But I am compelled to express, however reluctantly, a Wish that some of the Expressions contained in them had been more carefully weighed, and that you had more studiously maintained the temperate Forbearance and Reserve, by which such Compositions are usually distinguished, and by which alone, they can be effectually recommended to the respectful and dispassionate Attention of Society at large.

8. Your Despatch of the 1st of June, No. 41, tenders the Resignation of your Office, on the Ground "that you do not agree in Opinion with the Commis-"sioners of Inquiry in Lower Canada," and that, "as regards their Policy, you "have not an Idea in common with them," and because "their Policy has a "democratic Character, to which you cannot justly conform." To these general Remarks you proceed to add Censures, of no ordinary Severity, of a particular Act of Lord Gosford's Administration, viz. the Promotion of M. Bédard. Respecting M. Bédard's Preferment, it may be sufficient to observe, that you are very imperfectly acquainted with the Circumstances of the Case, and with the Motives which influenced Lord Gosford's Conduct. On much more ample Information His Majesty has been graciously pleased to approve and confirm that Choice.

Your Remarks respecting the Reports of the Commissioners are, I must be permitted to think, premature, as His Majesty's Decision upon those Reports is not yet known. I shall not enter into any Explanation of the Opinions which I entertain in regard to the Questions discussed by the Canada Commissioners, nor can I advise His Majesty to accept your Resignation on the Ground on which it is thus placed.

In my Despatch which accompanied your Commission, I have attempted to lay down, with the utmost possible Precision, the Principles on which His Majesty expects and requires you to act. Those Instructions I see no Reason to depart from or to qualify. I trust that you will steadily adhere to them as the Rule and Guide of your Conduct, even when they may coincide with the Reports of which you have pronounced so unqualified a Condemnation. If, indeed, I were to understand your tendered Resignation as declaratory of any Purpose to administer the Government of Upper Canada in opposition to the Principles recorded in those Instructions, then, whatever Pain and Regret it

No. 10.
Lord Glenelg
to
Sir F. B. Head,
25th July 1836.

might cost me, I should certainly feel myself bound in good Faith and Consistency to advise His Majesty to accept your Offer; but, without an evident Necessity, I will not so construe your Expressions, nor permit myself to doubt that you are resolved, under all Circumstances, to conduct the Government of Upper Canada in no other Spirit and no other Principles, than those which pervade your original Instructions. His Majesty's Government look to no transient Results or temporary Triumphs; they seek to allay public Discontents, and to promote the general Good of the People, by a resolute Adherence, under every Change of accidental Circumstances, to what they must esteem as sacred and immutable Rules of British North American Policy,—Rules which will rather gain than lose in Importance, if, as I trust, a Period is approaching at which the Affairs of Upper Canada may be adjusted, with an Assembly prepared to regard the Maintenance of the Constitutional Rights of the other Branches of the Legislature, as essential to the Preservation of its own legitimate Authority and Privileges.

9. On the Subject of your Claim to be advanced to the Dignity of a Baronet, I refer you to my Despatch of the 14th June, No. 64, as containing the *final* Decision of His Majesty's Government.

I have, &c.
(Signed) GLENELG.

No. 11.

No. 11.
Lord Glenelg
to
Sir F. B. Head,
25th July 1836.

(No. 74.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 25th July 1836.

I HAVE to acknowledge the Receipt of your Despatch of the 21st March, No. 17., notifying your Appointment of Messrs. Sullivan, Elmsley, Baldwin, and Allan, to the Executive Council of Upper Canada. I have submitted the Names of these Gentlemen to His Majesty in Council, and I trust that by the next Opportunity I shall have it in my Power to convey to you His Majesty's Decision thereon.

I have, &c.
(Signed) GLENELG.

No. 12.

No. 12.
Lord Glenelg
to
Sir F. B. Head,
25th July 1836.

(No. 75.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 25th July 1836.

I HAVE the Honour to inform you that I have received from Mr. Bidwell a Letter, dated the 25th April last, containing some Observations on your Administration of the Government of Upper Canada, and more particularly referring to Communications which he states to have passed between you and himself. You are aware that the Rules which, upon public Grounds, have been established in regard to Correspondence with this Department, preclude me from receiving any Communications from the Colonies involving Matters of Provincial Interest, except through the Governor of the Colony in which the Writer may be settled. It is unnecessary to say, that in the present Instance I cannot depart from that Rule; still less can I entertain Statements inculpating the Governor of a Colony, unless that Officer shall have had the most ample Opportunity of answering them.

I have therefore not felt myself at liberty to take Mr. Bidwell's Letter into consideration until you shall have had an Opportunity of offering in regard to it any Remarks which you may consider necessary. For this Purpose I request that you will apply to Mr. Bidwell for a Copy of that Letter.

In addressing to you my Acknowledgment of Mr. Bidwell's Letter, that Gentleman will understand that I mean no personal Discourtesy towards him, but that I act according to a Rule which has been invariably applied to all similar Cases.

You will communicate a Copy of this Despatch to Mr. Bidwell.

I have, &c.
(Signed) GLENELG.

No. 13.

No. 13.
Lord Glenelg
to
Sir F. B. Head,
25th July 1836

(No. 76.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 25th July 1836.

I have the Honour to inform you, that I have received from Mr. Rolph a Letter containing a Statement of the Circumstances which led to the Resignation of the late Executive Council of Upper Canada, and commenting at considerable Length on your Conduct, and on that of the other Parties concerned in that Transaction. You are aware that the Rules which, upon public Grounds, have been established in regard to Correspondence with this Department preclude me from receiving any Communications from the Colonies involving Matters of provincial Interest, except through the Governor of the Colony in which the Writer may be settled. It is unnecessary to say, that in the present Instance I cannot depart from that Rule, still less can I entertain Statements, inculpating the Governor of a Colony, unless that Officer shall have had the most ample Opportunity of answering them; I have therefore to request that you will apply to Dr. Rolph for a Copy of his Letter to me of the 27th April, in order that you may furnish me with any Remarks which may appear to you to be called for, by the Statements contained in it.

In addressing to you my Acknowledgment of Mr. Rolph's Letter, that Gentleman will understand that I mean no personal Discourtesy towards him, but that I act according to a Rule which has been invariably applied to all similar Cases.

You will communicate this Despatch to Mr. Rolph.

I have, &c.
(Signed) Glenelg.

No. 14.

No. 14.
Lord Glenelg
to
Sir F. B. Head,
25th July 1836.

(No. 77.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 25th July 1836.

I have the Honour to inform you that I have received from Mr. T. D. Morrison a Letter, dated Toronto, 29th April 1836, imputing to you a Misquotation from the Report of the Committee of 1835 on public Grievances, in your Speech at the Close of the late Session of the Provincial Legislature. I have to request, according to the usual Course in the Case of such Representations being addressed to me, that you will call on Mr. Morrison for a Copy of his Letter to me, in order that you may be able to supply me with any Observations on it, which you may consider it to require.

In addressing to you my Acknowledgment of Mr. Morrison's Letter, that Gentleman will understand that I mean no personal Discourtesy towards him, but that I act according to a Rule which has been invariably applied to all similar Cases.

You will communicate this Despatch to Mr. Morrison.

I have, &c.
(Signed) Glenelg.

No. 15.

(No. 80.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 30th July 1836.

26th July 1836.

I have the Honour to transmit to you herewith the Copy of a Letter which has been addressed to me by Mr. R. Baldwin, relative to certain recent Pro-

 ceedings

No. 15.
Lord Glenelg
to
Sir F. B. Head,
30th July 1836.

ceedings in Upper Canada; and I am to request that you will favour me with any Observations on the Subjects noticed by Mr. Baldwin which may appear to you necessary for my Information.

I have, &c.
(Signed) GLENELG.

Enclosure in No. 15.

Enclosure.

My Lord, 4, Trinity Court, Charing Cross, 26th July 1836.

I take the Liberty of enclosing to your Lordship a Toronto Newspaper of the 22d ult., and of drawing your Lordship's Attention to the Resolutions of the Constitutional Reform Society on the Subject of the Appointments of Places for holding the Elections, as well as the Appointment of Mr. Kerr as One of the Returning Officers. It is for your Lordship to judge whether the Course adopted by Sir Francis Head in these Particulars is that which would have been pursued had it been really his Desire to obtain the calm and deliberate Opinion of the Country.

I also beg to refer your Lordship to the Reply of Sir Francis Head to the Address presented to him on the Subject of the Foreign Interference to which he had alluded in one of his preceding Replies. I learn by my private Letters, that in consequence of His Excellency refusing all Satisfaction as to whence he had derived his Information on the Subject, a Letter was addressed to the Authorities of the neighbouring State of New York; and I subjoin an Extract which has been sent me from the Answer of the Secretary of State of that Republic, which will show your Lordship the Light in which Strangers view the Conduct of the Lieutenant Governor in spreading an Alarm on the Subject of Foreign Intervention.

I have also taken the Liberty of marking for your Lordship's Consideration the Account of the Tunes which, as a Sort of practical Commentary on the Reply of the Lieutenant Governor to the House of Assembly last Winter on the Subject of Orange Societies, are in requisition at the public Dinners of His Excellency's Partisans.

In one of the Letters which I have received from Toronto my Correspondent writes, that he dreads that the Consequence of the Conduct of the Government will be the Agitation of Independence, or at least Elective Governors as well as Council. In another the Writer says, he cannot venture to tell me all that he hears of the unworthy Contrivances of the Tory Party to anticipate Votes, that it is still muttered amongst them, the Use of Location Tickets, and he fears they will dare to do so; if so, that it will hasten more rapidly the Conviction of the People, that they must separate from England. He remarks, that the Use of Location Tickets at once nullifies the Freeholders throughout the Province, and the Men returned to the Assembly must be the Representatives of the Tenants at Will of the Crown, and not of the Freeholders of the Province; and adds, "you know the People will not long bear this."

These are the Observations of Gentlemen whom I know to be warmly attached to the Preservation of the Connexion between the Two Countries, and to monarchical Institutions. It is true they write from a Scene of much Violence and Excitement; but making every possible Allowance on that Ground, when such Conclusions are forced upon the Minds of such Men, there can be but little Doubt that there is much to alarm even the most indifferent.

I make these Statements to your Lordship, because I foresee that if Sir Francis Head is continued in the Government of Upper Canada, and the same fatal System pursued in the Administration of its Affairs, Separation from the Mother Country is inevitable, and I am most desirous that when that Event takes place I at least may feel fully acquitted of having omitted any thing which might, by placing before your Lordship the real State of the Country, have led to a more happy Result.

I have the Honour, &c.
ROBERT BALDWIN.

Right Honourable Lord Glenelg,
&c. &c. &c.

No. 15.
Lord Glenelg
to
Sir F. B. Head,
30th July 1836.

Enclosure.

At a Meeting of the Constitutional Reform Society of Upper Canada on Friday the 10th June, W. W. Baldwin, Esquire, in the Chair, the following Resolutions were unanimously adopted :—

1st, That it is currently reported that the Executive of the Province have fixed upon the following Places in their respective Counties for holding the ensuing Elections ; viz.,

Nelson in the Co. Halton.
Kingston in the Co. Frontenac.
Beverly in the Co. Leeds.

That a Gentleman was deputed by the Electors of the County of Halton to solicit His Excellency to alter the Place for holding the Election in that County, on the Ground that it is at the extreme Boundary of the County, close to the Residence of Mr. Chisholm, one of the Tory Candidates, and at a Distance of Thirty or Forty Miles from the most populous Townships in the County ; that His Excellency admitted that the Place fixed on was improper, and also admitted that he had received many similar Complaints from other Places, and gave that as a Reason why he could not alter the Place of Election in one instance, as he would have to do so in others.

2d, That it is the first Time for many Years past that the Town of Kingston has been named as the Place for holding the Election for the County of Frontenac, and this Meeting cannot help fearing that it has been fixed on with a view of overawing by means of a Tory Mob the independent Yeomanry of the County.

3d, That it is with still deeper Regret that this Meeting finds that it is currently reported that Beverly in the County of Leeds has been fixed on for holding the Election for that County, it having been the Place where at Two successive Elections the Freeholders of the County were driven from the Hustings by a Body of armed Partisans, and Two Individuals returned as Representatives by Violence, who when a fair Election was obtained were left in a considerable Minority.

4th, That this Meeting is constrained solemnly and deliberately to record its Opinion, that if Violence and Bloodshed ensue at the Elections in the beforementioned Counties, the Person administering the Government of this Province must be responsible for the Consequences, more particularly as the Returning Officer in one of these Counties is an Individual who has been convicted by a Jury of his Country of a most unprovoked and wanton Assault on that sterling Reformer W. L. Mackenzie, Esquire.

(Signed) W. W. Baldwin,
Chairman.

To His Excellency Sir F. B. Head, &c. &c.

May it please Your Excellency :

We the undersigned Electors of the City of Toronto have read in your Excellency's Answer to the Address of certain Electors of the Home District the following Language :—" They (the People of Toronto) are perfectly aware " that there exist in the Lower Province one or two Individuals who incul- " cate the Idea that this Province is about to be disturbed by the Interference " of Foreigners, whose Power and whose Numbers will prove invincible. In " the Name of every Regiment of Militia in Upper Canada I publicly pro- " mulgate, '*let them come if they dare.*'" We do not doubt the Readiness with which would be answered upon any Emergency your Appeal to the Militia, which Appeal we are satisfied would not have been made without adequate Cause. In a Matter so seriously affecting the Peace and Tranquillity of the Country, and the Security of its Commerce, we beg to learn from your Excellency from what Quarter the Invasion is alleged to be threatened.

The above was presented on Saturday the 11th instant at Two o'Clock.

Deputation—Messrs. Hincks, Dr. Tims, Doel, Alexander, Beattie, Wm. Lesslie, J. Anderson.

No. 15.
Lord Glenelg
to
Sir F. B. Head,
30th July 1836.

Enclosure.

GOVERNOR'S ANSWER.

Gentlemen,—The Idea which is inculcated by one or two Individuals in the Lower Province, "that this Province is about to be disturbed by the Inter-"ference of Foreigners," is too notorious to be denied, and I have therefore no further Observations to make to you on this Subject.

☞ The Hamilton Gazette contains the Account of a Dinner at Springfield, attended by Mr. E. W. Thomson and other Opponents of Mr. Mackenzie, where the Tunes were, "The Boyne Water," "Protestant Boys," and "Croppies lie "down." These Party Proceedings lead to unhappy Differences, and had better be avoided.

COPY of the EXTRACT referred to in the foregoing Letter.

The Answer of your Lieutenant Governor, dated the 28th ult., to the Address of the Electors of the Home District, was received here and in Albany with equal Surprise and Regret. The State of New York is not directly referred to; but our local Position in relation to Upper Canada is such, that we are almost constrained to believe that our own Citizens are intended by the Designation of "Foreigners," whose Interference is deprecated.

I gave a Copy of Address to Governor Marcy, and he would not hesitate to notice it officially, if under the Circumstances he could do so with Propriety, but he does not perceive that he can. I am however authorized by him to say, that he does believe not a single Citizen of this State entertains the Design of interfering in any Manner with the political Affairs of Canada, nor has he ever heard such a Design imputed to any Individual. If your Lieutenant Governor had thought proper to communicate to the Executive of this State the Grounds on which the Intimation referred to was thrown out, a Course which certainly seems due to the friendly Understanding subsisting between us, it is believed that all Cause for Suspicion would have been removed, so far as the Citizens of this State are concerned. As it is, we cannot but think that great Injustice has been done to us, by ascribing to any of our Citizens criminal Designs of which they are innocent, and to the People of Canada, by exciting Distrust and Alarm for which there is no Shadow of Foundation. You may rest assured, that the universal Desire of the People of this State, and of our Sister States, is to maintain unimpaired the Relations of Friendship which happily exist between the United States and Great Brltain; and that the Authority of this State and of the Union would be promptly interposed to put down any Attempt on the Part of those subject to their respective Jurisdictions to interfere with the political Concerns of Canada, or any of the British Dominions. It is no more than just to the Citizens of the United States to add, that a recent Instance of Magnanimity on the Part of Great Britain has strengthened the Desire to which I have referred; and I am sure that the moral Sense of our whole Community would revolt at the Idea of repaying that Act of Friendship with bad Faith, which your Lieutenant Governor, as we suppose, intended to attribute to some of us.

No. 16.

(No. 86.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 20th August 1836.

Mr. Baldwin, 20 June 1836.
Mr. Stephen, 28 June —
Mr. Baldwin, 13 July —
Do. 16 July —
Do. 26 July —
(Copy enclosed in Despatch of 30 July, No. 80.)
Sir G. Grey, 30 July 1836.
Mr. Baldwin, 28 July —
Sir G. Grey, 4 Aug. —
Mr. Baldwin, 4 Aug. —
Sir G. Grey, 12 Aug. —
Mr. Baldwin, 12 Aug. —
Do. Do.
Sir G. Grey, 17 Aug. —

WITH a view to prevent any Misapprehension as to the Nature of the Communications which, since his Arrival in this Country, have been addressed to me by Mr. Baldwin, I have the Honour to enclose herewith, for your Information, Copies of all the Correspondence which has passed between that Gentleman and this Department.

I have, &c.
(Signed) GLENELG.

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th Aug. 1836.

Enclosures.

My Lord, Trinity Court, Charing Cross, 20th June, 1836.

Although not the Agent for the Petition from the House of Assembly of Upper Canada lately presented to the House of Commons by Mr. Hume, I take the Liberty of most respectfully requesting Permission to state fully to your Lordship personally the Particulars of the late political Transactions in that Province, as far as I have myself been connected with them, and the Principles by which I was governed in adopting the Course which I felt it my Duty to take on that Occasion; and also of laying before your Lordship fully and frankly my View of the present State of the Province, with reference to the great Question now at issue between the Lieutenant Governor and the House of Assembly; and respectfully submitting what appears to me to be the only possible Means of preserving the Connexion with the Mother Country, which, permit me most solemnly to assure your Lordship, I am most sincerely anxious to perpetuate.

I would take the Liberty of calling your Lordship's Attention to the Two following Facts, already before your Lordship in the Documents transmitted from Upper Canada; first that it was at the earnest Solicitation of the Lieutenant Governor himself, after a full and frank Explanation of my Views and Principles, that I was most reluctantly induced to accept a Seat in the late Executive Council, and that I was afterwards compelled to resign the Place thus pressed upon me by having been called upon by His Excellency to abandon those Principles or retire from his Confidence; and, secondly, that for joining, together with my Colleagues, in a respectful and confidential Representation to His Excellency, recommending what His Excellency, previous to soliciting me to take Office, knew me to consider absolutely necessary to the Success of his Government, I and my late Colleagues, most of them Servants of the Crown of long standing, have been denounced by His Excellency in his Speech from the Throne as "having officially combined together in an "unprecedented Endeavour to assume" what His Excellency considers his Responsibility.

I feel assured that when your Lordship calls these Circumstances to mind, and, above all, considers that "the present," to use the Terms of your Lordship's Despatch to Sir F. Head, "is an Era of more Difficulty and Importance "than any which has hitherto occurred in the History of that Part of His Ma- "jesty's Dominions," and that it is at least possible that your Lordship may be better able to come to a satisfactory Conclusion upon the Subject after having it explained by One who was considered by the Lieutenant Governor himself as capable of being, in some degree at least, useful to His Majesty's Government in the Administration of the Affairs of the Province, and who, moreover, was himself in part an Actor in the very Affairs upon which your Lordship is called upon to decide, your Lordship cannot justly consider as unreasonable the Request which I now make for the Honour of personally communicating with you on a Subject so important to myself personally, and to the best Interests of my native Province.

I have, &c.

The Right Hon. Lord Glenelg. (Signed) Robert Baldwin.
&c. &c. &c.

Sir, Downing Street, 28th June 1836.

I am directed by Lord Glenelg to acknowledge the Receipt of your Letter of the 20th Instant, transmitted to him by Mr. Hume, requesting that his Lordship would afford you an Opportunity of stating to him personally the Particulars of the late political Transactions in the Province of Upper Canada, in so far as you have been connected with them. In reply Lord Glenelg desires to observe, that he is solicitous at all Times to receive the fullest Information from every Quarter relating to the Interests of the British Colonies, and at the present Time more especially, relating to Upper Canada, and the Events which have recently taken place in that Province. His Lordship, however, while he accepts with Thankfulness your Offer to make some Communications to him on that Subject, is yet inclined to think that, under existing Circumstances, it would be more advisable that such Communications should be made in Writing than

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th August 1836.

Enclosures.

in Conversation. He requests therefore that you will be so good as to favour him, in Writing, with such Intelligence and Observations as you may think of Importance to bring under the Consideration of Government.

I have, &c.

Robert Baldwin, Esq. (Signed) J. Stephen.
&c. &c. &c.

4, Trinity Court, Charing Cross,
13th July 1836.

My Lord,

I have to acknowledge the Receipt of a Letter from Mr. Stephen, in reply to mine of the 20th ultimo, requesting the Honour of an Interview with your Lordship on the public and private Grounds referred to in my former Letter.

As your Lordship does not deem it advisable to accede to my Request for a personal Interview, I will not trespass on your Lordship's Time by any further Reference to myself, or the Injustice of which I, and indeed all my late Colleagues, have Reason to complain, of having received at the Hands of the Lieutenant Governor. More than enough is already before your Lordship to place this in a very strong Light. Your Lordship, I feel assured, cannot approve of the Conduct of Sir Francis Head, however necessary you may imagine it to be not publicly to condemn it; and I can personally have no Desire to pursue the Subject. I will only take the Liberty of assuring your Lordship, that, as it was no Desire of Place that induced me to accept the Seat pressed upon me by Sir Francis Head, nothing but a Desire of justifying myself to the Government under which I was born, and to which I am both by Duty and Affection still most warmly attached, could, as far as I am myself personally concerned, have induced me to trespass on your Lordship by the Request. I shall take it for granted, however, that your Lordship will do us the Justice to point out any Particulars in our Conduct on the late Occasion which in your Estimation may appear culpable, or such as to call for further Explanation.

But, my Lord, I am deeply impressed with the Responsibility which the present State of Upper Canada necessarily throws upon every Man connected with it. As my native Country, its Prosperity is necessarily to me an Object of the most intense Anxiety. Educated in the warmest Attachment to the Monarchical Form of Government, believing it to be the best adapted to secure the Happiness of the People, and fully sensible that it can be maintained in Upper Canada only by means of the Connexion with the Mother Country, I have always been most earnestly anxious for the Continuation of that Connexion; I believe it to be now endangered; I sincerely believe the Crisis to have arrived which is to decide the ultimate Destiny of Upper Canada as a Dependency of the British Crown. I feel therefore that it would be criminal in me to refuse Compliance with your Lordship's Request to communicate with you in Writing on the Subject of the present State of that Province, and the Events which have recently taken place there. At the same Time, I cannot but feel that, although there may be some Advantage in this Mode of Communication, where Principles are merely to be laid down, they are more than counterbalanced by the Disadvantages attendant upon it where Principles are not only to be laid down but discussed, and the Details connected with them, and the political Situation of a Country in a State of high and dangerous Excitement, enlarged upon and disposed of.

I shall however, as clearly as I can, state to your Lordship my View of the present State of the Province with reference to the Principle contended for in the recent Memorial from the House of Assembly to the Imperial House of Commons, and the Value and Importance of that Principle in producing Harmony among the several Branches of the Provincial Legislature, and inspiring the People with Confidence in the Home and Provincial Governments; and will conclude with most respectfully submitting my Opinion as to the Course which, with all Deference for the Opinions of others, it appears to me to be absolutely necessary should be promptly taken for preserving the Connexion of that Colony with the Mother Country.

If it is the Desire of the Mother Country, which I of course assume it to be, to retain the Colony, it can only be done either by Force or with the Consent of the People of Upper Canada themselves. I take it for granted that Great Britain cannot desire to exercise a Government of the Sword, and that she will therefore

therefore only govern the Canadas so long as she can do so with the Concurrence of the People. For the Purpose, therefore, of continuing the Connexion upon this Footing, it is absolutely necessary, first, that the political Machinery of the Provincial Government should be such as shall work harmoniously within itself, without Collision between any of its great Wheels; and, secondly, that it should be such as that the People may feel that they have an Influence upon it sufficiently powerful to secure Attention, not only to their abstract Rights, but to their Feelings and Prejudices; without regard to these, you can govern no People satisfactorily or successfully.

That the Constitution of Upper Canada, administered upon the Principles heretofore applied to it, has failed to accomplish either of these Objects, a very cursory View of the History of the Colony, without reference to the Admission contained in one of your Lordship's late Despatches, will sufficiently demonstrate. It may however be well to state, that the Differences alluded to are of a much earlier Date than appears to be generally known in this Country, or until lately to have been recollected even in the Department over which your Lordship presides. As early as in the Provincial Parliament of 1820 an Opposition, respectable, if not formidable, both in Talent and Numbers, existed; some of the leading Members of which not only expressed their entire Want of Confidence in the Provincial Executive, but adopted the Principle now contended for as a Part of their political Creed, and assumed it as necessarily pertaining as much to the Provincial Constitution as to that of the Mother Country. During the whole of that Parliament the Opposition were generally in a Minority. In the Parliament of 1824 and in that of 1828 the Executive were uniformly in an inconsiderable Minority. In that of 1830, owing to Circumstances to which it is not worth while now to allude, the Executive obtained a Majority; but in that of 1834 they were again in a Minority. So that, taking the Twelve Years from 1824 to 1836, the Provincial Executive have been in the Minority for Eight Years and Three Parliaments, and have had a Majority only for Four Years and One Parliament. During the whole of this Time also the House of Assembly were constantly passing Bills which the Legislative Council as uniformly threw out.

As, therefore, the present Constitution, administered upon the Principles heretofore applied to it, has failed in both Particulars, I mean in working smoothly itself or satisfying the People, it necessarily follows that something must be done to accomplish the Objects desired. To this end Four Remedies have been proposed: — First, to make the Legislative Council elective; secondly, to abolish it; thirdly, to concede certain isolated Points which have been earnestly called for by the Representatives of the People; and, fourthly, to put the Executive Council permanently upon the Footing of a local Provincial Cabinet, holding the same relative Position with reference to the Representative of the King and the Provincial Parliament, as that on which the King's Imperial Cabinet stands with respect to the King and the Parliament of the Empire, and applying to such Provincial Cabinet, both with respect to their Appointment to and Continuance in Office, the same Principles as those which are acted upon by His Majesty with respect to His Imperial Cabinet in this Country.

The Two first Remedies, if not inexpedient, I look upon as at least wholly insufficient of themselves to accomplish the Objects desired; the third as equally insufficient of itself to do so; and the last as the only Remedy by the Application of which those Objects can be attained, and Upper Canada preserved to the Mother Country.

First, The making the Legislative Council elective I look upon as inexpedient; among other Reasons, because I am of opinion that the Institutions of every Colony ought, as nearly as possible, to correspond with those of the Mother Country. The Upper House of the Imperial Parliament not being elective, I would therefore not have the Upper House of the Provincial Parliament elective, unless under the Pressure of an absolute Necessity. I moreover disapprove of the Adoption of such a Measure, at all events at present, because it is, as a general Principle, inexpedient to make an Alteration in the Form of the Constitution of any Country until the Necessity for such Change has been demonstrated by putting into full and efficient Operation the existing Constitution in all its Details, which cannot be said to have been done with that of Upper

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Canada until the Executive Council is practically converted into a Provincial Cabinet for the local and internal Affairs of the Province. Had this been done Ten or Twelve Years ago, when the Executive first found themselves in a decided and uniform Minority in the Provincial Parliament, I am satisfied that an elective Legislative Council would not now have been thought of. And I am not without Hopes, although they may prove fallacious, that is not yet too late, by the Adoption of this Principle, to render such Change in the Constitution unnecessary; but at all events, as a Remedy amounting merely to the Application of an English Principle to the Constitution as it stands, it ought yet to be tried fully and fairly, previous to resorting to the more violent Measure of a Legislative Change in the Charter. It is but right, however, to inform your Lordship, that although my Opinion of the Inexpediency of such a Change in the Organization of the Legislative Counsel is concurred in by many, I believe a considerable Majority of the Reformers of the Province (which every Day's Delay is increasing) think that such Change will ultimately be found necessary. After the Intimation contained in your Lordship's Despatch, and out of Regard to the Opinions entertained by us, who on this Point differed from them, they were however willing to drop the Question of an Elective Legislative Council until the Constitution as it is should have been fully and fairly tested by the Application of those Principles which have been found so valuable and necessary in the successful working of that of the Mother Country; and whatever may be the Opinion entertained as to the Expediency or Inexpediency of making the Legislative Council elective, I believe none exists as to such Change being found wholly insufficient of itself to accomplish the Two Objects desired. The making the Legislative Council elective might convert that Body into an additional Engine of Hostility against the Executive Government, but could never supersede the Necessity for the Concession of the Principle contended for; Resistance to the Concession of this Principle may drive the Reformers into Unanimity in the Call for an elective Legislative Council, but it will only be as a Means, and not as an End; and when that State of Things arrives, be assured England will have lost her last Hold upon the *Affections* of the great Mass of the People of Upper Canada. That such Change in the Constitution of the Legislative Council would not be found to produce Harmony between the Three Branches of the Provincial Government will readily be admitted, when it is remembered that the Collision which has produced so much Evil has not been merely between the Representative Branch of the Government and the Legislative Council, but between the Representative Branch and the Executive Government. The Complaint has always been of the Influence of the Executive upon the Legislative Council, and not of the Influence of the Legislative Council upon the Executive Government. It were idle, therefore, to expect Unanimity while you have untouched the main Source of Discord.

Secondly, To the Proposal to abolish the Legislative Council, although most of the Reasons against making it elective will equally apply, it may, in addition, be urged that a second Chamber of some Kind has, at least in modern constitutional Legislation, been deemed essential to good Government. It has not been dispensed with in any of the new Constitutions of any of the neighbouring Republics; and has, in more Instances than one, been not long since adopted as an Improvement to the political Machinery of Government, where the previous Constitution had contained no such Provision; and, moreover, the Abolition of the Legislative Council has not been asked for by any Portion of the Canadian People.

And as to the third Remedy proposed, that of conceding certain isolated Points as they arise and are called for, I will only say that the whole History, not only of the Canadas but of the Colonies in general, shows that such Course, as a Means of producing permanent Satisfaction and Harmony, has wholly failed. Nor, indeed, does it appear to me to require much Consideration to convince any one of the Insufficiency of this as a permanent Remedy. In the first place, such Concessions are never made, and, under the present System, never will be made, until after such a prolonged Struggle that when they come they are always felt to have been wrung from the Government, and not to have proceeded from a Sense of the Justice or Expediency of granting them; they never remove the Distrust which is felt of the Provincial Executive Government;

ment; they leave untouched the great Evil of the disadvantageous Comparison which is constantly before the Eyes of the People when they look at the Administration of the Imperial Government by the King, and that of the Provincial Government by his Representative. They see the former always so far consulting the Wishes of His People as never to keep in his Councils Persons who have not the Confidence of their Representatives; while in the Administration of their own Government they see the mere Representative of that Sovereign constantly surrounded by those very Individuals of whom, sometimes with Reason and perhaps sometimes without, they have become distrustful and jealous; and they very naturally ask the Question, Why are not our Representatives to be paid as much Attention to by the King's Deputy as the Representatives of our Fellow Subjects in England by the King himself? Astute Reasonings may no doubt be framed, and fine Distinctions, drawn upon the Subject; but this is a plain common-sense and practical View of it, out of which, be assured, it will be impossible, ultimately to persuade the Yeomanry of Upper Canada. You may indeed, by strenuously insisting on the Inapplicability of this Principle to their Situation, drive them to insist on a more extended System of elective Institutions. By refusing what no one can deny to be an English Principle, the same upon which your Lordship and your Colleagues were selected to fill the high and responsible Situations which you hold in His Majesty's Councils, the same by which you at this Moment continue to retain those Places, you may indeed divert their Attention to another Direction, and drive them to call for the Power of electing their own Governor and their own Executive, but you never can persuade them to abandon the Object of obtaining more Influence than they now possess through their Representatives in the Administration of the Executive Government of the Colony.

I now come to the Consideration of the fourth Remedy, which consists of nothing more than having the Provincial Government, as far as regards the internal Affairs of the Province, conducted by the Lieutenant Governor (as Representive of the paramount Authority of the Mother Country), with the Advice and Assistance of the Executive Council acting as a Provincial Cabinet, and composed of Men possessed of the public Confidence, whose Opinions and Policy would be in harmony with the Opinions and Policy of the Representatives of the People. This, as I have before said, I look upon, not only as an efficient Remedy, but as the only efficient one that can be applied to the Evils under which the Province is at present suffering.

I shall avoid troubling your Lordship with any Observations upon the Construction of the Constitutional Act, because, not only has the Subject already been fully entered into in the Report of the Select Committee of the House of Assembly, but I sincerely believe Matters to have arrived at that Point when it really signifies nothing whether it be or be not *required* by the Charter. The only Question worth discussing is, whether it is or is not expedient that the Principle should be applied to it; and for this Purpose, all that it is necessary to ascertain in the first instance is, that there is nothing in the Charter which forbids the Application of such a Principle. That this is the Case, as it has never been denied, and as the Principle in its practical Application consists in fact merely in the ordinary Exercise of the Royal Prerogative, will, I take it for granted, be readily admitted. The Concession of the Principle therefore calls for no Legislative Interference; it involves no Sacrifice of any constitutional Principle; it involves no Sacrifice of any Branch of the Royal Prerogative; it involves no Diminution of the paramount Authority of the Mother Country; it produces no such Embarrassment to the Home Government as in the present State of the Imperial Parliament the Attempt to grant an elective Legislative Council would be almost certain to do. From being an English Principle, it would strengthen the Attachment of the People to the Connexion with the Mother Country, and would place the Provincial Government at the Head of public Opinion, and enable it to influence, if not guide, that public Opinion, instead of occupying its present invidious Position,—of being always in direct Opposition to it.

But, in addition to these Advantages, which this Remedy possesses in an eminent Degree over all others that have been suggested, it would be found effectual for the Purposes desired. Permit me to re-state those Objects: they were, first, that the different Branches of the Provincial Government should be brought to act in harmony with each other; and, secondly, that the People

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should feel that they had sufficient Influence upon their Government to secure Attention to their Rights and Respect for their Feelings and Prejudices. I am of opinion that this Principle, if fully and fairly acted upon, would effect both those Objects. An Executive Council constituted upon this Principle would, from their Situation as confidential Advisers of the Lieutenant Governor, necessarily have great Influence in the House of Assembly. Their Weight in the Country, as well as their confidential Situations about the Person of the Lieutenant Governor, would give them great Weight with the Legislative Council, and they would of course from both Circumstances possess great Weight with the Lieutenant Governor; they would generally, if not uniformly, be in one or other House of Parliament, and would there form a Centre of Union, and, in fact, act as a sort of Balance-wheel to the Constitution. The Measures which they brought forward, as they would necessarily have the previous Sanction of the Lieutenant Governor, would come recommended, on the one hand by all the Weight of Executive Influence, and on the other by the Support of those to whom the People, both from Habit and Principle, had been accustomed to look with Confidence. The People would therefore be predisposed to receive their Measures with Satisfaction and Confidence, as the Fruit of the Advice of their Friends and the Legislative Council, as recommended by the Servants of the Crown, whose Interests as well as Duty it was to recommend nothing but what was safe as well as satisfactory to the Public. What it was not deemed wise or prudent to adopt, instead of being suffered to pass heedlessly through the Assembly, and left to be thrown out by the Legislative Council, or negatived by the Veto of the Lieutenant Governor, would be met in the first instance and resisted; because every Step that such Proposal advanced would increase the Probability of ultimate Embarrassment to the Executive Council and those whose Confidence they enjoyed, who would of course be always the most powerful Party in Parliament. Such an Executive Council would necessarily feel a moral as well as political Responsibility for the Success of their Measures. Their permanent Connexion with the Country, as well as a Sense of Duty and natural Desire to retain Office, would necessarily insure their utmost Exertions, not only to procure Harmony but to produce good Government. The People, when they saw that the King's Representative would not retain Men in his Councils who had forfeited their Confidence, would be the more careful in the Exercise of the elective Franchise, and far less likely to withdraw their Confidence from those in whom they had once found Reason to place it. That the Adoption of this Principle would, without vesting the Election of the Executive in the People, place in their Hands such an indirect Influence upon it as would be sufficient to secure Attention to their Rights, Feelings, and Prejudices, is sufficiently evident; because, if such Attention were not paid by those in the Confidence of the Lieutenant Governor, the People would have only to return to the next Parliament Men who would not give them Parliamentary Support, and they would necessarily have to resign, and the Lieutenant Governor to appoint others who possessed the Confidence of the Representatives of the People; A. B. and C. would go out of Office, and D. E. and F. would come in, the Lieutenant Governor always retaining the Power of calling into action his superintending Control with respect to the Measures of both the one and the other; and the Effect produced upon the Interests of the Mother Country being none other, than that the Change would give Satisfaction, and, at least most probably, ensure good Government in the Management of the internal Affairs of the Colony.

But it will be said that even under this System Collision may arise. The Lieutenant Governor may disapprove of the Measures recommended by his Council, and find it impossible to form an Executive Council which could secure Parliamentary Support upon any other Terms than Concession, or the Executive Council may find it impossible to bring the Two Houses to an Understanding upon every Measure. To which I reply, that the practical working of the Principle would be sure to postpone such Collision to the latest possible Period. That the intermediate Steps of a Change of the Executive Council, and of appealing to the People by a Dissolution, would at all events give the Home Government the great Advantage of not itself coming in collision with the People till the last Moment, and of ascertaining the exact Point where the Question of Concession would become one merely of Expediency. In addition to which I would remark,

remark, that this Objection is equally applicable to the practical working of the Principle in this Country; with this great Difference, that, supposing the People of England to be wholly unreasonable in their Demands, the Crown has in point of fact no Means of Resistance; whereas in the Case of a Colony there is, as a last Resort, the Application of that Power, which, independent of the Influence which a Knowledge of the Possession of it would necessarily give to the Representative of the Home Government in the course of the previous Contest, will always rest in the Hands of the Parent State to be exercised when all other Means fail; so that were the Principle a mere Experiment, to be now tried for the first Time, a Colony would be a safer Subject for such Experiment than the Mother Country. With respect to Collision between the Two Houses, such, under the Operation of this Principle, is surely not more likely to happen in the working of the Upper Canada Constitution than in that of the Mother Country; and the utmost that can be done by the most perfect System is to guard against the Probability, not the Possibility of Difficulties. Such Collision might happen even between Two elective Bodies, and in point of fact does happen, not only occasionally but every Day, under the Constitution as at present acted upon; and at the worst such a Case would be open to be disposed of in the same Way as a similar one in England, with this Difference only, that the Appointment of a Batch of new Legislative Councillors is not subject to the same Difficulty that the Creation of new Peerages is, as the Seats of Legislative Councillors are not hereditary; and, finally, the ultimate Resource of making the Legislative Council elective, if indeed it be still found necessary to do so, will be as open to be taken as ever.

It is objected, that the Concession of this Principle is inconsistent with the Preservation of the paramount Authority of the Mother Country. With respect to this I would remark, that it does not appear to be more so than the Concession of the Power of Legislation. In the one Case you vest the Power of legislating on the internal Affairs of the Colony in a local Parliament, with the Consent of the King's Representative. In the other, you leave the Executive Power in the Hands of the King's Representative, requiring only that it should be exercised with the Advice of Persons, valued by himself, but possessed of Weight and Influence with the People whose local Affairs he is deputed to administer.

It is objected, that it would interfere with the Patronage of the Lieutenant Governor. This also appears to me to be an Error. The Power of Appointment to Office would remain in the Lieutenant Governor as at present; the Right of advising is all that is claimed for the Executive Council. If such be considered an Interference, it is such as can be exercised alone to prevent Mischief; but suppose that it actually deprived the Lieutenant Governor of every Vestige of Patronage, the simple Question is, is the Patronage in the Hands of the Lieutenant Governor the great Object for which England desires to retain Upper Canada? If this be indeed the chief or only Object, let it be candidly avowed. I will only remark, that the People have been heretofore induced to believe that the Home Government were actuated by other and loftier Motives.

It is objected, that it would lessen the Responsibility of the Lieutenant Governor to the Home Government. This is a Mistake; every Act of the Provincial Government would be the Act of the Lieutenant Governor, requiring his full Consent quite as much as at present. How would he be less responsible then to the King and Parliament of the Empire, because he acted upon the Advice of those who had the Confidence of the People? The Lieutenant Governor is the connecting Link between the Government of the Two Countries. You cannot make him responsible to the People of the Province; such would be wholly inconsistent with the Respect due to the Sovereign whom he represents, and fatal to the Connexion between the Two Countries. The proper Place for his Resonsibility to rest is in England. But you must give the People such an Influence upon their Executive Government as will prevent the constant Jealousy to which it is at present exposed. You can do so only either by permitting a direct Influence by vesting the Election of the Executive in the Hands of the People, which I look upon as inexpedient and unsafe, or you must give them that indirect Influence which they see constantly exercised by their Fellow Subjects through their Representatives in this Country.

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With respect to the Objections, that the Application of this Principle would lead to the Executive Council falling into the Hands of a few Metropolitan Families, I would remark, that it seems much less likely to have that Effect than the present System, and that if it had it would be an Evil for which the People would have to blame themselves only, and therefore not one which could be attributed to the Home Government, or their Representative the Lieutenant Governor, and, above all, one the Remedy for which would be in their own Hands. The same may be said as to the rather inconsistent Objections, that it would lead to too many Changes, and that there are not Persons enough in the Province qualified to fill the Office of Executive Councillor.

But it is pretended that the People of Upper Canada are opposed to having this indirect Influence upon the Executive in the Hands of their Representatives. Premising that the real Value and Importance of the Principle itself cannot depend either upon what the People do really think upon the Subject, or what they may by Violence and Misrepresentation be persuaded to afford Reasons for supposing that they think, I proceed to remark that the Proposition appears absurd on the Face of it; it is like an Attempt to make one believe that a thirsty Man has an Objection to receive Water, or a hungry Man Food. But what is the Fact? As I have already stated, this is no new Principle, brought forward for the first Time on the present Occasion; it has been before the People more or less prominently since 1820. In 1828 or 1829 it was introduced into the Address in reply to the Speech from the Throne, and continued to be so, except during the Parliament of 1830, in which the Administration had a Majority, and of course when the Executive are in the Majority, is not the Time for the practical Application of the Principle. But in 1835 it was made the Subject of solemn Appeal to the Home Government, in an Address to the King, passed by a Majority of Twenty-one Votes, in which His Majesty was informed, that until the Principle was acted upon it could not be expected that the Administration would give Satisfaction, or that there would be any real or permanent Harmony between the Government and the Representatives of the People. The Addresses presented to Sir Francis Head since the Prorogation of the last Provincial Parliament are depended upon as showing that the People are opposed to the Concession of this Principle. If such really be the Opinion of the People, it is, to say the least of it, somewhat remarkable, that no Expression of that Opinion took place after the Close of the Session of 1835, although in the very Address to which I have referred the Assembly intimated their Intention of withholding the Supplies if their Voice was not heard; that even after the Resignation of the late Executive Council a Resolution declaring it to be the Opinion of the House of Assembly, "that the Appointment of a *responsible* Executive Council, "to advise the Lieutenant Governor on the Affairs of the Province, was one "of the most happy and wise Features in the Constitution, and essential in "our Form of Government," was adopted with but Two dissenting Voices out of a House of Fifty-five Members, and that it was not until sometime afterwards that Exertions began to be made to excite even the Tory Party against the late Council, and all who thought with them. This is not the first Time that a Colonial Lieutenant Governor has had Resort to adulatory Addresses, in order to give a Colouring to his Proceedings in reporting them to the Home Government. The Ease with which such Addresses can be procured is either not known or never considered. The Addresses to Sir Peregrine Maitland in 1827 or 1828 were not less violent in their Language against the Majority of the then Assembly than have been both the Addresses and Replies on the present Occasion, and yet the General Election which followed left the Executive Government in a Minority as small, if not smaller, than in the preceding Parliament.

But should Sir Francis Head by Violence and Intimidation unhappily succeed in procuring a Majority in the next Provincial Parliament, do not suppose, my Lord, that there will be the less Necessity for the Application of this Principle. New Difficulties will daily spring up, and when once the Delusion under which the popular Mind has been acted upon has passed away, it will return with double Pertinacity, not, I fear, merely to the Principle now asked for, but to Changes of a more extensive and organic Character. Time, I am persuaded,

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persuaded, will convince your Lordship of this. I tremble lest that Conviction should arrive too late to prevent the Consequences which I deprecate.

To conclude, my Lord, I most earnestly recommend, not only as *expedient*, but *necessary* for the Preservation of the Connexion between this Country and Upper Canada, first, that His Majesty's Imperial Government should at once adopt the final Determination, that the Provincial Government, as far as respects the internal Affairs of the Province, should be conducted by the Lieutenant Governor, with the Advice and Assistance of an Executive Council, acting as a Provincial Cabinet; and that the same Principle on which His Majesty's Cabinet in this Country is composed should be applied and acted upon in the Formation, Continuance in Office, and Removal of such local Provincial Cabinet. Secondly, that this Resolution of the Home Government should be inserted in the Shape of a specific Clause in the general Royal Instructions for the Government of the Province, and formally communicated to both Houses of the Provincial Parliament; and thirdly, that, Sir Francis Head should be recalled, and a Successor appointed who shall have been practically acquainted with the working of the Machinery of a free Representative Government.

I have now stated to your Lordship briefly my Views and Opinions, and I am ready to afford any further Explanations that your Lordship may desire. I may of course be mistaken in both, but I assure your Lordship that I am in my own Mind most firmly persuaded, that unless the Course above recommended be promptly adopted and pursued, it will be wholly out of the Power of the Mother Country to preserve the Affections of the Upper Canadian People, although she may of course for a Time continue to retain them in Subjection to her Authority.

I have the Honour to be, &c.
ROBERT BALDWIN.

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

My Lord, 4, Trinity Court, Charing Cross, 16th July 1836.

In the Letter which I had the Honour of addressing to your Lordship on Tuesday last, I frankly explained my own Views and Opinions, and informed your Lordship of the Extent to which I was convinced they were concurred in by the People of Upper Canada. All however that was asked in the Representation from the late Executive Council to the Lieutenant Governor was, that the Council should be consulted on the Affairs of the Province, or the Public made aware generally that they were not uniformly consulted upon them. I feel it a Duty to call your Lordship's Attention to this Circumstance, because I cannot state that all my late Colleagues concur to the full Extent in my Views and Opinions; and it would be uncandid towards you, and might be unjust to them, to permit your Lordship to suppose that *they* went further than the Representation itself set forth; and your Lordship will perhaps permit me to take this Opportunity, the last which will most probably present itself, of doing those Gentlemen the Justice of stating to your Lordship, that from all that passed during the short Period of my official Connexion with them, and for some of them certainly I entertained no political Predilections which could have misled my Judgment in this Particular, I am fully convinced that in making the Representation to Sir Francis Head they were actuated by the most earnest Desire to afford their best Assistance in preventing Embarrassment, and insuring to him a prosperous and satisfactory Administration of the Government.

I have the Honour to be, &c.
ROBERT BALDWIN.

Right Hon. Lord Glenelg,
&c. &c. &c.

Sir, Downing Street, 30th July 1836.

I am directed by Lord Glenelg to acknowledge the Receipt of your Letter of the 16th instant, relative to certain recent Proceedings in the Province of

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Upper Canada; and in reply I am to inform you, that a Copy of your Communication will be transmitted to Sir Francis Head, for such Observations as he may have it in his Power to offer on the Subject referred to by you.

I have, &c.

R. Baldwin, Esq. (Signed) Geo. Grey.

4, Trinity Court, Charing Cross,
28th July 1836.

My Lord,

Considering the present State of Upper Canada, and the deep Interest which I necessarily have in the Fate of that Province, your Lordship will not, I trust, consider as an Intrusion a Request to know whether His Majesty's Government have come to any Decision on the Points suggested by me as of preliminary Importance, in my Letter to Mr. Hume of the 14th Ult., and which that Gentleman immediately transmitted to the Colonial Office.

His Majesty's Decision on the Bills for the Improvement of the Roads, Lighthouses, and the final Settlement of the War Loss Question, upon the Terms proposed by the Home Government itself, would seem to require no very protracted Consideration: their Importance is unquestioned.

If, therefore, His Majesty's Government have come to a Decision on these Points, and your Lordship feels at liberty to communicate it, I shall feel obliged by being informed of the Result.

I have, &c.

Right Honourable Lord Glenelg, (Signed) Robert Baldwin.
&c. &c. &c.

Downing Street, 4th August 1836

Sir,

I am directed by Lord Glenelg to acknowledge the Receipt of your Letter of the 28th Ultimo, and to return to you the following Answer thereto:

His Lordship is not insensible to the deep Interest which you must unavoidably take in whatever relates to the Administration of the Government of Upper Canada, and is anxious to manifest towards you personally the Respect and Courtesy which are due to you; but, as you are invested with no public or official Character, his Lordship cannot, without departing from a settled and necessary Rule of official Correspondence, enter into Explanations with you as to the Course of Proceeding which it may be the Intention of His Majesty's Government to pursue in reference to the Conduct of the Affairs of that Province. Lord Glenelg must, therefore, refer you to his published Despatch to Sir F. Head, as explanatory of the general Principles to which His Majesty's Government are pledged, and to which it is their fixed Purpose to adhere in their Administration of the Government of Upper Canada.

I have, &c.

Robert Baldwin, Esquire. (Signed) Geo. Grey.

4, Trinity Court, Charing Cross,
4th August 1836.

My Lord,

I take the Liberty of enclosing to your Lordship the printed Copy of an Address from the Reform Alliance Society, of the 14th May last, which, as expressing the Sentiments of an influential Body, and explaining their Views in answer to the Speech made by Sir Francis Head on proroguing Parliament, I deem it proper to submit for your Lordship's Information.

I have, &c.

Right Honourable Lord Glenelg, (Signed) Robert Baldwin.
&c. &c. &c.

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th August 1836.

Enclosures.

Sir, Downing Street, 12th August 1836.

I am directed by Lord Glenelg to acknowledge the Receipt of your Letter of the 4th instant, enclosing the printed Copy of an Address from the "Reform Alliance Society" of Upper Canada.

I have, &c.

R. Baldwin, Esq. (Signed) Geo. Grey.

4, Trinity Court, Charing Cross,
12th August 1836.

My Lord,

I have the Honour to acknowledge the Receipt of a Letter from Sir George Grey of the 4th instant, in reply to my Letter to your Lordship of the 28th ultimo.

Sir George Grey, while he informs me of your Lordship's declining to afford me the Information requested, expresses your Lordship's Desire to manifest towards me, personally, Respect and Courtesy. While acknowledging your Lordship's Politeness in this Particular, you will excuse me for expressing my full Consciousness of Respect and Courtesy, being both, as your Lordship admits, my Due; and permit me to assure you, that I should never have done your Lordship the Injustice of assuming that any Course which you might deem it your Duty to take could have been meant to show Want of personal Respect or Courtesy, my Right to which I knew that I had never forfeited.

Nothing, as I have before assured your Lordship, could have induced me to trespass on your Attention, but a Sense of Duty arising from what I believed, and still believe, to be a peculiarly dangerous Crisis in the political Affairs of Upper Canada; and your Lordship will, I am sure, give me Credit for being free from any Desire to violate any settled or necessary Rule of official Correspondence.

Since I last had the Honour of addressing your Lordship, it appears by the Accounts in the public Papers that Sir Francis Head has succeeded in procuring a Majority of Members ready to support him and his present Council in the new Parliament. I candidly admit to your Lordship, that I did not believe that His Excellency, with all his official Influence, and all the Violence to which he has resorted, would have been able to have accomplished this.

The Event of these Elections does not however in the least lessen the Necessity for the Adoption of the Principle contended for in the working the Machinery of the Provincial Government, though it will of course postpone the Period for again calling for its practical Application. I however once more take the Liberty of entreating your Lordship not to suffer yourself to be led away with the Supposition that the People of Upper Canada are opposed to the Principle; they *may* be in favour of Sir Francis Head and his present Executive Council, but to suppose them opposed to the Principle in itself involves, if not an Absurdity, at least a Conclusion so inconsistent with the natural Impulse of the Human Mind as to render the Adoption of such Supposition a certain Foundation of future Mischief. The Upper Canadians see this Principle in full and beneficial Operation in the Mother Country, and they will not be satisfied with being told that, though very good for their Fellow Subjects in England, it is very unfit for them. The Fact of the Government having appealed to the People by a Dissolution, and awaited the Result of that Appeal, is, it is true, of itself, as far as it goes, a practical Application of the Principle contended for; but I cannot omit this Opportunity of once again urging the Expediency of your Lordship's not losing the present Opportunity of confirming the Attachment of the People to the Mother Country by an open and direct Avowal that the Principle thus already so far applied is in future to be fully carried out and uniformly acted upon. Such a Course would, I firmly believe, conciliate Affection and confirm Confidence, both which your Lordship may be assured are most necessary to the Preservation of the Connexion between the Two Countries. Let the present Opportunity pass, and one so favourable may, most probably will, never again occur.

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th August 1836.

Enclosures.

I cannot close without adverting to a Report and Address from the Legislative Council of the 19th of April last, which I have only seen within these few Days, though no doubt it has been some Time before your Lordship. I do so, because, without at present adopting all its Conclusions, or feeling myself competent to pronounce upon the Accuracy of its Statements, it appears to me to contain a forcible Illustration of the utter Inefficiency of the System heretofore adopted in conducting the Provincial Government of Upper Canada; and your Lordship will see that the Want of executive Servants to conduct the legislative Business of the Government through Parliament is in the last Paragraph but one distinctly though delicately pointed at.

I shall trouble your Lordship no further. I have now done all that was in my Power to avert the Consequences which I apprehend. My Opinions have been avowed with equal Frankness to the Representative of the King in the Province and to His Majesty's Government in this Country, and the Consequences which I anticipate from the Adoption of a different Line of Policy from that which I have respectfully recommended explicitly pointed out to both. Over the Result I have of course no Control, although I shall necessarily be involved in its Consequences. I feel however that I have now discharged my Duty; and your Lordship will I am sure be my Witness that I have omitted nothing which was in my Power that could tend to impress His Majesty's Government with the Importance which I attached to the Principle, and the Necessity which I conceived to exist for its prompt and avowed Application as a permanent Principle of Government to the Provincial Constitution.

I have the Honour to be, &c.

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

ROBT. BALDWIN.

My Lord,

4, Trinity Court, Charing Cross, 12th August 1836.

I have been requested by the Editor of the Correspondent and Advocate Newspaper of Toronto to submit the enclosed Deposition to your Lordship.

I subjoin an Extract from Mr. O'Grady's Letter, in which his Motives are explained.

Your Lordship will be kind enough to consider this as proceeding wholly from that Gentleman. As far as I am myself concerned, I have already, in my Interview with Lord John Russell, taken the only Kind of Notice that I shall condescend to do of the Rumours referred to.

I have the Honour to be, &c.

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

ROBT. BALDWIN.

Extract referred to in the foregoing Letter.

" It having been currently reported here since your Departure for England, " that His Excellency Sir F. B. Head has represented to the Colonial Office " that Mr. Rolph and yourself are the Authors of the Rejoinder to His " Excellency's Answer to the Address of the Inhabitants of this City, lately " presented to him, I deem it a Duty I owe to you to enclose the Attestation " of J. H. Price, Esq., before his Worship the Mayor, and certified by His " Excellency, from which it will appear what little Credit should be given " to such a Representation. For the sake of Truth and Justice, I have to " request you will submit it to the Consideration of His Majesty's Secretary " of State for the Colonies. That Document (the Rejoinder) having appeared " in the Correspondent and Advocate Newspaper, it becomes more particularly " my Duty to correct any Misrepresentation that might have been put into " Circulation regarding its Authorship, to the Prejudice of others.

" It

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th August 1836.

Enclosures.

" It has also been stated in the demi-official Press of this City (the Toronto " Courier), that certain Members of the late Executive Council, including " Messrs. Markland, Dunn, and yourself, together with W. W. Baldwin, Esq., " and Dr. O'Grady, were in the habit of holding Midnight Cabals, to embar- " rass the local Government. This you know is an unqualified Falsehood. " I have no Knowledge of any such Cabals; and you will admit that my " Acquaintance with you for some Four or Five Years past could not warrant " such an Intimacy between you and me. We have scarcely interchanged the " ordinary Courtesies of Life, and still we are falsely accused of caballing " together to upset Sir F. B. Head's Government!!"

I do hereby certify and attest, that I was present in Dr. O'Grady's House on the Twenty-seventh Day of March last, being the Day previous to the Publication of the Rejoinder to Sir Francis Bond Head's Answer to the Address of the Citizens of Toronto, and that I have assisted in copying the same from the Original, which he was then writing; and that I have sufficient Reason to believe that Dr. O'Grady was the sole Author of the same, unaided by any Person or Persons whatever, except a few Suggestions made by James Leslie, Esquire, and myself. I do further certify and attest, that there was no Opportunity of submitting that Document (either the Original as written by Dr. O'Grady, or the Copy) to the Revision of any other Person or Persons than of those by whom it was signed previous to its being sent to the Correspondent and Advocate Office to be printed, and that the printed Copy accorded with the Original without any Alteration or Change.

J. H. Price,
Attorney at Law.

Toronto, 9th May 1836.

I, Thomas David Morrison, Esquire, Mayor of the City of Toronto, do hereby certify, that James Harvy Price of the City of Toronto, Esquire, came before me this Ninth Day of May in the Year of our Lord One thousand eight hundred and thirty-six, and acknowledged to me that the Certificate written on the other Side hereof, and to which he has subscribed his Name, was and is true; and that the same is in his own Handwriting. In witness whereof I have hereto subscribed my Name, and caused the Seal of the said City to be hereto affixed.

T. D. Morrison,
Mayor.

H. T. M'Cord,
Chamberlain.

By His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Order of Merit, Lieutenant Governor of Upper Canada, &c. &c.

These are to certify, that Thomas D. Morrison, Esquire, whose Name is subscribed to the foregoing Certificate, is Mayor of Toronto, duly elected by the Common Council of the said City for the Year 1836.

Given under my Hand and Office Seal at Toronto, this 10th Day of May 1836, in the 6th Year of His Majesty's Reign.

F. B. Head.

By Command,
J. Joseph.

No. 16.
Lord Glenelg
to
Sir F. B. Head,
20th August 1836.

Enclosures.

Sir, Downing Street, 17th August 1836.

I am directed by Lord Glenelg to acknowledge the Receipt of your Letter of the 12th instant, enclosing a Deposition made by the Editor of the Correspondent and Advocate Newspaper of Toronto, with reference to an Article published in that Paper as a Rejoinder to Sir F. Head's Answer to the Address of the Citizens of Toronto. In reply I have to inform you, that until the Receipt of your Letter Lord Glenelg had never been informed that the Authorship of the Article in question had been attributed to you; and that certainly no Assertion of that Nature had been ever made by Sir F. Head.

I have, &c.

R. Baldwin, Esquire. (Signed) GEORGE GREY.

No. 17.

No. 17.
Lord Glenelg
to
Sir F. B. Head,
24th August 1836.

(No. 88.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K.C.H.

Sir, Downing Street, 24th August 1836.

I HAVE the Honour to enclose for your Information a Copy of a Return which has been presented to the House of Commons, in pursuance of an Address of that House to His Majesty, adopted on the Motion of Mr. Hume, M.P.

Paper No. 571, ordered to be printed by the House of Commons 16th Aug. 1836.

I am aware, from a Comparison of Dates, that at the Time when you received the Address of the House of Assembly of Upper Canada, a Copy of which is contained in the enclosed Parliamentary Paper, you could not have been aware of the Proceedings which had taken place in the Month of February last in the House of Commons relative to Orange Lodges, and that you could not at that Time have received my Despatch of the 27th February, transmitting to you a Copy of the Address to the King from the House of Commons on this Subject, and of His Majesty's Answer to that Address.

On the recent Occasion of some Observations reflecting on your Conduct with reference to this Question being made in the House of Commons, Sir G. Grey felt it his Duty distinctly to state this Fact to the House, as materially affecting any Opinion which might be formed of the Policy or Propriety of the Terms of your Answer to the Address of the Assembly of Upper Canada.

I need scarcely observe, that there is nothing which His Majesty's Government do more deeply regret, than that, while their unremitting Endeavours are directed in this Country, and especially in Ireland, to check the Evils which have been engendered by Religious Differences, and to put a Stop to the Irritation and Violence which Party Processions are calculated to produce, any Semblance of Indifference to the same important Object should be manifested by His Majesty's Representives in other Parts of His Dominions. I am very far from assuming that you do not cordially enter into the Views of His Majesty's Government on this Subject; and I should be doing you a great Injustice if I could admit a Question as to your zealous Co-operation with them in discountenancing those Passions and Animosities which, especially when connected with Religious Differences, are the fruitful Sources of innumerable Evils, and throw the greatest Obstacles in the Way of the Welfare and Prosperity of any Country.

I have however felt it incumbent on me to call your Attention to this Return, in the full Confidence that it is your Purpose to administer the Government which His Majesty has confided to you with the strictest Impartiality, and with the single Object of advancing the real Interests of every Class of His Majesty's Subjects in the Province.

I have, &c.

(Signed) GLENELG.

No. 18.
Lord Glenelg
to
Sir F. B. Head,
6th Sept. 1836.

No. 18.

(No. 93.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 6th September 1836.

With reference to that Part of my Despatch of the 25th July, No. 73., which refers to the Reservation of the Money Bills passed by the Legislature of Upper Canada during their last Session, I have the Honour to inform you that the Circumstances which rendered that Measure expedient, having since undergone an entire Change, I have not hesitated to advise His Majesty now to confirm those Bills. His Majesty having been graciously pleased to approve that Advice, I transmit to you herewith an Order of His Majesty in Council for carrying it into effect.

I need hardly observe that in tendering this Advice to His Majesty I have by no means departed from the view expressed in my Despatch of the 25th July as to the Propriety of your Conduct in reserving these Bills, but aware of the Inconvenience which could not but result from a prolonged Suspension of them, it has been with much Satisfaction that I have felt myself relieved from the Necessity of a further Perseverance in that Measure.

I have, &c.

(Signed) Glenelg.

No. 19.
Lord Glenelg
to
Sir F. B. Head,
8th Sept. 1836.

No. 19.

(No. 95.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 8th September 1836.

I have to acknowledge the Receipt of your Despatches of the 8th July, No. 56., reporting the Result of the recent Elections for the new House of General Assembly of Upper Canada; of the 16th July, No. 57., on the Subject of the Mission of Mr. Duncombe, a Member of that House, to this Country; and of the 23d July, No. 60., on the Subject of the Proceedings which you propose to adopt on the meeting of the new Assembly. My Motives for acknowledging and answering these Despatches together will appear in the Sequel.

His Majesty commands me to signify to you the Satisfaction with which He learns that the Appeal made by you in His Majesty's Name to His faithful Subjects in Upper Canada has been answered by them in such a Manner as fully to justify the Dissolution of the late General Assembly. The King is pleased to acknowledge with marked Approbation the Foresight, Energy, and moral Courage by which your Conduct on this Occasion has been distinguished.

It is peculiarly gratifying to me to be the Channel of conveying to you this high and honourable Testimony of His Majesty's favourable Acceptance of your Services.

In your Despatch of the 8th of July you renew, even with increased Earnestness, your Demand for Advancement to the Dignity of a Baronet, and express very strongly an Opinion, the Correctness of which I have no Reason to distrust, that a Compliance with your Request would greatly facilitate the future Conduct of your Government. After the unreserved Acknowledgment which the King has been pleased to make of your Claims on his Approbation, it is almost superfluous to say that His Majesty's confidential Servants have not approached the Consideration of this Subject without the strongest Inclination to gratify your Wishes. They have felt it to be a Question demanding grave Deliberation, because such an Accession of Rank, conferred at the present Moment would carry with it the most public and emphatic Sanction which it is in His Majesty's Power to bestow, upon the Measures which have distinguished your Administration of the Government of Upper Canada.

No. 19.
Lord Glenelg
to
Sir F. B. Head,
8th Sept. 1836.

On referring to the Despatches which I have addressed to you since your Arrival in the Province, you will perceive that it has been my good Fortune to have been able to approve every considerable Measure which you have adopted and reported to me. Some occasional and minor Differences of Opinion, may, indeed have subsisted between us, but not more important or numerous than such as must, in the Conduct of public Affairs, occur between those who claim for themselves, and respect in each other, the free Exercise of an independent Judgment; I am therefore happy to think that no Reason for withholding or delaying the Grant of a Baronetage, could be derived from a Consideration of the Publicity which would thus be given to His Majesty's favourable Estimate of your past Services.

But to the immediate Indulgence of the Wish to confer on you this Dignity an unexpected Impediment has very recently arisen. On the Day before the Prorogation of Parliament a Petition from Mr. Duncombe was presented to the House of Commons, in which that Gentleman, claiming for himself the Credit due to him as a Member of the Assembly of Upper Canada, and pledging his personal Honour to the Truth of his Statements, made various Allegations, impugning your Character and Conduct in respect to the recent Elections. Your Despatch of the 16th July had unfortunately not then reached me; but Sir George Grey, in his Place in the House, asserted in the strongest Terms his Disbelief of those Accusations, and his Opinion, that to prefer them in this Country, where they could not be subjected to any Inquiry, rather than in the Province itself, where their Truth might have been immediately investigated, was an Act of Injustice towards you. He pledged himself, however, that you should receive a Copy of the Petition, for such Explanation as you might be able and disposed to offer. In fulfilment of that Pledge a Copy of that Petition accompanies this Despatch.

I adopt the Opinions thus expressed by Sir George Grey. His Majesty's Ministers are convinced that it will be in your Power to repel every Part of Mr. Duncombe's Charges. This was indeed their Persuasion, even before the Arrival of your Despatch of the 16th July, which however, although of necessity only general in its Terms, is abundantly calculated to set at rest every Anxiety on the Subject.

If then it were necessary to refer only to personal Conviction, there could be no Reason for any Delay in granting what is so anxiously sought. But this is an Occasion on which it is not permitted to public Men to substitute the Persuasion, however confident, of their own Minds, for Proofs which would be equally satisfactory to others. A Charge, vague and general in its Nature, or proceeding from an anonymous or unworthy Antagonist, might have been passed over without Notice; but this is an Accusation, specific as well as grave, and preferred before the House of Commons by a Gentleman who has himself the Honour of a Seat in the Provincial Assembly. Such Imputations, advanced on such Authority, in such a Place, are entitled at least to that Degree of Respect which shall secure for them an attentive Hearing and a patient Inquiry.

It remains therefore that you should furnish me with your Answer to Mr. Duncombe's Petition; and I have His Majesty's Permission to assure you, that if, as I cannot doubt, that Answer shall prove complete and satisfactory, the Rank of Baronet will be immediately conferred upon you.

Having acknowledged the Receipt of your Despatch of the 23d of July, No. 60., in which you request Authority to retract the Assurance given by His Majesty respecting the future Appropriation of the Revenues of the Province, I cannot close this Communication without adverting to the general Policy which, under the present Aspect of Affairs in Upper Canada, His Majesty expects and requires you to pursue. As our official Intercourse is distinguished on your Side by a becoming Frankness in the Expression of your Opinions, so I am persuaded that I shall best consult your Wishes and manifest my Respect for your Character by addressing you with a corresponding Freedom from Reserve.

When

No. 19.
Lord Glenelg
to
Sir F. B. Head,
8th Sept. 1836.

When you were about to leave this Country, I addressed to you Instructions for your Guidance on every Question which was at that Period in Debate with the House of Assembly of Upper Canada. In the Selection of Topics I was guided by the Occurrences of that particular Period. But the Principles on which my Instructions were founded, were of no occasional or transitory Nature, nor were they adopted only to meet the Exigencies of the Moment; they were, on the contrary, the Result of long and earnest Reflection on the State of public Affairs, not merely in the British Empire, but throughout the civilized World. It appeared to my Colleagues and to myself, that in a firm and consistent Adherence to those Principles, would be found the best Bond of Union between the transatlantic and the European Dominions of the Crown.

The Experience of the last few Months has not shaken this Conviction, but has rather given to it additional Strength. If I stood in need of any Authority to prove the Wisdom of the Policy dictated by your original Instructions, I should refer to the frequent Mention of them in your Despatches as having carried you through the Conflict in which you were engaged. By proving that the British Government had no narrow or selfish Ends to pursue in British North America; that they were resolved at once to maintain the existing Constitution, and to remedy every real Grievance; and that it was their sole Aim that the Province should prosper in the Enjoyment of all the Franchises enjoyed by His Majesty's Subjects or their Representatives in this Kingdom, one most essential Object has been gained: the well-affected have been detached from a dangerous Alliance with the Opponents of Order and Tranquillity. The recent Appeal to the People has been made in the Name of a Sovereign whose Claims to the Gratitude and Confidence of his Subjects had been enhanced by the recent Avowal of his gracious and enlightened Purposes. The constituent Bodies have accordingly rallied round the Representative of their King.

The Temper of the last House of Assembly, and the Manner in which they received His Majesty's gracious Answer to their Remonstrances afford conclusive Proof, that by dissolving them you overcame an otherwise insuperable Obstacle, to the Success of the Measures directed by your Instructions. Your Report of the Composition of the new House justifies the sanguine Hope, that important Facilities have now been obtained for the Prosecution of those Measures; thus far an invaluable Service has been rendered. But on the Use to be hereafter made of the Powers which you have thus acquired it will depend whether the Result is upon the whole a Subject of Congratulation or of Regret.

You propose that the Influence and Authority of the Government in the new Assembly, should be exercised in the retracting of a Pledge solemnly given by the King to the Province. I must answer that there is no Danger which ought not to be encountered, nor any Inconvenience which should not be endured, in order to avoid the well-founded Reproach of a Breach of Faith; above all on such a Subject, and on such an Occasion. By the Engagements into which the King has entered His Majesty will abide, not indeed indifferent to the possible Issues of that Decision, but prepared for any Consequence inseparable from the Observance of His Royal Word.

It would be unjust to attribute to you any Design to recommend a Violation of His Majesty's Promise. The Advice which you offer you justify on the Ground that the Conduct of the late House of Assembly, had too clearly proved the contemplated Arrangement to be neither safe nor prudent. Your Proposition, therefore, in effect is, that a Pledge entered into with a view to the public Good ought not to be maintained after more recent Experience has proved that the public Good would not really be promoted by an Adherence to it; and this you assume to be the Case in the present Instance. On this Point, however, I must beg to differ from you. The Assumption on which your Argument proceeds identifies in Character the last and the present Houses of Assembly. It ascribes to the new Representatives of the People those Designs and Principles which led first to the Dissolution and then to the Rejection of their Predecessors. It plainly asserts, or necessarily involves the Assertion, that the Representatives of the People of Upper Canada, from

No. 19.
Lord Glenelg
to
Sir F. B. Head,
8th Sept. 1836.

whatever Class of Society they may be chosen, are unworthy to be trusted with the Appropriation of the Revenues of the Province, and will be led on by every Concession to new Encroachments and Usurpations. If compelled to reason on this Basis, I should be irresistibly urged to Consequences far exceeding those which you have stated, or perhaps contemplate. But I entertain a very different Opinion. For the Support of the Constitution in Upper Canada I would with Confidence appeal to the good Sense, the Loyalty, and the public Spirit of the Inhabitants at large.

At this Distance it is more easy, perhaps, than on the Scene of Action itself, to look dispassionately at the Triumph of the Moment, and to estimate with a sober and cautious Foresight the ultimate Results of what is now passing. Without digressing into Topics on which I am unwilling without Necessity to enter, I would only express my Belief, that if your present Success be used for the Introduction of what you describe as "Acts of a stern and decisive Nature," we shall throw away the Fruits of the Victory which you have gained, cement again that Alliance which has for the Time been broken up, and provoke a Second Reaction, to which I know not how any effectual Resistance could be presented. On the other hand, by a firm Adherence to the plighted Faith of the Crown, by a frank Redress of every real Grievance, by a cordial Concession of every just Demand, and by a resolute Opposition to Demands of a revolutionary Character, we shall, I trust, secure every Object which is of any real Moment; and even in the event of Failure shall stand absolved before God and our Country from the Reproach of having brought upon ourselves public Disasters by the Dereliction of any Duty, or the Abandonment of any Principle.

In a Word, His Majesty commands me to state, that with regard to Canadian Policy his Course is irrevocably taken by the Instructions which you have received; that he will fulfil every Promise contained in them faithfully and completely; and that a zealous and cordial Co-operation on your Part in Prosecution of the System of Policy thus solemnly announced is the Condition upon which the Administration of the Province can be continued in your Hands.

I have, &c.

(Signed) GLENELG.

No. 20.

No. 20.
Lord Glenelg
to
Sir F. B. Head,
12th Sept. 1836.

(No. 96.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K.C.H.

Sir, Downing Street, 12th September 1836.

Mr. Hume, 19 Aug. 1836.
Sir G. Grey, 20 — —
Ditto.
Dr. Duncombe, 23 Aug. —
Ditto 3 Sept. — —
Mr. Stephen, 5 — —
Dr. Duncombe — —
Mr. Stephen, 10 — —

WITH reference to my Despatch of the 8th Instant, I have the Honour to enclose herewith, for your Information, a Copy of the Correspondence which has passed between Dr. Duncombe and this Department, on the Subject of the Representations relative to the recent Elections in Upper Canada, with which he is said to have been charged. I also enclose a Copy of a Letter from Mr. Hume to Sir G. Grey, introducing Dr. Duncombe, and of Sir G. Grey's Answer.

In his Letter of the 23d Ultimo, Dr. Duncombe, as you will perceive, proposed to delay for a few Days his Communication to me, in order that he might receive some further Intelligence on the Subject, of which he was in expectation. I have not since received his promised Statement, but if it should hereafter reach me I shall not fail to take the earliest Opportunity of furnishing you with a Copy of it.

I have, &c.

(Signed) GLENELG.

No. 20.
Lord Glenelg
to
Sir F. B. Head,
12th Sept. 1836.

Enclosures.

My dear Sir, Bryanston Square, 19th August 1836.

Allow me to introduce the Bearer, Dr. Duncombe, Member of the new House of Assembly of Upper Canada, come to England expressly at the Request of the Reformers of Upper Canada, to state to Lord Glenelg Circumstances connected with the Elections in that Province very important to be made known to the Colonial Office here; and I request you will give him an Opportunity of stating to his Lordship the important Details he has been commissioned to make known to His Majesty's Government here.

I shall present a Petition to the House of Commons this Day at Four o'Clock against the Conduct of Sir F. Head, and Dr. Duncombe will show you a Copy, that you may be acquainted with the Facts alleged in that Petition.

I remain, &c.

Sir George Grey, Bart., M.P. (Signed) Joseph Hume.
&c. &c. &c.

Dear Sir, Downing Street, 20th August 1836.

With reference to your Note of the 19th Instant, which I have communicated to Lord Glenelg, I am directed to inform you that a Copy of the Petition to which you refer, and which has been subsequently presented by you to the House of Commons, will be forwarded by the earliest Opportunity to Sir Francis Head, in order to enable him to make such Observations as he thinks necessary for the Vindication of his Character from the Charges alleged against him in the Petition. Lord Glenelg considers that obvious Inconvenience, and perhaps Injustice, might arise if he were to receive from Dr. Duncombe verbal Statements in corroboration of the Allegations contained in the Petition, the Substance of which Lord Glenelg might be unable correctly to transmit to Sir F. Head; but if his Lordship is right in inferring from your Note that Dr. Duncombe is anxious to make known to His Majesty's Government some important Facts relative to the recent Elections in Upper Canada, in addition to those contained in the Petition, and tending to impeach the Conduct of Sir F. Head, he requests that those Statements may be addressed to him in Writing, in order that they may be forwarded to Sir F. Head for his Explanation, together with the Copy of the Petition.

I have, &c.

Jos. Hume, Esquire, M.P. (Signed) Geo. Grey.
&c. &c. &c.

Sir, Downing Street, 20th August 1836.

I have the Honour, by the Directions of Lord Glenelg, of inclosing for your Information the Copy of a Letter addressed by me to Mr. Hume, and in answer to a Letter from him, in which he informed Lord Glenelg that you had come to England expressly to state to his Lordship Circumstances of Importance connected with the recent Elections in Upper Canada.

I am directed by Lord Glenelg to request that, should it be your Wish to make any Communication to him on this Subject, you would do him the Favour of addressing it to him in Writing; and I am further to request, that any such Communication may be placed in his Lordship's Hands as early as possible, with the view to its being transmitted by the first Opportunity to Sir F. Head for such Explanations as he may feel it his Duty to offer.

I have, &c.

Dr. Duncombe, (Signed) Geo. Grey.
&c. &c. &c.

3, Northumberland Court, Charing Cross,
Sir, 23d August 1836.

I have the Honour to acknowledge the Receipt of your Favour of 20th Instant, conveying to me Lord Glenelg's Request that I should communicate in Writing any Information respecting the Affairs of Canada that I might wish to lay before his Lordship.

No. 20.
Lord Glenelg
to
Sir F. B. Head,
12th Sept. 1836.

Enclosures.

I have deferred making the Statements I am desirous of giving his Lordship on account of my daily expecting the Arrival of a greater Number of Facts, and more positive Evidence of those already submitted in my Petition.

Should these not arrive in Three or Four Days, I shall without further Delay do myself the Honour of submitting to his Lordship a Statement of the Facts now in my Possession, and not contained in the Petition.

I have, &c.

Sir George Grey, (Signed) Charles Duncombe.
Downing Street.

Sir, Downing Street, 1st September 1836.

I am directed by Lord Glenelg to acknowledge the Receipt of your Memorial respecting the Refusal to issue to you a Patent in Fee Simple for the Land held by you on Lease from the late Captain Brant; and I am to observe, from the various Documents to which this Memorial refers as Enclosures, were not contained in it, Lord Glenelg would be happy to receive them at your earliest Convenience.

I have, &c.

C. Duncombe, Esquire. (Signed) James Stephen.

3, Northumberland Court, Charing Cross,
Sir, 3d Sept. 1836.

I have the Honour to acknowledge the Receipt of your Favour of the 1st Inst., and herewith enclose the Papers referred to in my Memorial to Lord Glenelg of the 31st Ultimo. I am very desirous of seeing his Lordship, that I may explain some Circumstances connected with this Matter that it is quite impossible to communicate by Letter. I shall anxiously await his Lordship's Pleasure.

I have, &c.

Jas. Stephen, Esq. (Signed) Charles Duncombe.

Sir, Downing Street, 5th Sept. 1836.

I have the Honour to acknowledge your Note of the 3d Inst., expressing your Anxiety to see Lord Glenelg in order to make some Communications to his Lordship which you feel yourself precluded from transmitting by Letter. In reply I am to inform you, that in consequence of his Lordship's Absence from Town it has not been in my Power to lay your Note before him.

I have, &c.

Charles Duncombe, Esq. (Signed) Jas. Stephen.
&c. &c. &c.

3, Northumberland Court, Charing Cross,
Sir, 5th September 1836.

Not having received any Answer to my Note of the 3d Instant to Mr. Stephen, expressing my anxious Desire to see your Lordship upon my *private* Business, I must beg your Lordship's Indulgence while I repeat my Wish, and give this further Explanation of the Cause of my Urgency. I have a private Letter to myself upon this Subject, containing some important Facts, worthy your Lordship's Consideration, which, although I might without Impropriety show it to your Lordship, yet, should I give it Publicity, I have good Reason to fear that the violent arbitrary Measures of the Executive Government of the Colony *would* be severely visited upon the *Author*, who is most devotedly your Lordship's Friend, and whom I would not injure to secure the Success of my Application.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) Charles Duncombe.
&c. &c. &c.

No. 20.
Lord Glenelg
to
Sir F. B. Head,
12th Sept. 1836

Enclosures.

Sir, Downing Street, 10th September 1836.

I AM directed by Lord Glenelg to acknowledge the Receipt of your Letter of the 5th Instant, renewing your Application for an Interview with his Lordship, and stating as your Reason for so doing that you are in possession of a private Letter to yourself which you are anxious to submit to him, but which you decline to make public from a Fear of attracting on the Author the Displeasure of the Executive Government of Upper Canada. In reply I am desired to state that Lord Glenelg feels assured that you will at once perceive the Impossibility of his receiving any Statement inculpating an Officer entrusted with the Government of one of His Majesty's Colonies on any Terms which should forbid the immediate Disclosure of the Charge to the Party affected by it; nor can his Lordship admit the Supposition that any Person would be exposed to Injury or Prejudice on the part of Sir F. Head by the open and respectful Statement of any Facts connected with the Administration of the Government of Upper Canada. For these Reasons Lord Glenelg must decline to grant you the private Interview which you have solicited, although his Lordship will be prepared to receive and to consider any Statement or Documents which you may transmit to him.

I have, &c.

Charles Duncombe, Esq. (Signed) JAMES STEPHEN.
&c. &c. &c.

No. 21.

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Lord Glenelg
to
Sir F. B. Head,
22d Sept. 1836.

(No. 99.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 22d September 1836.

WITH reference to my Despatches of the 8th and 12th Instant, I have the Honour to enclose to you herewith the Copy of a Letter which I have received from Mr. C. Duncombe, detailing the Charges respecting your Conduct during the recent Elections in Upper Canada, which it was the Object of his Mission to this Country to prefer. I at the same Time transmit a Copy of the Answer which has been returned to him by my Direction.

20 September.

I shall be happy to receive from you, at your early Convenience, any Explanation which you may think it necessary to offer on the Statements contained in Mr. Duncombe's Letter.

21 September.

I have, &c.

(Signed) GLENELG.

First Enclosure in No. 21.

Enclosure No. 1.

(Copy.)

3, Northumberland Court, Charing Cross,
My Lord, 20th September 1836.

I HAVE the Honour to acknowledge the Receipt of a Letter from Sir George Grey of the 20th Ultimo, together with a Copy of a Letter addressed to Mr. Hume in answer to a Letter from him, requesting that your Lordship would allow me to communicate to you personally Circumstances connected with the late Elections in Upper Canada.

I very much desired to communicate to your Lordship personally Facts connected with the present discontented and unhappy political Condition of the People of Upper Canada, which could have been done much more readily and satisfactorily verbally than by Letter, and for which special Purpose I was deputed to this Country; and, had your Lordship thought proper to accede to that Request, I should then have been able by that Opportunity to submit the Facts in Writing, and have afforded any Explanation you might have wished for.

Mr. Hume has so clearly and forcibly put before your Lordship the Object I had in view in coming to this Country, and the Reasons why I should have the Opportunity of seeing your Lordship, that I can add nothing further than

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that under these Circumstances I am compelled to yield to your Lordship's Order, and submit the following Detail.

All the various Causes that have led to the present unhappy State of Upper Canada cannot be detailed in Writing without trespassing too long upon your Lordship's valuable Time.

I shall, therefore, as briefly as possible refer to some (perhaps not the most prominent) of the Causes that have led to the present distracted State of the Affairs of that Province.

Upper Canada is purely a British Colony, composed of Canadians by Birth, Persons from various Parts of His Majesty's Dominions, and some from Foreign Countries, most of whom have come to Upper Canada to better their Conditions, and on account of their Attachment to and Veneration for the Constitution and Institutions of Great Britain.

At the Division of the Province of Quebec into Upper and Lower Canada by the 31st Geo. 3., on Governor Simcoe's assuming the Government of Upper Canada, he assured the House of Assembly in his opening Speech, that this Act "*established the British Constitution*, and all the *Forms* that secure and maintain it in this distant Colony;" and in his closing Speech from the Throne he says, "At this Juncture I particularly recommend to you to explain that this Province is singularly blessed, not with a mutilated Constitution, but with a Constitution which has stood the Test of Experience, and is the very *Image* and *Transcript* of that of Great Britain;" and this has uniformly been declared to be the Constitution of the Province, until the recently proclaimed Opinion of Sir F. B. Head that "the Constitution which His Britannic Majesty George the Third granted to this Province ordained no such Absurdities."*

* See His Excellency's Reply to an Address from a Meeting held in the City Hall.

The former Confidence in the successful Workings of the British Constitution, if administered according to the Genius and Habits of the People, have induced them, from Time to Time for the last Fifteen Years, through the House of Assembly and otherwise, to petition the Governors of the Colony, His Majesty, and the Imperial Parliament for the Redress of Evils growing out of irresponsible Administrations, and praying for the Application of such just and liberal Measures as would secure to all His Majesty's Subjects in the Colony the just Administration of the Laws, equal Rights and Privileges, and the free Enjoyment of Civil and Religious Liberty; yet these Applications have been disregarded by the Executive of the Province, and favourable Answers from His Majesty's Government have been so long delayed, or so much disregarded by the Executive when they were received, that the Abuses still continued.

These Abuses had so increased towards the Close of the Administration of Sir John Colborne as to be seriously felt and loudly and openly complained of by the People throughout the Province.

The Influence of the House of Assembly in the Legislature was nearly lost, as was evident from the Rejection by the other Branches of the Legislature of most of the popular Bills passed by the House of Assembly, although numerously petitioned for by the People, and frequently passed by large Majorities in that and former Houses of Assemblies, and supported by Members representing very large Majorities of the People; while the Executive Influence in the Government was daily increasing, from the large Revenues annually disposed of by them without the Sanction of Law, or even being accounted for to Parliament.

Some of these Revenues are the Casual and Territorial Revenue, the Crown Revenue, and Crown Lands Revenue, the College Lands and Funds, the Common School Lands and Funds, all special Reserves of Land and the Funds arising from them, other unsettled Lands, as the Waste Lands of the Province, and the Funds arising from them; all of which could be much more beneficially applied to Objects of Utility and public Improvement within the Province by Law than at the Pleasure of the Executive.

The liberal Support of the Government and Pensioners, the Sums annually expended for public Improvements, Canals, Lighthouses, Harbours, Roads, and Bridges,

Bridges, Common Schools, District Schools, and other casual Expenses, far exceeded that Part of the Revenues of the Province at the Disposal of the Provincial Legislature.

This was daily involving the Country in a Debt that must eventually lead to direct Taxation, while the natural Resources of the Country were applied by an irresponsible Executive Government to the Support of political Priests or the Aggrandizement of a Party without the Sanction of Law.

The Recall of Sir John Colborne and the Appointment of a new Governor selected by a Reform Ministry, with avowed Intentions to reform the Abuses of the Colony, was, as Sir F. B. Head observes, "glorious News" to the People of Upper Canada; not because the Individual was changed, but because the People expected a Change of Policy, a responsible Executive Council, composed of Persons having the Confidence of the People, who would administer the Government of the Colony with Liberality and equal Justice to all; and their Confidence and Gratification were increased by Sir F. B. Head's adding to the Executive Council Messrs. Dunn, Baldwin, and Rolph; and Resolutions and Addresses to Sir F. B. Head were daily presented, from all Parts of the Province and by all political Parties, thanking him for calling to his Councils Gentlemen having the fullest Confidence of the People on account of their Talents, Integrity, Ability, and extensive Knowledge of the Affairs of the Province and the Wants and Wishes of the People; through whose Influence it was strongly anticipated that the Legislative Council would be so remodelled as to be rendered a useful Branch of the Legislature; for as it is at present constituted it should not be called a Branch of the Legislature; it represents no Portion of the People of the Province, nor any particular Interests in the Province, and is only another Instrument of Executive Power, composed of Persons who, like the Lieutenant Governor and Executive Council, are appointed by the King, and who are not the Choice of the People, and who (if possible) are still more irresponsible than the other Branches of the Executive Government, for they do not even *profess* to be responsible even to His Majesty's Government for their Conduct.

At this Time, after a Call of the House of Assembly, Fifty-three out of Fifty-five Members present voted that it be "Resolved, that this House considers the Appointment of a *responsible* Executive Council, to advise the Lieutenant Governor or Person administering the Government on the Affairs of this Province, to be one of the most happy and wise Features of our Constitution, and essential to our Form of Government, and as being one of the strongest Securities for a just and equitable Administration of the Government and full Enjoyment of Civil and Religious Rights and Privileges."

The Adoption by all political Parties of this Resolution in favour of a responsible Executive Council was received by moderate Men as a Pledge for the future liberal, just, and constitutional Government of the Province; and although the Publication by Sir F. B. Head of his Additions to the Executive Council gave Hopes to the Colony, yet, however, the same irresponsible System was pursued, and the public Mind held in Suspense, until the Resignation of the Executive Council and the subsequent Disclosure by Sir F. B. Head of his Determination to continue the irresponsible System opened the Eyes of the People to his real Tory Principles.

Upon the Appointment of the present Executive Council, composed of Mr. Sullivan and his Associates, the House of Assembly addressed Sir F. B. Head, expressing their Want of Confidence in his Council, partly on account of the Individuals composing it, but more especially on account of the avowed irresponsible Tory System about to be pursued by Sir F. B. Head and his new Council in the Administration of the Affairs of the Province; but notwithstanding that Address they were retained in Office, and the old Tory Policy continued. It is quite correct that after the Avowal of Sir F. B. Head of his Politics many of the Members who had previously voted for a responsible Executive Council (among whom were His Majesty's Solicitor General and the leading Tory Members of the House of Assembly) now voted against the very Resolution they had before supported.

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Petitions poured in from all Parts of the Country praying the House of Assembly not to support the old irresponsible System, but to adopt the only constitutional Means in their Power of expressing their Dissatisfaction of that System, that of withholding the Supplies.

The House of Assembly entertained those Petitions; but knowing that the Influence it had by stopping the Supply was merely nominal, as the Sum under the Control of Parliament and voted annually for Supplies was less than 8,000*l.* out of 40,000*l.* or 50,000*l.* annually disposed of by the Executive Government, or permanently appropriated by the 4th Wm. IV. towards the Payment of Salaries, and that their doing so would not probably attract more Notice now than it did when the Supplies were not passed by the Tenth Parliament, but for the Circumstance that Sir F. B. Head, without Precedent, refused his Warrant for the Payment of Contingencies of the Legislature, and withheld the Royal Assent from all the Money Bills (save One) passed by both Branches of the Legislature.

And here, my Lord, allow me to remark the great Difference in the Conduct of Sir F. B. Head and other Governors. Lord Gosford, notwithstanding the Supplies were withheld in Lower Canada, not only paid the Contingencies of the Lower Canada Legislature to a much larger Amount than was required by the House of Assembly for the Contingencies of the Legislature of Upper Canada, but he also granted the Royal Assent to all the Money Bills and all the Bills (save One) passed by the other Branches of the Legislature, whilst Sir F. B. Head refused the Contingencies and the Royal Assent to the Money Bills.

Sir John Colborne also, when the Supplies were withheld in the Tenth Parliament, paid the Contingencies and granted the Royal Assent to the Bills passed by the other Branches of the Legislature.

My Lord, I can scarcely comprehend how His Majesty's Government can consistently approve of the Conduct of Lord Gosford in Lower Canada, as they did of Sir John Colborne's Conduct in Upper Canada, in pursuing (in this respect) a liberal conciliatory Course towards the People of both Provinces, and not disapprove of the high-handed, arbitrary, and unconciliatory Conduct of Sir F. B. Head in refusing the Contingencies and withholding the Royal Assent to the Money Bills; dissolving the Parliament while a great constitutional Question, referred Home by the House of Assembly, was pending before His Majesty's Government, without waiting for your Lordship's Instructions.

It appears to me, my Lord, quite incredible that your Lordship can approve of Sir F. B. Head's unconstitutionally interfering with the elective Franchise, subverting the natural Resources of the Country from their legitimate Objects, the Improvements of the Country, to Party electioneering Purposes, denouncing a large Proportion of the truly loyal People of the Province as "our Enemies," and allowing, if not actually encouraging, Orange Associations (notwithstanding the Resolutions of the Imperial Parliament and His Majesty's Royal Message thereon) to interfere with the Elections throughout the Province by Violence and Outrage.

Such Conduct, my Lord, has induced the People to discuss the Question of a responsible Executive Council, and, consequently, the first Principles of Government, under Circumstances unfavourable to the present Colonial Policy, and even to Monarchical Governments.

The People of Upper Canada have constantly before them, on the one hand, in their immediate Vicinity a Republican Government, highly flourishing, contented, peaceable, and prosperous, with Forty or Fifty Millions of Dollars of surplus Revenue to be expended in Works of public Improvement and Utility, Wages high, the industrious Classes actively and profitably employed, Money plenty, Business lively, wild Land cheap and easily obtained, improved Lands rapidly rising in Value, and a respectable wealthy Emigration rapidly settling and improving the Western States; while, on the other hand, they are suffering from the arbitrary and unconstitutional Conduct of their Lieutenant Governor, Discontent and Excitement prevailing to a great Degree, their own Agriculture in a depressed State, without Commerce and without Manufactures, the Province deeply in Debt, and no Provision made for its final Payment. While the Wealth of the Country is lavished upon political Priests and Favourites for Purposes unworthy of a free Government, they see public Improvements entirely stopped, Emigration to the Province very much checked, the

industrious Classes thrown out of Employment, the Money Market unusually depressed, and Hundreds anxiously awaiting Relief from the Distribution of public Funds voted by the Legislature, which have been unexpectedly refused by Sir F. B. Head, Confidence in public and private Securities shaken, the large Banks obliged to refuse to discount as usual, and a State of financial Embarrassment brought on seldom, if ever, before witnessed in Upper Canada.

The People have been told by Sir F. B. Head that they had not a responsible Executive Council, and "that it would be unreasonable to expect that "the People of this Province should be ruined in vainly attempting to be the "exact Image and Transcript of the British Constitution;" but he added, "the Constitution which His Britannic Majesty George the Third granted to "this Province ordained no such Absurdities."

See His Excellency's Reply to an Address from a public Meeting held in the City Hall.

Sir F. B. Head has publicly denounced the great Body of the People of Upper Canada as "our Enemies" whom "he had repelled;" and by his inflammatory Harangues exciting and alarming the People, by talking of the Province being about to be "disturbed by the Interference of Foreigners, whose "Power and whose Numbers will prove invincible," and whom he vauntingly challenges; he adds, in his Reply to the Home District Address, "In the "Name of every Regiment of Militia in Upper Canada I publicly promulgate, "*let them come on if they dare.*"

See Reply to Address from Grand Jury.

And when, my Lord, by all this despotic Conduct of Sir F. B. Head the quiet, peaceable, industrious, and enterprising Canadians were leaving the Province by Hundreds, at great private Sacrifices in the forced Sale of their Property and Possessions, to avoid such Oppression, and to seek an Asylum under a cheap responsible Government in the United States, the People were told by him that all these Evils were occasioned by stopping the Supplies,— "that the Money which would not only have improved your Roads, but would have given Profit and Employment to Thousands of deserving People, is now stagnant."

See Reply to Toronto Elector's Address.

"The Sufferers in the late War have lost the Remuneration which was absolutely almost in their Hands."

"Emigration has been arrested, and instead of the English Yeoman arriving with his Capital in this free British Country, Mechanics in Groups are seen escaping from it in every Direction, as if it were a Land of Pestilence and Famine." And this the People are told is the "Result" of the "grand Object" of "stopping the Supplies" of less than 8,000*l.*, not coming in course of Payment until July and January following, while in fact he must have known that your Lordship must see that all these Evils which he so truly describes were occasioned by his own despotic, arbitrary, and unconstitutional Conduct, and that of his Dependants and Orange Associates.

If Sir F. B. Head conceals from himself that he has been the Cause of all these Misfortunes to the People of Upper Canada, I hope your Lordship will convince him that you have discovered the real Causes to have been what I have stated.

All these violent Measures which I have stated, especially the withholding the Royal Assent from the Money Bills, gave very general Dissatisfaction throughout the Province, as the Improvements intended to be carried on by these Grants were in a State of Progression, and required the immediate Use of the Money voted to complete them.

Of the Supplies of Money refused by Sir F. B. Head, the 50,000*l.* voted for the Improvement of the Roads and Bridges was very much required, and could have been much more profitably expended in the early Part of the Summer Season, if he had sanctioned the Bill immediately, than after the Lapse of Time that would be required for the Royal Sanction.

The Sum of 20,000*l.* granted by the Assembly for the Relief of the War Loss Sufferers, by which the large Sum of 67,000*l.* would have been paid to them and their whole Claim settled, which had already been deferred for more than Twenty Years; yet, notwithstanding that the Bill was passed in exact Accordance with His Majesty's previous Instructions, that Bill was also refused the Royal Assent by Sir F. B. Head.

The Bill for the Support of the Convicts in the Penitentiary;

The Bill for the Support of the Lighthouses;

The Bill for the Support of Common Schools, and various other Bills for

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public Improvements and for the Payment of Debts due to Individuals, were by Sir F. B. Head all refused the Royal Assent, and will be found to have been the real Cause why so many of the industrious Inhabitants of Upper Canada were flying from their native Country as from a Pestilence, as stated by Sir F. B. Head. They were in Reality flying from the arbitrary Acts of Sir F. B. Head.

My Lord, I call your special Attention to the Charges, that as well after as before the late Parliament was dissolved and Writs issued for the new Parliament Sir F. B. Head unduly interfered with the Freedom of Elections, by attempting to bias and overawe the People by denouncing in public Addresses the Members composing the Majority of the late House of Assembly (most of whom were Candidates for Re-election) as Enemies to the People of the Province.

Your Lordship's Attention is also directed to the Charges, that public Money has been most unconstitutionally placed at the Disposal of Committees or other Agents of the Tory Candidates to assist them in their Elections.

That the Sum of 500*l.* was placed at the Disposal of the Tories calling themselves the Constitutional Society, to be expended in aiding the Election of the Tory Candidates.

That another Sum was placed in the Hands of the Clerk of the House of Assembly, with Instructions to go to the Eastern District and use that Money to the best Advantage (no Doubt corruptly) for securing the Election and Return of Members who would support the unconstitutional Policy of Sir F. B. Head.

It is further alleged, that notwithstanding the Terms of Lord Goderich's Despatch to Sir John Colborne, (every Word of which Sir F. B. Head is requested by that of your Lordship of the 5th of December last to attend to,) in which the Lieutenant Governor is told that "His Majesty expects and requires of you neither to practise, nor allow on the part of those who are officially subordinate to you, any Interference with the Rights of any of His Majesty's Subjects in the free and unbiassed Choice of their Representatives;"—in direct Opposition to all these Instructions, my Lord, Sir F. B. Head has not only interfered with the Elections himself, but openly allowed and encouraged all Persons under him to interfere with and influence the Elections by every Means in their Power; by which extraordinary Conduct more than One Third of the newly elected House of Assembly are Sheriffs representing the Counties within their executive Jurisdiction and other paid Officers holding their Situations during the Pleasure of the Lieutenant Governor.

I submit, my Lord, that the permitting public paid Officers, removeable at Pleasure, to Seats in the Assembly is contrary to the Spirit if not the Letter of the British Act, which should apply to Upper Canada as well as to Great Britain, and deserves your immediate Attention.

I further state that the Rules and Regulations ordinarily observed in the Land-granting Department were wholly disregarded, for the Purpose of aiding the Partizans of Sir F. B. Head, by issuing Patents or Grants of Land to Tory Followers before they had perfected the Conditions upon which they were promised such Lands; while many Persons who had long before complied with the Terms of their Location, and who had frequently and urgently pressed the public Offices, urging their extreme Anxiety to receive their Patents, have been obliged to wait until after the Election; that many of these Patents have been issued pending or during the Elections to Persons residing out of the County or Riding for very small Parcels of Land,—in many Instances for not more than One Quarter or Half an Acre of wild Land without any House on it; thus creating a great Number of Voters, who went from one Election to another and voted at each Election, so that the real Freehold Electors resident in the Counties or Ridings, thus intended to be represented according to the Spirit of the Election Laws of the Province intended to guard against Bribery and Corruption, have been out-numbered, and their elective Franchise thus unconstitutionally tampered with.

The following are some of the many Instances of the unconstitutional Interference by Sir F. B. Head and his Dependents with the elective Franchise:

William Higgins, Bailiff to the Sheriff and Court of Requests, Toronto City, voted against the Reform Candidate upon a Deed signed by Sir F. B. Head, 27th

27th June 1836; George Walton, Bailiff and Sub-Sheriff, after electioneering for the Tory Candidate, took the Oaths, and voted upon about Half an Acre without Buildings upon it, Patent dated the Monday previous; John Powel, Attorney, and Grandson of the late Chief Justice, voted against the Reform Candidate upon a Quarter Acre of Land, upon which there were no Buildings, —Grant by SirF. B. Head 28th June 1836, during the Progress of the Election; Finley Cameron voted against the Reform Candidate, Patent issued by Sir F. B. Head during the Election, 28th June 1836; John Crighton and Hue M'Lallan voted against the Reform Candidate under a Grant of Sir F. B. Head, Patents dated 25th June 1836; Alderman Doctor John King, of the City of Toronto, voted against the Reform Candidate in the Second Riding of York, under a Grant of Sir F. B. Head of about One Quarter of an Acre of Land without a House, dated, during the Election, 28th June 1836; Robert Ruston and Thomas Johnson voted against the Reform Candidate upon free Grants from the Crown for 100 Acres each, Patents dated 25th June 1836. Most of the above Persons resided out of the Second Riding of York, where they voted.

It is further alleged that many Votes were created by giving Patents to Persons who had commuted their Pensions, and who, without having any special Claim for Land, had been allowed to occupy small Parcels under a Licence of Occupation, without the Power to dispose of it, contrary to the original Intent of the Location.

That Patents have been issued for Parts of Lots without a Description of the Part, where only Part of the original Purchase Money had been paid, contrary to the original Order under which the same was located; that in other Instances Patents have been issued to Individuals for the whole of the Lots they had contracted for without the Payment of the whole of the Money originally demanded, contrary to the uniform Practice, which requires that the whole of the Money shall be paid before the Patent shall be issued. In all these Cases the Persons thus favoured voted for the Tory Candidate, and in no One Instance did any of those Persons vote for the Reform Candidate. These Examples serve to show some of the many Ways by which Votes were created by Sir F. B. Head to support the Tory Candidates and overwhelm the Reformers in different Parts of the Province.

My Lord, the honest Freehold Electors who had long resided in the Province were prevented from voting in many of the Counties and Ridings of the Province, as illustrated in the following Instance:—Wait Sweet's Vote for Mr. M'Kenzie, in the Second Riding of York, was rejected because he was born in the United States, although he had been in the Province upwards of Half a Century, had a good Farm, an undisputed Freehold, had served in the late War against the United States, had taken the Oath of Allegiance in 1801, and was willing to take it and all the electoral Oaths required by the Statute, but had not the Certificate of his having taken the Oath of Allegiance with him; after being thus rejected he returned with his Certificate of having taken the Oath of Allegiance, and a Certificate of his Service in the late War, and yet his Vote was rejected by Mr. Hepburn, the Returning Officer, a Commissioner for the Sale of Indian Lands, removeable at the Pleasure of Sir F. B. Head, who refused even to enter Mr. M'Kenzie's Objections to the Rejection of Mr. Wait Sweet's Vote upon the Poll Book.

I also have to observe, that the newly-created Rectors of the Church of England were, indecently, actively electioneering for the Tory Candidates, often among the Crowd with their Hats in their Hands, urging on the Enemies of Reform. I thought this, my Lord, the very wrong Way to secure the Affections of the People.

And it is to be observed that generally the State-paid Priests and most of those Persons whose Salaries or Offices are at the Pleasure of Sir F. B. Head were violent in their Opposition to the Reform Candidates, either associating themselves with Orangemen, previously secretly organized, who with Clubs and other Instruments were menacing, threatening, and beating the quiet and peaceable independent Reform Electors,—often actually driving them from the Polls, or they were among those outrageous Partizans of Sir F. B. Head, apparently delighted with the Violence of their Party, and, it is to be observed, without one Effort on their Part to check these Excesses and Breaches of the Peace; thus indicating the Source from whence this organized System against the

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Freedom of Election emanated, and the slight Chance a Reformer would have of obtaining legal Justice for their Injuries or even the Loss of the Lives of their Friends, as their Complaints must be made to Men bound together by *secret* solemn Oaths, or to their violent Partizans in their political Strifes and violent Outrages.

It is also alleged that the Honourable James Crooks, a Member of the Legislative Council of Upper Canada, tendered his Vote, which was received, for the Tory Candidates, contrary to the Practice either in Canada or in England.

It is further alleged that Andrew Shore, charged with Felony, and committed to take his Trial at the next Assizes, was admitted to Bail without a Judge's Order by Messrs. Alderman Gurnett, Editor of the Courier, the demi-official Organ of the Government, and Alderman Dennison, both active Partizans of Sir F. B. Head, to enable him to vote against the Reform Candidate.

These, my Lord, are only a few of the many arbitrary and unconstitutional Acts of Sir F. B. Head and his Dependents, of which the People of Upper Canada complain, and which the Reformers instructed me to point out to your Lordship personally, and which I should have endeavoured to have done had your Lordship afforded me an Opportunity.

I take this Opportunity of entering my Protest against the Course which your Lordship has adopted of refusing to grant me an Interview, at which I should have done more Justice than I now can to the important Duty imposed on me by my Fellow Countrymen in Upper Canada. I consider the Treatment which Mr. Baldwin and myself have met with at your Lordship's Hands in being refused an Interview highly unjust and oppressive, as it is well known that no Person deputed by the Tory Party in Upper Canada was ever refused an Interview in which to state their Grievances; and if, my Lord, we are to be treated by Lieutenant Governors as we have been by Sir F. B. Head, and afterwards refused all Access to the Colonial Minister of the Crown when we come 4,000 Miles to state our Grievances, what Justice or Protection can the People of the Colonies obtain against any oppressive and arbitrary Act?

I enter this my Protest *against* your Lordship's Conduct on behalf of those my Countrymen who have sent me to England to seek Redress.

And I further complain against your Lordship for refusing me an Interview on an individual Case, specially referred to your Lordship's Decision by the late Lieutenant Governor and Council of Upper Canada, although I have Three Times requested the same.

I shall return to Upper Canada and report the Treatment I have received, and what the Expectations of my Countrymen for Justice can be from the Colonial Ministers.

I have therefore, my Lord, as the only Resource left, in the Name and on behalf of the Reformers of Upper Canada, most earnestly and most confidently, yet most humbly and most respectfully, to request that His Majesty's Government will investigate the Manner in which the late Elections in Upper Canada have been conducted on the Part of Sir F. B. Head and his Dependents, and all the Allegations I have made in this Letter and in the Petition presented to the House of Commons by Mr. Hume on the 19th of August last, by impartial and disinterested Parties not belonging to the Province, before your Lordship shall decide on such unconstitutional Conduct. And I request you to adopt such Measures in accordance with the Wishes of a large Majority of the People of the Province as shall secure to them the Freedom of Election, a cheap and responsible Government, the Regulation of their own internal Affairs, the Application by Law of all the natural Resources of the Country to Works of general Utility and Improvement, through a just, wise, and liberal Construction of the Constitution of the Province, thereby promoting the mutual good Offices between them and the Parent State, inspiring and promoting a Confidence in the paternal fostering Care and Protection of the Mother Country, and thus increase and confirm the Attachment of His Majesty's loyal Subjects of Upper Canada to Great Britain, and strengthen and perpetuate the Connexion between them, that may be made highly beneficial to both the Mother Country and the Colony.

I have, &c.

(Signed) CHARLES DUNCOMBE.

Second Enclosure in No. 21.

No. 21.
Lord Glenelg
to
Sir F. B. Head,
22d Sept. 1836.

Enclosure No. 2.

Sir, Downing Street, 21st Sept. 1836.

I am directed by Lord Glenelg to acknowledge the Receipt of your Letter to his Lordship of the 20th instant, in which you have preferred various Charges against Sir F. B. Head, the Lieutenant Governor of Upper Canada, in reference to the recent general Election of Members of the House of Assembly of that Province.

Lord Glenelg directs me to state for your Information, that he proposes to avail himself of the earliest Opportunity for transmitting a Copy of that Letter to Sir F. B. Head, for such Explanations as that Officer may be able to give respecting the Matters laid by you to his Charge; in the meantime his Lordship will of course suspend his Opinion on the Subject. He directs me, however, to state that he cannot receive Accusations of such a Nature against a public Officer of high and unblemished Character without recording his Persuasion that they will be found susceptible of a satisfactory Answer.

With reference to your Protest against Lord Glenelg's Decision to carry on his Communications with you not in personal Interviews but in Writing, his Lordship directs me to observe, that the Obligation of acting with strict Impartiality towards all Persons with whom he is brought into official Intercourse would have forbidden him to receive in mere Conversation Charges impugning the Honour and Reputation of any Man, however humble his Station in Life; nor can his Lordship think that, as a public Accuser of the Lieutenant Governor of Upper Canada, you are justly entitled to complain that you have been required to prefer your Charges in that Form in which alone they could be expressed with Precision, and subjected to the Test of an exact Inquiry.

With regard to your Application for the Confirmation of your Title to certain Lands in the Province to which you allude as connected with the more general political Questions embraced in your Letter of the 20th instant, Lord Glenelg directs me to refer you to my Letter of this Date, conveying to you his Lordship's Decision on that Subject.

I have, &c.

C. Duncombe, Esquire. (Signed) George Grey.

No. 22.

(No. 101.)

No. 22.
Lord Glenelg
to
Sir F. B. Head,
30th Sept. 1836.

Enclosures.

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, k.c.h.

Sir, Downing Street, 30th September 1836.

In the Conduct of Affairs in British North America no Principle is of more Importance than the Maintenance of one consistent and uniform Course of Policy in the Administration of the Governments of the different Provinces which comprise His Majesty's Dominions in that Quarter of the Globe. It is vain to suppose that any Concession can be made to the General Assembly of any one of those Provinces and withheld from the rest, or that on the Part of the Crown any Prerogative can be effectually asserted in one unless it be maintained with equal Firmness in the others. Hence the Necessity of a mutual good Understanding between the Officers administering the different Governments; and hence also the Importance of a free Communication between them, and especially of each being apprised as soon as possible of any considerable Measure which may be adopted in this Country with reference to any one of the Provinces in question.

No. 84. 31 Aug. 1836.
No. 85. 5 Sept.
No. 86. 10 Sept.

Bearing in mind these Considerations, I transmit to you Copies of certain Despatches which I have addressed to the Lieutenant Governor of New Brunswick. As I trust that they will be found to convey with sufficient Distinctness an Explanation of the Circumstances in which they originated, and of the Motives by which they were suggested, I enter into no further Statement of that Nature.

You will find in these Despatches, not the mere general Assertion, but so far as depends on His Majesty's Government the practical Execution, of some of the most important Principles by which it is designed to conduct the Administration of British North American Affairs. So far as those Measures are capable of Application to Upper Canada, you will have the goodness to con-

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sider my Instructions to Sir A. Campbell as addressed to yourself. In transferring them to the Case of a different Province, it is of course designed that every Latitude should be left for their Adaptation to the Exigencies of the public Service which may be prescribed by the inherent Differences of local Circumstances.

It has appeared to me that it would be very desirable to accelerate the meeting of the Legislature of New Brunswick, in order that the Nature of the proposed Arrangements in that Province might be well understood in both the Canadas and in Nova Scotia before the opening of the regular Session of the General Assemblies of those Provinces. I have every Reason to anticipate from the Legislature of New Brunswick so distinct and cordial an Affirmation of the great constitutional Principles which have been controverted elsewhere as may largely contribute towards the more easy and satisfactory Settlement of the Questions in Debate in Upper and Lower Canada. It is further my Wish that the meeting of the Upper Canadian Assembly, though postponed for some Weeks after that of New Brunswick, should precede by an equal Period the meeting of the Legislature of the Lower Province. From this Arrangement I foresee the Advantage that in Upper Canada, in the probable Temper of the new House of Assembly, another most important Declaration may be obtained in favour of constitutional Principles, while the Danger which may exist there of urging to a hazardous Extreme the recent Victory over a hostile Party may thus also be avoided.

If these Expectations should be fulfilled, Lord Gosford would meet the Lower Canadian Assembly with Advantages of which he might perhaps be able to make a most important Use. The popular Leaders, perceiving that their Views had been disavowed in the adjacent Provinces, would probably approach the Discussions of the Questions which they have so long agitated in a much more moderate and sober Temper of Mind than formerly.

Or if they should still persevere in the Course which they have hitherto pursued, and thus impose on Parliament the Necessity of any direct Intervention, the Obstacles which have hitherto prevented recourse to such Measures would be very greatly diminished by the public and decided Adherence of the other British North American Legislatures to a different Policy.

Although such are my own Views, and although I transmit to Lord Gosford a Counterpart of this Despatch, I do not venture at this Distance to enjoin on yourself and his Lordship an exact Compliance with them; but you will immediately enter into Correspondence with Lord Gosford on the Subject; and unless you and he should concur in Opinion, that it is desirable to pursue a different Course, the Meetings of the Canadian Legislatures must be so regulated as to afford Opportunity for the Execution of the Plan which I have explained. If, on the other hand, you and Lord Gosford should agree in preferring a different Order of Proceeding, I shall be perfectly satisfied to yield my Opinion to your concurrent Judgment, and shall be convinced that it has been adopted on solid and sufficient Reasons.

In Nova Scotia and in Prince Edward's Island these Controversies have not hitherto arisen, nor perhaps are they likely to grow up in those Provinces. But in transmitting to the Officers administering the Government of those Provinces a Copy of this Despatch, and of its Enclosures, I have desired them to call together their respective Legislatures at whatever Period Lord Gosford may, in concurrence with you, point out to them as being most calculated to facilitate his Lordship's Success in the approaching Session of the General Assembly of Lower Canada.

I have, &c.
(Signed) GLENELG.

First Enclosure in No. 22.

Enclosure No. 1.

(No. 84.)

COPY of a DESPATCH from Lord GLENELG to Sir A. CAMPBELL.

Sir, Downing Street, 31st August 1836.

I have to acknowledge the Receipt of your Despatch of the 16th March last, No. 19, transmitting the Copy of an Address from the House of Assembly of New Brunswick to His Majesty on various Subjects connected with the Administration of public Affairs in that Province. I have since received from Messrs. Crane and Wilmot, the Gentlemen deputed by the House of Assembly to represent them in this Country, the original Address of the Assembly;

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Assembly; and I have also been in communication with those Gentlemen, as well on the Matters to which the Address adverts as on others connected with the Colony. I enclose for your Information Copies of the Correspondence which has passed with them.

I have had the Honour of laying at the Foot of the Throne the Address of the House of Assembly, and I am commanded to express His Majesty's Satisfaction at the Spirit and Temper in which the House have framed this Record of their Sentiments on Subjects of great constitutional Interest and Importance.

The Assembly express their Approbation of the Instructions issued by His Majesty's Commands to Sir F. Head and to the Canada Commissioners, and state that it would afford them entire Satisfaction if the Principles which they involve were carried into operation in New Brunswick.

It is with great Pleasure that I am enabled to give the Assembly the Satisfaction which they desire. The Principles involved in those Instructions are not of limited Application; they form the Basis of the Policy which, in His Majesty's Judgment, it is the Wisdom of this Country to pursue in reference, not only to the Canadas, but also to all the other States of British North America.

I proceed to bring this general Declaration to a practical Test in the Answers which I am commanded to return to the Address.

1. The first Subject to which the Assembly advert is the Management of the Crown Estate. Their Representation is in substance that the Powers at present confided to the Commissioner of Crown Lands are excessive, and that the System which that Officer, in the Exercise of his Discretion, has followed, has tended to retard the Settlement and the Prosperity of the Province. But, in deference to the Judgment already expressed by His Majesty on this Subject, the Assembly withdraw on the present Occasion their Claim for the entire Control and Management of the Crown Lands, and suggest that such Control and Management should in future be confided to the Administrator of the Provincial Government and the Executive Council.

The Memorandum enclosed in the joint Letter of Messrs. Crane and Wilmot, dated the 27th instant, will explain to you the Representations which those Gentlemen have added on this Part of the Question.

From my Despatch of the 31st March last you will have seen that the Management of the Crown Lands in New Brunswick has lately engaged much of my Attention. Without stopping to inquire whether that Despatch may not in some degree have anticipated the Objections urged by the House of Assembly, I am at once to convey to you His Majesty's Decision on the proposed Measures of Amelioration.

His Majesty is pleased to acquiesce in the Suggestion, that the Management of the Crown Lands should for the future be confided to the Administrator of the Government for the Time being, aided by his Executive Council. In pursuance of this Decision it will be your Duty hereafter, in all Questions relating to the Disposal of Lands or Timber belonging to the Crown, to submit the Subject for the Consideration of the Executive Council, and to proceed only in conformity with the Opinion of that Council, or of a Majority of its Members. To the Commissioner of Crown Lands, however, will still belong the Duty of carrying into effect such Measures as shall have been thus decided on.

His Majesty at the same Time readily admits the Right of the Legislature of New Brunswick to pass such Laws as may seem to them expedient for the Guidance of the Executive Government in this Branch of their Duties. His Majesty will be at all Times prepared to receive, and to consider with Attention, any Suggestions or Advice respecting the Policy and System of Management of the Crown Lands which may be offered to the Crown by the Council and Assembly of New Brunswick, whether by Addresses or in the Form of Legislative Enactment. But as this is a Matter in which the Prerogative of the Crown is immediately concerned, and as it would obviously be inconvenient that any Uncertainty should be introduced into the Regulations for the Disposal of Crown Lands, it will be indispensable that any Act to be passed for such a Purpose should contain a Clause suspending its Operation until His Majesty's Pleasure respecting it shall have been declared.

2. The Assembly complain that they have not been able to obtain detailed Accounts of the Receipt and Expenditure of the Casual and Territorial Revenue, and have thus been prevented from making those Suggestions respecting the Management of that Fund, which, by Lord Ripon's Despatch of the 2d January 1833, they were invited to offer.

It would appear, by the Observation annexed by you to the Address, that you dissent in some degree from the Correctness of this Statement. I am not however called on this Occasion to examine into what is past. With respect to the future, I have to convey to you His Majesty's Commands that the most prompt Attention should be paid to any Addresses which may be presented to you by the House of Assembly for Information on Subjects connected with the Receipt and Expenditure of the Casual and Territorial Revenue. His Majesty has no Desire to withhold from the Representatives of the People of New Brunswick any Information on such Points which they may consider necessary for their Guidance; but as some Misapprehension appears to have hitherto existed on the Subject I must direct that in future there be annually laid on the Table of the House of Assembly, within Fourteen Days from the Commencement of their Session, a detailed Account of the Receipts and Expenditure of the Casual and Territorial Revenue of the Province for the Year last passed. This Return must be prepared with the utmost Clearness and Precision; and it might

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perhaps be possible for you to arrange before-hand with the Assembly the Form in which it could be most advantageously drawn up. It is scarcely possible to contemplate a Case in which it might be necessary to refuse the Call of the Assembly for any Information on this Subject, but should a Case occur you will not fail immediately to report the Circumstance to me.

3. The Assembly next allude to the Composition of the Executive Council.

They recommend that the Numbers of the Council should be materially increased; and His Majesty will take this Suggestion into consideration, although He is not yet prepared to declare whether it can be carried into effect, still less what should be the Extent of the proposed Increase.

The Assembly further express their cordial Concurrence in the Views of Mr. Spring Rice relative to the summoning to that Board of some Members of the popular Branch of the Legislature.

On this Topic the Assembly have expressed themselves with a just Delicacy. Declaring their Approbation of Mr. Spring Rice's Despatch, they yet disclaim any Wish to offer an Opinion to the King as to the Persons whom His Majesty may be pleased to call to fill Seats in the Executive Council. It is obvious, indeed, that a peremptory Rule on the Subject would be inadmissible. At present it is open to the Crown at its own Discretion to select Members for the Executive Council from all Descriptions of His Majesty's Subjects. The Prerogative is unfettered, and it is, in the Opinion of His Majesty's Advisers, most advantageous for all Parties that so it should remain. With respect to the Manner in which it shall in this Branch of it be exercised, His Majesty can give only the general Assurance, which he directs me to convey to the House of Assembly, that his Selection of Persons to sit in the Executive Council will be guided solely by a Reference to the permanent Interests of the Province, and to the Qualifications of those whose Names may be submitted to him for that Distinction.

4. The Composition of the Legislative Council is the next Subject alluded to by the House. Admitting that no great public Evil has yet arisen from this Source, they nevertheless express their Apprehension, that, according to the Principles laid down in the Instructions to the Canada Commissioners, those Members of the Council who hold Office under the Crown could not be expected to exercise an unbiassed Judgment on the Questions which might come before them. His Majesty's Ministers entirely agree in the Importance of securing the Independence of the Legislative Council; they are not indeed prepared, especially after the candid Admission of the Assembly as to the working of the present System, to recommend to His Majesty the Supersession of any of the present Members of the Council, nor do they consider Office as of itself a Disqualification for a Seat in the Council; but they freely admit that the Introduction into it of too large a Number of Persons holding Places of Emolument under the Executive Government would tend to detract from its Weight as an independent Branch of the Colonial Legislature. Lord Ripon, in a Despatch dated the 1st May 1832, observes, that the Legislative Council "should principally consist of Gentlemen independent of and unconnected with the "Executive Government, and selected from the principal Inhabitants of the Province and "those having the greatest Stake in its Welfare." To this Principle, although it would seem that accidental Circumstances have hitherto prevented it from being carried into full Effect, His Majesty's Government continue to adhere. Whenever therefore it may become your Duty to recommend to me for His Majesty's Approbation the Name of any Gentleman to be appointed a Member of the Legislative Council, you will bear in mind the Rule laid down by Lord Ripon in the Words which I have just quoted.

It may be proper to advert in this Place to the Impression which has been produced on the Minds of the Assembly by those Clauses of the Instructions to Sir Francis Head, "which" (to use their own Language) "might be supposed to affect the Independence of "Members of the Legislature holding any inferior Office or Appointment under the "Government." On this Subject it is enough to point out to the Observation of the Assembly, that the Clauses in question, in so far as they concern Persons holding Seats in either House, have reference expressly to "*Members* of the local Government;" not to inferior Officers, but to those who form an actual Portion of the Executive Government, and whose cordial Sympathy and Co-operation are absolutely indispensable to the Existence of any System of Administration. With regard to such Individuals, I trust the Assembly will admit the Justice of the Observation which concludes the Consideration of this Topic in the Instructions to Sir Francis Head:—"Unless this Course be pursued, it would be "impossible to rescue the Head of the Government from the Imputation of Insincerity, "or to conduct the Administration of public Affairs with the necessary Firmness and "Decision."

5. I now come to the Application of the Assembly for the Surrender to them of all the Revenues at the Disposal of the Crown in the Province, including the Payments of the Nova Scotia and New Brunswick Land Company, in return for a Civil List, to be granted for a Period either of Ten Years or permanently.

After a due Consideration of the Circumstances of the Case, I have to inform you, that, subject to Two Qualifications to be subsequently noticed, His Majesty has been graciously pleased to consent to this Application of the Assembly. The Two Qualifications to which I refer are the following:—

First, The Appropriation of the House of Assembly is to be exercised, not over the gross,

but

but over the net Amount of the Revenue to be placed under their Control. The proper and moderate Charges incident to the Collection and Management of that Revenue will continue to be defrayed as at present; but an Account of those Charges will be included in the Statements respecting the Casual and Territorial Revenue, which, in a former Part of this Despatch, I have directed to be annually submitted to the House of Assembly. I need scarcely add, that His Majesty would at all Times be prepared to devote the most attentive Consideration to every Suggestion from either Branch of the Legislature with respect to the Amount of the Charges of Collection.

Secondly. The Second Qualification has for its Object, to preclude Questions which might otherwise arise as to the Manner in which the Right of Appropriation is to be exercised by the House of Assembly. His Majesty proposes that the Law and Customs of Parliament, and more especially the established Usages of the House of Commons, with regard to the Appropriation of the Surplus of the Consolidated Fund of Great Britain and Ireland, shall be assumed by the Legislature of New Brunswick, and more especially by the House of General Assembly, as affording the Rule for their Guidance in the Appropriation of the Revenues of that Province. Some Exceptions may unavoidably arise out of peculiar local Circumstances, forbidding a perfect Coincidence in the Two Systems, which however, subject to those Exceptions, would be precisely similar.

In regard to the Amount of the Civil List to be granted by the House of Assembly I am to inform you, that His Majesty will be willing to accept the Sum of 14,000*l.* Sterling, that being the Sum originally demanded by Lord Stanley. In determining this Part of the Question I have not overlooked the Fact, that in Lord Stanley's Despatch of 30th September 1833 it was not distinctly stated whether the Sum which he named as the Amount of the Civil List was calculated in Sterling or in Current Money. But any Doubts which might otherwise exist on this Point must be at once decided by the Schedule attached to his Despatch, wherein are recited the Services, amounting in all to 14,003*l.* Sterling, to which he proposed to appropriate the Civil List.

If therefore a Bill should be passed by the Provincial Parliament, and presented to you, having for its Object the securing to His Majesty of a Civil List amounting to 14,000*l.* Sterling per Annum, either for the Space of Ten Years or permanently, you will reserve it for the Signification of His Majesty's Pleasure; and you will not in the meantime consider yourself at liberty to apply any Portion of the Casual and Territorial Revenue to Services which have not already received the express Sanction of His Majesty's Government.

The following are the Services to which in the event of its being granted it is intended in the first instance to apply this Sum; viz.

	£	s.	d.
Salary of Lieutenant Governor	3,500	0	0
Chief Justice	950	0	0
Three Puisne Judges	1,950	0	0
Attorney General	550	0	0
Solicitor General	200	0	0
Colonial Secretary	1,430	0	0
Private Secretary	200	0	0
Commissioner of Crown Lands	1,750	0	0
Establishment of Ditto	909	0	0
Salary of Auditor	300	0	0
Receiver General	300	0	0
Scotch Minister	50	0	0
Emigration Agent, St. John's	100	0	0
Annuity to late Surveyor General	150	0	0
College	1,000	0	0
Indians	54	0	0
	£13,393	0	0

After defraying these Charges there will still remain a Surplus of 607*l.* Sterling, applicable to any incidental Expenses for which no Provision shall have been previously made. You will however of course understand, that in thus pointing out the Offices of which the Salaries are to be paid out of this Fund His Majesty does not preclude himself from the Revision of those Salaries at a future Date. In the Case of some of them, indeed, it has been already announced to you by my Predecessors that Reductions will be made on the Occurrence of Vacancies; and it is probable therefore that the Surplus may hereafter exceed the Sum which I have stated. In anticipation of that Event, His Majesty directs me to announce, that whatever the Amount of that Surplus may hereafter be, it will be applied exclusively to Objects connected with the Province, and with a view solely to public Interests, and an Account of it will be annually laid before the House of Assembly.

It has been suggested, that as the Quit Rents were included among the Revenues which, according to Lord Stanley's Proposal, would have been given up to the Assembly, so among the Revenues to be surrendered under the Arrangement now under consideration should be included the Sum granted in the Session of 1835, in commutation of the Quit Rents. To this Suggestion His Majesty sees no Reason to object, and he would therefore not be disposed to withhold his Assent from any Act which might be passed by the Provincial Legislature for the Purpose of repealing the Quit Rent Commutation Act of 1835.

No. 22.
Lord Glenelg
to
Sir F. B. Head,
30th Sept. 1836.

Enclosure No. 1.

In closing this Communication I am commanded to express the Satisfaction with which His Majesty has felt himself enabled to decide on the various Particulars to which it refers. This gracious Attention on the Part of His Majesty, to the Wishes of his faithful Subjects in New Brunswick will, the King has no Doubt, be received by them as a fresh Proof of the Interest which he takes in their Welfare, and of his Solicitude to promote the Development of the great and manifold Resources of that Portion of the British Empire.

Sir A. Campbell, &c. &c. &c.

I have, &c.
(Signed) GLENELG.

Enclosure No. 2.

Second Enclosure in No. 22.

No. 85.

Copy of a Despatch from Lord Glenelg to Sir A. Campbell.

Sir, Downing Street, 5th September 1836.

In my Despatch of the 31st ultimo I have communicated to you the Answer which His Majesty has commanded me to return to the Address from the House of Assembly of New Brunswick of the 14th March last. I have at the same Time enclosed for your Information Copies of the Correspondence which had passed on the Subject of that Address, and on other Matters of a public Nature between this Department and Messrs. Crane and Wilmot, the Gentlemen deputed by the House of Assembly to represent them in this Country. Having communicated to Messrs. Crane and Wilmot the Draft of my Despatch of the 31st ultimo, I have received from them the enclosed Observations upon it. I have also had with them personal Communications on the Subject. I now proceed to inform you in what respects His Majesty has in consequence been pleased to direct that the Instructions contained in my Despatch of 31st ultimo shall be altered or modified.

I. The first Alteration proposed by Messrs. Crane and Wilmot is, that the Executive Council should, in compliance with the Wishes of the Assembly, be at once enlarged, without waiting the further Deliberation contemplated in my Despatch of the 31st ultimo. On this Point His Majesty, after a due Consideration of the Arguments urged by the House of Assembly, and of the Representations of Messrs. Crane and Wilmot, is prepared to adopt the necessary Steps for meeting the Wishes of the Assembly. It is unnecessary, on the present Occasion, to offer any Pledge as to the precise Number of which the Executive Council should hereafter consist; nor indeed could an invariable Rule be prescribed on that Subject without Inconvenience. But you will immediately report to me the Names of several Gentlemen whom you may think most eligible for Seats in His Majesty's Executive Council. In making your Selection you will not confine yourself to any single Class or Description of Persons, but will endeavour to ensure the Presence in the Council of Gentlemen representing all the various Interests which exist in the Province, and possessing at the same Time the Confidence of the People at large. It may not be possible always to find such Persons in the Neighbourhood of the Capital, but I am assured that there are Gentlemen of Fortune in the Province who, if appointed to the Council, would, from public Motives, attend to the Duty.

II. The Instructions respecting the Regulation of the Land Department are next alluded to, and much Stress is laid on the Expediency of permitting you to give your Assent at once to any Acts which may be passed by the Legislature for that Purpose, instead of reserving them for the Signification of His Majesty's Pleasure. I must however remark, that whatever Advantages might accrue from this Course, they could scarcely compensate for the Inconvenience which might result from a Disallowance, should that be necessary, of such Acts, after they have gone into operation. It would be superfluous to enlarge on the Hardships which might be produced by the annulling of an Act under which Property had been already acquired or devised, or to point out how much the Disappointment created by such a Proceeding must exceed that which would result from a temporary Delay in the Confirmation of the Act. There is however an Alternative, which, while it would guard effectually against the Inconvenience just stated, would at the same Time, I have Reason to think, be satisfactory to the Assembly. And this is, that no Act for the Regulation of the Land Department shall come into operation till at a given Period after its passing. If therefore any Act of that Nature, presented to you hereafter, shall contain a Clause providing that it shall not come into operation till the Expiration of at least Four Months from its Date, you will be at liberty, should you see no Objection to the Act on other Grounds, to give your Assent to it. In such a Case I need hardly state, that it will be your Duty immediately to transmit the Act to me, in order that it may be brought under the Consideration of His Majesty in Council.

III. With respect to the Surrender of the Casual and Territorial Revenue, I have to observe, that in proposing that the net Proceeds only should be paid over to the Provincial Treasury, His Majesty's Government made no Claim which is not in strict Accordance with the Law and Practice of this Country. The Hereditary Revenues of the Crown have been placed at the Disposal of Parliament. Parliament has in turn confided to the Executive Government the Powers and the Duty of determining, in the first instance, whatever relates to the Expense of Management and Collection, subject to the Obligation of rendering an annual Account of that Expense. It is obvious that if the Legislature should assume the Right of predetermining the various Items of that Expenditure, they would be virtually invested

invested with the entire Management of the Territory itself, and must exercise a Power which has never been placed in this Country in any other Hands than those of the Executive Government. To depart from the established Usage in this respect would be to subvert the existing Balance of the Constitution, and to place Powers of the greatest Importance in Hands not subject to any effective Responsibility.

I propose therefore, that as in Great Britain the Cession of the Hereditary Revenue was accompanied by an Enactment which enabled the Lords of the Treasury to fix in the first instance all the Charges of Collection and Management, so in New Brunswick the Cession of the corresponding Revenue to the Appropriation of the General Assembly should be accompanied by an Act authorizing the Governor of the Province, with the Advice of his Executive Council, to expend out of the gross Income whatever Sums they may find necessary for the Management and Collection of that Revenue. And as in Great Britain the House of Commons, by exercising its Judgment on the Accounts of the Expenditure which are always laid before it, has in effect a sufficient and constitutional Control over that Expenditure, so in New Brunswick the same Control over the Revenues in question would by the same Means be vested in the House of Assembly.

The Assurance which you have been directed to convey to the House of Assembly, that Accounts of the Receipt and Expenditure of that Revenue shall be annually laid before them, and that His Majesty will be ever ready to devote the most attentive Consideration to any Suggestions from either Branch of the Legislature in regard to the Expense of Collection, appear to afford a Guarantee against any unnecessary Disbursements for that Service; but there would be no Objection to confirm that Assurance by a positive Enactment.

IV. Messrs. Crane and Wilmot next advert to the Amount of the Civil List, and suggest that the Sum of 15,000*l.* Currency should be substituted for that of 14,000*l.* Sterling. Although it has not been in my Power to advise His Majesty to accede altogether to this Suggestion, I am yet of opinion, after adverting to the Arguments urged by those Gentlemen, both in their written Communications and in Conversation, that some Modification of the Proposition contained in my Despatch of the 31st ult. may be advantageously made. Among the Items therein specified as permanent Charges on the Civil List is the Sum of 909*l.* for the Establishment of the Commissioner of Crown Lands. This Item was inserted in conformity with the Scheme contemplated by Lord Stanley in 1833; but there appears to be no sufficient Reason why the Expenses of the in-door Establishment of the Commissioner of Crown Lands should not be defrayed in the same Manner as all other Expenses incurred for the Management of the Crown Estate, and the Collection of the Revenue arising from it. This Charge, therefore, being deducted from the Civil List, His Majesty will be ready to accept the Sum of 14,500*l.* Currency in exchange for the Casual and Territorial Revenue, instead of the Sum of 14,000*l.* Sterling demanded in my Despatch of the 31st ult. I cannot doubt that the Assembly, considering the large and growing Revenue to be given up to their Control in return for this Sum, will cheerfully agree to the Terms offered to them by His Majesty's Government.

The Sum of 14,500*l.* Currency would, I presume, be equal to 13,050*l.* Sterling, and there would therefore remain an immediate Surplus of 566*l.* Sterling, which will of course be hereafter increased by Reductions in the Amount of the Salaries at present borne on the Civil List. Among the Objects to which it is my Purpose to devote a Portion of this Surplus is the Institution of an efficient Office of Audit within the Province, for all the Revenues raised and expended in it. I am of course aware that at present it is the Custom of the House of Assembly to appoint from Time to Time Committees of their Body, to whom are referred such Financial Returns as are laid on their Table, and who in fact exercise the Power of auditing the Accounts specified in such Returns. It is far from my Intention to undervalue the Labours of these Committees, or to question the Advantage which must accrue to the public Service from the rigid Supervision by the Representatives of the People of the Expenditure of the Executive Government; but at the same Time Committees of a popular Body are but an inadequate Substitute for a permanent and responsible Officer, whose sole Duty it would be to inspect the Accounts of public Departments. The Experience and practical Skill, the intimate and continuous Knowledge of official Transactions, which are necessarily acquired by such an Officer, give him many Advantages over any fluctuating Body. It is also to be observed that the Appointment of an Auditor immediately responsible to His Majesty is more consistent with the Constitution and Practice of this Kingdom than the consigning of the Duty of examining the public Accounts altogether to the Representatives of the People. The Office of Auditor, as at present constituted in New Brunswick, is, I apprehend, insufficient for the Duties which I have here proposed to devolve on it. I have therefore to desire that you will bring this Subject under the Notice of the Council and of the House of Assembly, and request them respectively to furnish me with a Report on it, specifying, among other Points, what should be the Amount of Remuneration to be conferred on the Officer at the Head of the proposed Department. On receiving that Report I shall lose no Time in communicating with the Lords Commissioners of the Treasury, and in preparing, in concert with them, the necessary Arrangements for the Institution and Regulation of the Office.

It is to be understood that I by no means propose or contemplate that the Officer so appointed should supersede the Labours of the Committees of the House of Assembly. Those Committees will, if the House think fit, continue their Inquiries exactly as they do at present;

No. 22.
Lord Glenelg
to
Sir F. B. Head,
30th Sept. 1836.

Enclosure No. 2.

present; nor will the Auditor in any degree impede or interfere with their Proceedings; indeed it will be always in the Power of the House to obviate any such Consequence.

V. The last Subject noticed in the enclosed Memorandum is the Scale of Salaries of public Officers, and it is proposed that the Reductions to be made in these Salaries on the Occurrence of Vacancies should be distinctly specified in the Despatch to you. It is also stated to be the Opinion of the House of Assembly that no Officer in the Province, except the Lieutenant Governor, should receive a larger Salary than the Chief Justice or a Puisne Judge of the Supreme Court. I am fully alive to the Importance of the Subject thus brought under my Notice, but adverting to the rapid Changes which are taking place in New Brunswick, and to the Length of Time which may possibly elapse before an Opportunity occurs for revising the Offices of which the Emoluments are borne on the proposed Civil List, I am of opinion that it would not be convenient at the present Time to pledge His Majesty's Government to the specific Amount of Remuneration which shall hereafter, and perhaps under altered Circumstances, be attached to those Offices; at the same Time I am anxious to institute a Course of Inquiries calculated to prepare Materials for a final and well-considered Judgment on the Subject. With this view I desire to receive from yourself, and from the Legislative Council and the House of Assembly respectively, Reports pointing out the Amount of Emoluments which in your Opinion would constitute an adequate Remuneration for each of the Offices in question. It is of course understood that during the Tenure of the present Officers their existing Emoluments shall be preserved to them, but whenever Vacancies shall occur His Majesty's Government will consider what Reduction should be made in those Emoluments, and will devote their serious Attention to the Statements which I have now invited, in the Hope that they may be able at once to effect a considerable Saving in the public Expenditure, without impairing in any degree the Efficiency of the respective Offices. It must moreover be distinctly intimated to every Officer who may hereafter be temporarily appointed to any of the Situations of which the Salaries are borne on the Civil List, that should such temporary Appointment be subsequently confirmed, the Emoluments of the Office will nevertheless be subject to Revision and Reduction, and that no Claim to Compensation for Loss of Salary will have been created by the Discharge of the Duties ad interim. With respect, however, to the Office of Lieutenant Governor, I am to observe, that it has been already determined, on the Occurrence of the next Vacancy, to reduce the Salary attached to it to 3,000*l.* Sterling per Annum. Below that Sum it could, I think, scarcely be reduced, consistently with the Rank and Dignity which the Lieutenant Governor is required to maintain as His Majesty's Representative.

I have now gone through all the Points mentioned in the enclosed Memorandum; but before I conclude this Despatch I must advert to a Topic which has been pressed on my Attention by Messieurs Crane and Wilmot. It has been stated, that by the Stipulation that the net Proceeds only of the Casual and Territorial Revenue should be ceded to the Assembly an almost unlimited Power of Expenditure for Purposes connected with the Management of the Crown Estate still remains in the Hands of the Executive Government. In order to prevent any Abuse of this Power, it is proposed that an Instruction should be given to you, that, on the Presentation of an Address to you from the Assembly, expressing their Disapprobation of any Expenditure then actually in progress, you should suspend the Progress of such Expenditure until the King's Government at home shall have an Opportunity of deciding on the Propriety or Impropriety of continuing it. To this Proposition I have felt myself unable, for several Reasons, to assent; but I have informed Messieurs Crane and Wilmot, that on the Occurrence of the Event which they have contemplated you would receive with all the Weight due to the Opinion of the Representatives of the People, any Address which might be presented to you by the Assembly, and that you would be instructed to lay that Address before your Executive Council, and to receive their Opinions on the Subject of it before taking any decisive Step, and it would be moreover your Duty in such a Case immediately to report the Circumstances to me, with a full Explanation of the Grounds on which your ultimate Decision shall have proceeded.

Such are the Modifications of my Despatch of the 31st ult., which, after a full Consideration of the Subject, His Majesty's Ministers have felt themselves at liberty to recommend to His Majesty. While they regret their Inability to proceed to the full Extent of the Wishes of Messieurs Crane and Wilmot, they are yet persuaded that the liberal Spirit in which His Majesty's Answer to the Address of the House has been conceived will sufficiently indicate the Anxiety of His Majesty to accede, as far as is compatible with public Interests, to their Wishes on Matters connected with the Administration of the Provincial Government. The Differences of Opinion that may still remain in some Particulars between the Views of the Assembly and those adopted in this Country are perfectly compatible with the Existence of a sincere and single Desire on both Sides to consult only the permanent Well-being of the Province, and cannot therefore, it is trusted, impede the satisfactory Settlement of the Questions mooted in the Address of the Assembly of the 14th of last March.

Sir A. Campbell,
&c. &c. &c.

I have, &c.
(Signed) GLENELG.

Third Enclosure in No. 21.

No. 86.

No. 22.
Lord Glenelg
to
Sir F. B. Head,
30th Sept. 1836.

Enclosure No. 3.

Copy of a Despatch from Lord Glenelg to Sir A. Campbell.

Sir, owning Street, 10th Sept. 1836.

With reference to my Despatches of the 31st ult., and of the 5th inst., explanatory of the Arrangements into which it is proposed to enter with the Legislature of New Brunswick, it has appeared to His Majesty's Government necessary that Measures should be taken for holding a Session of that Legislature with the least possible Delay. Considerations applying, not to New Brunswick alone, but to the other British North American Provinces also, require that no Time should be lost in giving general Publicity to the Proposals which you are authorized to make. You will therefore take the necessary Measures for convening the General Assembly for the Despatch of Business immediately on your Receipt of this Despatch.

On the meeting of the Legislature you will by a Message communicate to the Legislative Council and to the Assembly, Copies of my Despatches of the 31st August and of the 5th September. It is my Wish that no needless Reserve should be practised on this Occasion. The Views explained in those Despatches having been maturely adopted after a full and careful Investigation, it is desirable that they should be fully known and clearly developed to the Legislative Bodies of New Brunswick, and through them to the Legislatures of the other British North American Provinces.

In one respect the Arrangements announced in the Despatches just referred to are defective; they do not comprise any detailed Explanation of the Provisions of the Act to be made for securing the Civil List, and for the Regulation of the Sale of the Crown Lands. I am yet engaged in Correspondence with Messieurs Crane and Wilmot on those Topics, and some Time may possibly elapse before I can settle with those Gentlemen what are the precise Terms in which those Laws ought to be drawn up; you will not however postpone on that Account the meeting of the Legislature, or the Communications which are to be made to them. The general Principles may be considered and agreed upon by the Two Houses without reference to the more minute Details. Indeed I have entered upon the Discussion of those Details, not as thinking that additional Task indispensable, but because I wish as far as possible to relieve you from an irksome Responsibility, by rendering your Instructions precise and definite in every respect.

You will further observe, that it is my Wish and Instruction that you should act and require the public Officers of the Province to act, in the Spirit of those Despatches, from the Time of your receiving them, and even before they can be communicated to the Legislature. Thus, for example, you will direct the Surveyor General and the Commissioner of Crown Lands to conform himself immediately to the Principles laid down for the Guidance of his Department, abstaining from selling Lands in any large Lots, or from doing any other Act which there may be sufficient Reason to conclude will be prohibited by Law, so soon as the Arrangements contemplated on that Subject shall have been reduced into the Form of a Legislative Act. You will in short execute the Instructions contained in those Despatches in the Spirit in which they were written, that is, in the most perfect Candour and good Faith, regarding them, not as Concessions reluctantly made by His Majesty's Government, but as Measures which they regard as conducive, if not essential, to the Welfare of the Province, and to the Maintenance of a good Understanding between the Inhabitants of New Brunswick and the Parent State.

I have, &c.

Sir A. Campbell,
&c. &c. &c.

(Signed) GLENELG.

No. 23.

(No. 101.)

No. 23.
Lord Glenelg
to
Sir F. B. Head,
4th Oct. 1837.

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD., K. C. H.

Sir, Downing Street, 4th October 1836.

I HAVE received your Despatch dated the 20th of August last, No. 69., in which you request that Authority may instantly be sent to you, first, to make such Alteration in the Land-granting System as, upon mature Consideration, you may think necessary; and, secondly, to dispose, if required, of such Portions of the Military Reserves as appear, by the Report of the Commanding Engineer, not to be required for Military Purposes.

On the second of these Proposals I can express no Opinion until I shall have received the Report which I have requested the Master General and the Board of Ordnance to make to me respecting it. On the first of them I have to make the following Remarks:—

If I am to understand this Expression in the full Sense which the Words, unattended by any Explanation, would convey, then I must unavoidably decline

No. 23.
Lord Glenelg
to
Sir F. B. Head
4th Oct. 1836

to accede to it. It is indispensable that the Conduct of His Majesty's Government respecting the Alienation of unsettled Lands should be guided by the same general Rules in every Part of British North America. There are also certain Principles on that Subject, to the Observance of which the Faith of the Crown is pledged in the most solemn Manner, not in Upper Canada only, but in all the adjacent Provinces. Amongst these I may mention the following:—that the wild Lands of the Crown shall not hereafter be the Subject of gratuitous Donation; that they shall not be alienated except by open Sales by public Auction at a fair upset Price; that whatever relates to the Management of this Branch of the public Business shall be confided to the Executive Government; that nevertheless His Majesty will concur with the local Legislature in the Enactment of all necessary Laws for defining the general Rules by which the Executive Government must be guided in their Execution of this Duty; that from the gross Proceeds of these Sales the Executive Government may deduct the Charges of Management and Collection, on condition of rendering an annual Account of those Charges to the House of Assembly; and that, provided a regular Charge for the Support of the Civil Government of the Colony be by Law established, the net Proceeds of the Sales of Crown Lands are to be paid into the public Treasury, and are not to be issued from it except in pursuance of some Act of the local Legislature to be passed for that Purpose.

To impart to you any Authority for altering the Land-granting System in such a Manner as to infringe any one of these Principles would be to retract His Majesty's public and solemn Engagements.

What Authority it is possible for me to convey to you within those Limits I must confess that I cannot perceive.

You urge me to invest you with the most ample discretionary Power, with a view to enable you to demonstrate by Facts rather than by Arguments, that a Triumph of Constitutional over Republican Principles in a British Colony is productive of Good to the Country; and if I correctly understand the subsequent Passages of your Despatch, the specific good End to which you desire to make the recent Elections subservient is that of increasing the Facilities and Encouragements to Emigrants to settle in Upper Canada, thus destroying the Weight of those invidious Contrasts which have been drawn between the System of the United States and our own, and in favour of Republican to the prejudice of Monarchical Institutions. The Importance of this End, and the Wisdom of pursuing it steadfastly, are too clear for Discussion; and such is my Conviction of your Zeal for the King's Service, and of your Ability to promote it, that if His Majesty's Government were unfettered by any positive Pledges, and if it were possible to act on different Systems in the different Provinces of British North America, I should be much disposed to refer the Selection of the Means to your own Judgment. Within the Limits which I have already pointed out I cheerfully admit that the more ample your Discretion the greater will be my Hopes of Success; and if in legislating on the Question the Council and Assembly should concur in imparting to you large discretionary Powers, His Majesty would be happy to give his Sanction to Laws of that Nature; but the Principle, that the Land-granting System is to be made the Subject of local Legislation, is beyond the Reach of Debate.

I have, &c.

(Signed) GLENELG.

No. 24.
Lord Glenelg
to
Sir F. B. Head,
31st Oct. 1836.

No. 24.

(Separate.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD., K.C.H.

Enclosures.

Sir, Downing Street, 31st October 1836.

FROM the Papers which accompanied my confidential Despatch of the 30th ultimo, you will have perceived that I was then engaged with the Delegates from

No. 24.
Lord Glenelg
to
Sir F. B. Head,
5th Oct. 1836.

31st October 1836.

from the Assembly of New Brunswick in discussing the Provisions of the Bill for securing the Civil List which it is proposed to grant to His Majesty in that Province.

I now transmit to you a Copy of that Bill, as it has met with the Concurrence of Messrs. Crane and Wilmot, and received the Sanction of His Majesty's Government. I also enclose a Copy of the Despatch with which I have accompanied its Transmission to Sir A. Campbell. These Papers will complete the Correspondence which I have already forwarded to you on the Subject, and you will have the goodness to consider them as supplementary to my confidential Instructions of the 30th ultimo.

I have, &c.
(Signed) GLENELG.

First Enclosure in No. 24.

NEW BRUNSWICK.

A Bill for the Support of the Civil Government in this Province.

Enclosure No. 1.

Whereas His most Gracious Majesty has been pleased to signify to His faithful Commons of New Brunswick that His Majesty will surrender up to their Control and Disposal the Proceeds of all His Majesty's Hereditary, Territorial, and Casual Revenues, and of all His Majesty's Woods, Mines, and Royalties now in hand, or which may hereafter during the Continuance of this Act be collected, in this Province, on a sufficient Sum being secured to His Majesty, His Heirs and Successors, for the Support of the Civil Government in this Province: And whereas we, His Majesty's most dutiful and loyal Subjects, the Commons of New Brunswick in General Assembly convened, with Hearts full of the warmest Duty and Gratitude, are desirous that ample and liberal Provision should be made for the Expenses of the said Civil Government during the Continuance of this Act by Charges on all and every of the Revenues now and hereafter to be levied and collected in this Province, have therefore freely and unanimously resolved to give and grant unto His Majesty King William the Fourth, His Heirs and Successors, a certain Sum for the aforesaid Expenses of the Civil Government, payable out of the joint Revenues of this Province:

Be it therefore enacted by His Excellency the Lieutenant Governor, Legislative Council, and Assembly, and by the Authority of the same, That the Proceeds of all and every the said Hereditary, Territorial, and Casual Revenues, and the Proceeds of all Sales and Leases of Crown Lands, Woods, Mines, and Royalties, which have been collected and are now in hand, or which shall be collected hereafter during the Continuance of this Act (except the Monies which shall be expended in the Collection and Protection thereof, as specially authorized and provided for by the Fourth Section of this Act), shall immediately be payable and paid to the Provincial Treasurer, who is hereby authorized to receive the same, for the Use of this Province; and from and after the Expiration of this Act the Proceeds of all the said Hereditary, Territorial, and Casual Revenues, and of the said Lands, Woods, Mines, and Royalties, shall revert to and be payable and paid to His said Majesty, His Heirs and Successors.

II. And be it enacted, That there shall be granted to His Majesty, His Heirs and Successors, for and during the whole Period of the Continuance of this Act, the clear yearly Sum of £14,500 current and lawful Money of this Province, and that the said Sum shall be charged on and made payable out of the afore-mentioned and all other Revenues raised, collected, and paid into the Treasury of this Province, and shall commence from and immediately after the 31st Day of December now last past, and to be paid by the said Treasurer, by Warrant under the Hand and Seal of His Excellency the Lieutenant Governor or Commander in Chief for the Time being, with Preference to all other Charges or Payments which have heretofore been or which shall hereafter be made upon or payable from the said Revenues, such Payments to be made quarterly; (that is to say,) on the 31st Day of March, the 30th Day of June, the 30th Day of September, and the 31st Day of December in each and every Year, by equal and even Portions, out of the Monies in the said Treasury; the first Charge for the same to be made on the Quarter Day next immediately after the passing of this Act, and to include the Proportion of the said Sum which may become due for the Support of the said Civil Government by the said Quarter Day.

III. And be it enacted, That all the Monies which shall be paid to the Provincial Treasurer, under and by virtue of this Act, except the said Sum of Fourteen thousand and five hundred Pounds hereby granted, shall remain in the Treasury until appropriated or disposed of by an Act or Acts of the General Assembly of this Province to be passed for that Purpose.

IV. And

No. 24.
Lord Glenelg
to
Sir F. B. Head,
31st Oct. 1836.

Enclosure No. 1.

1 Geo. 3. Cap. 1.

IV. And be it enacted, That it shall and may be lawful for His Excellency the Lieutenant Governor and Commander in Chief for the Time being, by and with the Advice of the Executive Council, to expend out of the gross Proceeds of the said Hereditary, Territorial, and Casual Revenues, and of the said Sales and Leases of Crown Lands, Woods, Mines, and Royalties, such Sums of Money as they may from Time to Time deem necessary and requisite for the prudent Management, Protection, and Collection of the said Revenue; and that His Excellency the Lieutenant Governor and Commander in Chief for the Time being shall, within Fourteen Days next after the Commencement of each and every Session of the Legislature, cause to be laid before the Assembly a full and detailed Account stating all the Particulars of the Income and Expenditure of and relating to the said Hereditary, Territorial, and Casual Revenues, Sales and Leases of Crown Lands, Woods, Mines, and Royalties, with all Vouchers to the same appertaining, for the then previous Year.

1 Anne, Cap. 1. § 5.

V. And be it enacted, That all and every Grant, Lease, or other Assurance which during the Continuance of this Act shall be made or granted by His Majesty, His Heirs or Successors, of any Lands, Tenements, Rents, Woods, Mines, Royalties, Revenues, or other Hereditaments within this Province, now belonging or hereafter to belong to His Majesty, His Heirs or Successors, whereby any Estate or Interest whatsoever, in Law or Equity, shall or may pass from His Majesty, His Heirs or Successors, save and except as herein-after provided, shall be utterly void and of none Effect, unless such Grant, Lease, or Assurance be made, upon Sale or Rent, to the highest Bidder at public Auction in this Province, due Notice having been first given thereof in the Royal Gazette, and unless all such Sums of Money and Rents as may be payable in consideration of such Grant, Lease, or Assurance be made payable to His Majesty, His Heirs or Successors, during the whole Term or Time of the Continuance thereof respectively.

10 Geo. 4. Cap. 50.

1 Geo. 3. Cap. 1. § 10.
1 Geo. 4. Cap. 1. § 12.

VI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend in anywise to impair or affect any Rights or Powers of Control, Management, or Direction which have been or may be exercised, by the Authority of the Crown or other lawful Warrant, relative to any Suits or Proceedings for the Recovery of the said Hereditary, Territorial, Casual, and other Revenues, or to Compositions made or to be made on account of any of the same, or to any Remission, Mitigation, or Pardon of any Penalties, Fines, or Forfeitures incurred or to be incurred, or to any other lawful Act, Matter, or Thing which has been or may be done touching the said Hereditary, Casual, Territorial, or other Revenues, or to disable His Majesty, His Heirs and Successors, to make any Grant or Restitution of any Estate or Estates, or of the Produce thereof, to which His Majesty hath or shall become entitled by Escheat for Want of Heirs, or by reason of any Forfeiture, or by reason of the same having been purchased by or for the Use of any Alien, or to make any Grant or Distribution of any personal Property, and devolved to the Crown by reason of the Want of next of Kin or personal Representatives of any deceased Person; and that the said Rights and Powers shall continue to be used, exercised, and enjoyed in as full, free, ample, and effectual Manner, to all Intents and Purposes, as if this Act had not been made, and as the same have or might have been heretofore enjoyed by the Crown, subject nevertheless to the Restrictions and Regulations herein-before made and provided; it being the true Intent and Meaning of this Act, that the said Rights and Powers shall not be in any degree abridged or restrained or affected in any Manner whatsoever, but only that the Monies arising from the full and free Exercise and Enjoyment of them, so subject as aforesaid, shall, during the Continuance of this Act, be carried to and made Part of the joint Revenues at the Disposal of the General Assembly of this Province.

VII. And be it further enacted and declared, That nothing in this Act contained shall operate to annul or prejudice any Sale, Purchase, Grant, Lease, Enfranchisement, Exchange, Contract, Rent-charge, Agreement, Bond, Mortgage, Security, Exoneration, or other Act, Matter, or Thing relating to the said Lands, Woods, Mines, or Royalties which at the Time of passing this Act shall have been made, done, given, effected, or created, but the same shall remain as good, valid, and effectual for the Benefit or Security either of His Majesty, His Heirs or Successors, or of any of the Parties to or with whom or in whose Favour any such Sale, Grant, Lease, Enfranchisement, Exchange, Contract, Rent-charges, Agreement, Bond, Mortgage, Security, Exoneration, or other Act, Matter, or Thing shall have been made, done, given, effected, or created, and be of as full force and virtue as if this Act had not been passed.

VIII. And be it further enacted, That this Act shall continue and be of full Force and Effect for and during the full and complete Term of Ten Years, commencing from and immediately after the Thirty-first Day of December in the Year One thousand eight hundred and thirty- last past.

Second Enclosure in No. 24.

Enclosure No. 2.

Sir, Downing Street, 31st October.

In my Despatch of the 10th of September, I apprised you that I was engaged in corresponding with Messrs. Crane and Wilmot on the Provisions of the Act for securing the Civil List which it is proposed to grant to His Majesty in New Brunswick. I now enclose for

No. 24.
Lord Glenelg
to
Sir F. B. Head,
31st Oct. 1836.

Enclosure No. 1.

for your Information a Copy of that Bill, which has been prepared in concurrence with the Lords Commissioners of His Majesty's Treasury. It is compiled from the corresponding Acts of Parliament which apply to the Grant of the Civil List in this Country, with no other Changes than such as unavoidably grew out of the different Circumstances of the Two Cases.

You will transmit to the Council and to the Assembly a Copy of this Despatch and of the Draft which it encloses. You will acquaint those Branches of the Provincial Legislature that you are authorized in His Majesty's Name to assent to any Bill which shall be tendered for your Acceptance, if framed in the Terms of the accompanying Draft, or even if expressed in other Terms which shall introduce no substantial Alteration in the Provisions of the proposed Law. Should any Bill be passed by the Two Houses having for its Object the adjusting of the Civil List in Terms varying from those which have been approved by myself, by the Lords of the Treasury, and by the Delegates from the Assembly, you will call on the Provincial Attorney and Solicitor General to report to you whether the Change is such as to alter in any respect the Substance and the legal Effects of the intended Measure. If they should report that the Alterations are formal merely, and not substantial, you will assent to the Bill on His Majesty's Behalf; but if the Law Officers of the Crown should report that the Variations affect the Substance as well as the Form, then it will be your Duty to withhold your Assent, unless the Bill should contain a suspending Clause, or unless the Operation of it should by the Terms of the Law itself be postponed for a Period of at least Five Months, so as to enable His Majesty to interpose on the Subject, before the new Law could actually take effect within the Province.

It is my earnest Hope that the Provincial Legislature will adopt and pass this Bill without any Change either of Substance or of Form, because I am anxious to preclude even the Possibility of Dissension upon an Occasion on which His Majesty is justly entitled to indulge the Expectation that His Efforts to adjust these Questions on the most liberal Basis will be met by Cordiality and Confidence on the Part of the Representatives of His Provincial Subjects.

It may be right to observe that the Funds appropriated for the Civil List are in this Draft made issuable on the Warrant of the Governor alone, without requiring the Advice and Consent of the Executive Council. I am aware that this is at variance with the customary Form of Legislation on such Subjects in New Brunswick; but it is in strict Accordance with the Practice of this Country, and is therefore preferred, as maintaining the required Analogy between the Two Cases. If the Law should be passed in this Form it would still be competent to His Majesty to require that in the Exercise of the Powers thus to be confided to his local Representative the Governor should always consult the Executive Council, and His Majesty would accordingly issue to yourself Instructions to that Effect, applying to all Cases except those, which however improbable and extreme, are yet possible in Theory,—Cases, namely, of an unreasonable and contumacious Refusal on the Part of the Council to concur in sanctioning the necessary Warrants on the Treasury.

I have, &c.

Sir A. Campbell. (Signed) GLENELG.

No. 25.

(No. 105.)

No. 25.
Lord Glenelg
to
Sir F. B. Head,
31st Oct. 1836.

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD., K. C. H.

Sir, Downing Street, 31st October 1836.

I THINK it right to place you in possession of a Copy of a Letter which has been addressed to Viscount Melbourne by Mr. Hume, complaining of your Conduct in the recent Elections in Upper Canada, and of my Refusal to give to Mr. Baldwin and Dr. Duncombe an Opportunity of personally stating their Grievances. I also transmit to you a Copy of the Reply which I have directed to be returned to Mr. Hume's Letter.

21st Oct. 1836.

The Charges which Mr. Hume has preferred against your Administration appear to be only a Repetition of what you have already been called upon to answer. But I transmit to you the enclosed Correspondence, in pursuance of the Principle on which I have hitherto acted, of giving you ample Opportunity of meeting every Attack which may be made on your Character and Conduct, and of guarding at the same Time against all Misapprehension of the Nature of the Communications which may pass between this Department and private Individuals on the Subject of your Government.

I have, &c.

(Signed) GLENELG.

No. 25.
Lord Glenelg
to
Sir F. B. Head,
31st Oct. 1836.

Enclosure No. 1.

First Enclosure in No. 25.

My Lord, Worthing, 3d October 1836.

When I last had an Interview with your Lordship I requested your Attention to the State of Upper Canada, and to the extraordinary Proceedings of Sir Francis Head during the late general Election.

I request you will have the goodness to present to His Majesty the enclosed Memorial from the Inhabitant Householders of the Incorporated Counties of Lenox and Addington in Upper Canada, complaining of the Interference of Mr. Hagerman the Attorney General at Elections there, contrary to the express Instructions of Lord Ripon, and against the Freedom of Elections.

It is with deep Regret I complain of the Conduct of Lord Glenelg to the Agents of the Reformers from Upper Canada, in having refused to give an Interview either to Mr. Baldwin a Member of the late Executive Council, or to Dr. Charles Duncombe, Member for Oxford in the new House of Assembly of that Province, although they came 4,000 Miles, deputed by their Colleagues, on Purpose to explain to His Majesty's Government the Conduct of Sir Francis Head the Lieutenant Governor and of other public Officers in that Province.

I most earnestly requested his Lordship to grant an Audience to these Gentlemen, as they had requested; but he refused those Applications, and thereby behaved to them in a Manner which I greatly regret.

It appears that Sir Francis Head has put down the Reformers in Upper Canada by giving his official Support to the Tories and Orangemen; and he has acted, by fabricating Votes after the Elections had been begun, to overpower the old Electors, contrary to the Rules laid down by the preceding Colonial Secretaries, and in Violation of the Rights of the People.

Mr. Baldwin and Dr. Duncombe will both return to Canada and communicate to their Countrymen that they have been not only refused Redress to their Complaints, but have been refused by the Colonial Office an Opportunity of personally stating their Grievances.

I trust such Conduct will not be countenanced by the British Parliament, from whom alone, after such Conduct, the People of Upper Canada can expect to obtain Justice.

I cannot believe that your Lordship is acquainted with the State of Affairs in Upper Canada, and with the Conduct of Sir Francis Head, or you would not approve of the Proceeding of the Colonial Office towards these Agents from the Province; Conduct which appears to me calculated to drive the People to Desperation.

I hope His Majesty will, according to the Prayer of the Petitioners, direct immediate Inquiry into the Complaints stated in their Memorial.

I have the Honour, &c.
Joseph Hume.

To Viscount Melbourne,
&c. &c. &c.

Enclosure No. 2.

Second Enclosure in No. 25.

Sir, Downing Street, 21st October 1836.

I am directed by Lord Glenelg to acquaint you that Viscount Melbourne has transmitted to his Lordship your Letter of the 3d Instant on the Subject of the Proceedings of Sir F. Head during the late general Election for the House of Assembly of Upper Canada.

Lord Glenelg is of opinion that as a more convenient Occasion than the present will probably ere long offer itself for discussing the Policy pursued by His Majesty's Government in relation to the Affairs of Upper Canada, it could answer no useful Purpose to enter into any Correspondence on that Question; his

No. 25.
Lord Glenelg
to
Sir F. B. Head,
31st Oct. 1836.

his Lordship, however, avails himself of the Opportunity afforded by your Communication to Lord Melbourne for the Purpose of correcting some Misapprehension into which you appear to have fallen as to the Occurrences which have drawn forth your Animadversions.

Your Letter describes Mr. Baldwin and Dr. Charles Duncombe as Agents of the Reformers from Upper Canada, and as having been deputed by their Colleagues on Purpose to explain to His Majesty's Government the Conduct of the Lieutenant Governor and of other public Officers in the Province; and you state that Lord Glenelg refused to give an Interview to either of those Gentlemen, although it was most earnestly requested by yourself on their Behalf. You add that they will both return to Canada and communicate to their Countrymen that they have been not only refused Redress to their Complaints, but have been refused by the Colonial Office an Opportunity of personally stating their Grievances.

In reference to the preceding Statements Lord Glenelg directs me to remind you that on the 19th of August last you presented to the House of Commons a Petition from Dr. Charles Duncombe, a Member of the Assembly of Upper Canada, impugning the Conduct of Sir Francis Head in the recent general Election of the Province, and laying to his Charge various Matters of high Criminality.

On that Occasion I stated in my Place in the House that Lord Glenelg would call upon the Lieutenant Governor for such Explanations as he might be able to offer of the Accusations so preferred against him.

On the 16th of June you transmitted to Lord Glenelg a Letter to yourself from Mr. Baldwin in which that Gentleman offered various Suggestions for the Consideration of His Majesty's Government respecting the Conduct of the public Affairs of the Province. But neither in your own Letter, nor in that of Mr. Baldwin himself, was that Gentleman represented as the Agent of any Person in the Province, or as having been deputed by any one to proceed to this Country; on the contrary, in the very Commencement of Mr. Baldwin's Letter to you are to be found the following Expressions: "As I informed you verbally on Saturday last, I am *not* the Agent for the Petitioners:" "being now in London, I do not feel that I would be justified in withholding my Opinion on the present alarming State of Affairs in that Colony."

With respect to the Character of Dr. Duncombe as the Agent or Deputy of any Persons in the Province, it is true that in your Letter to myself, of the 19th of August, you state that Gentleman to have come to England at the Request of the Reformers of Upper Canada, but Lord Glenelg does not find in any other Document a Suggestion that Mr. Duncombe was deputed by his Colleagues to repair to this Country. So far as the Correspondence in this Office extends, there is nothing to show that Dr. Duncombe ever laid claim to the Character which is ascribed to him in your Letter to Lord Melbourne. He presented himself to His Majesty's Government in the Character of a Member of the Provincial Assembly, but as invested with no other public Trust.

It is perfectly true that Lord Glenelg declined to admit either Mr. Baldwin or Dr. Duncombe to a private Interview. But it is no less true that immediately on receiving the Intimation of their Wish to make Communications to His Majesty's Government relating to the public Interests of the Province, his Lordship invited those Gentlemen to make their Statements in Writing. A written Statement was accordingly made by Dr. Duncombe on the 20th of September, and within Two Days afterwards it was transmitted to Sir F. Head for his Answer.

Lord Glenelg claims for himself the Right to consider and to decide in each Case as it arises whether the public Interest and the Ends of Justice will be best promoted by oral or by written Communications. In the present Case his Lordship found ample Reasons for the Opinion that it was expedient that the Statements of Messrs. Baldwin and Duncombe should be reduced into Writing. They were avowedly designed to criminate various public Officers; nor can

No. 25.
Lord Glenelg
to
Sir F. B. Head,
31st Oct. 1836.

Enclosure No. 2.

Lord Glenelg think that any Man is entitled to complain, that in assuming the Character of a public Accuser he is required to prefer his Charges in that Form in which alone they can be deliberately made, distinctly understood, and subjected to a full Investigation.

I have, &c.

Joseph Hume, Esq. (Signed) Geo. Grey.

No. 26.
Lord Glenelg
to
Sir F. B. Head,
29th Nov. 1836.

No. 26.

(No. 113.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 29th Nov. 1836.

I have received your Despatch of the 12th September, No. 72., enclosing a Memorial addressed to myself by Mr. Geo. Ridout, dated on the 12th of the preceding Month of August, in which Mr. Ridout appeals to His Majesty's Government against your Removal of him from the Offices of Colonel of the Militia, Judge of the District Court of Niagara, and Justice of the Peace.

In deliberating on the Advice which it became my Duty to submit to the King on this Occasion, I have thought myself obliged to exclude from my Consideration every Ground which has been alleged in defence of your Proceedings against Mr. Ridout which was not assigned by yourself in your Correspondence with that Gentleman. In general I should consider it unjust to subject any Man to Humiliation and Punishment for Reasons which he has not had an Opportunity of controverting; but in Mr. Ridout's Case there are peculiar Motives for adhering to this Principle. In his Letter of the 27th July he combated both by Argument and by Evidence the single Charge preferred in your private Secretary's Letter, and then proceeded as follows :—" If, however, at this late Period Your Excellency has any other Reasons than those given, which have been hitherto kept back, I am willing to allow them every Weight, nor shall I attempt, when informed of their Existence, to suppress or lessen their just Influence with His Majesty's Government in the Statement which I am about to forward." Thus distinctly apprized that Mr. Ridout proposed to appeal against your Decision, and with so unequivocal a Demand for an Opportunity of repelling every Accusation which you might design to bring against him, I think that you were reduced to the Alternative either of disclosing to him all the Grounds of your Proceeding, or of leaving the Appeal to be decided by His Majesty upon those Grounds exclusively which you had so disclosed.

Adverting then to the only Charge against Mr. Ridout, of which he was apprized in your private Secretary's Letter of the 1st July, I find it to have been, that he was an active Member of a Society by which a very objectionable Address had been widely circulated. Mr. Ridout does not deny either that the Address was indefensible, or that it had been widely circulated, or that it originated with the Society in question. But he does, in the most positive Terms, deny that he was a Member of that Society, or that he had ever seen the Address until it met his Eye in a printed Form in the course of its Circulation through the Province, or that he was in any Sense responsible for it, either as Author or as Publisher. To these peremptory Contradictions of the Facts alleged against him, he adds, that he attended at the Meeting at which the Society in question was established, and opposed its Formation on the Principles contained in the Resolutions brought forward by its Author. This Statement is corroborated by the Affidavit of Mr. Stuart, who states himself to have been present on the Occasion.

Such is the State of the Question as it is presented to me by your Despatch and its Enclosures. I have sought in vain for any Proof that Mr. Ridout was a Member of this Society, or that he in any Manner partook in the Publication of the objectionable Address. I am compelled therefore to come to the Conclusion that the Charge is not only unsupported by Proof, but that to a great Extent it is actually disproved, as it is in every Point directly contradicted.

But

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Sir F. B. Head,
29th Nov. 1836.

But in the Absence of Evidence as to the Fact you have referred me to the legal Opinion of the Solicitor General of Upper Canada, who states that Mr. Ridout most decidedly did appear to be an active Member of the said Society. It will of course not be ascribed to any Want of Respect towards Mr. Hagerman if I observe, that I do not understand why any legal Reference is necessary in this Case. The Question involves no legal Principle, but relates to a simple Matter of Fact. Mr. Stuart, though describing himself as a Carpenter, is, I think, far more entitled to speak with Authority on this Occasion than the Solicitor General of the Province, because the former possesses, and the latter does not possess, a personal Acquaintance with what actually occurred, and because Mr. Stuart was present and Mr. Hagerman was absent when the Society was formed, and when Mr. Ridout is said to have protested against its Formation.

It is with the deepest Reluctance that I overrule a Decision publicly adopted by you, especially in a Case of the present Nature. I have on every Occasion felt, and, as I trust, have evinced the utmost Solicitude to afford you all the Support and Countenance in my Power in the Discharge of your arduous Duties; but it is superfluous to say, that every Consideration must yield to the irresistible Claims of Justice, and, for the Reasons which I have mentioned, I find it impossible to dispute Mr. Ridout's Pretensions to be reinstated in his various Offices. I have accordingly to convey to you His Majesty's Commands that Mr. Ridout should be permitted to resume the various Employments from which he has been removed. I refer to your own Judgment the Mode of proceeding to carry these Instructions into effect. It will afford me most sincere Pleasure if you should be able to reconcile the prompt and complete Execution of them with the Protection of your own Authority from the Danger to which, I am well aware, it may be exposed by the Measure which I am thus compelled to adopt.

I have, &c.
(Signed) GLENELG.

No. 27.

No. 27.
Lord Glenelg
to
Sir F. B. Head,
29th Nov. 1836.

(No. 114.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 29th November 1836.

I HAVE to acknowledge the Receipt of your Despatch of the 13th October, No. 81, announcing that in conformity with the Instructions contained in my Despatch of the 25th July, No. 73, you had appointed Mr. John Macaulay to the Office of Surveyor General of Upper Canada, until His Majesty's Pleasure should be known. In reply I have the Honour to inform you that His Majesty has been graciously pleased to approve and confirm this Appointment.

With reference to the concluding Paragraph of your Despatch, and to the Letter enclosed in it from Captain Macaulay, I must take this Opportunity of observing that until that Gentleman's Arrival in this Country I had no Reason to suppose that his Resignation of the Office of Surveyor General had been otherwise than absolute and unconditional. I much regret that any Misapprehension on this Subject should have existed, especially as I am informed that so confident was Captain Macaulay's Expectation that his Resignation would not be accepted that he sold his Commission in the Engineers in order to qualify himself to reside in Upper Canada, and there to discharge the Duties of Surveyor General. Deeply as I am concerned to find that Captain Macaulay should have been involved in so very serious a Loss by his Reliance on the Intentions which he supposed His Majesty's Government to entertain in his Favour, I must disclaim all Responsibility for an Error to which no Act of mine had given any Countenance.

I have, &c.
(Signed) GLENELG.

No. 28
Lord Glenelg
to
Sir F. B. Head,
3d January 1837.

No. 28.

(No. 125.)

Copy of a Despatch from Lord Glenelg to Sir. F. B. Head, K. C. H.

Sir, Downing Street, 3d January 1837.

In reviewing the Series of Despatches which I received from you in the Year 1836, in order to ascertain how far they had received a complete Answer, I have found in your Despatch of the 29th July No. 64, a Passage to which I regret that my Attention has not been sooner directed. It relates to your Intention of withholding your Assent from any Road Bills in which the Commissioners shall be appointed by Name for the Expenditure of the Money to be raised under them. I am not insensible to the dangerous Tendency of this Mode of Legislation, nor do I doubt that the Power it confers on the Majority of the Assembly is unconstitutional, or that it may be converted to selfish and unworthy Purposes; on the other hand, I do not desire to claim this Patronage for the Crown, or rather for the local Government. This would be to provoke much reasonable Jealousy without any compensatory Advantage, nor do I think that your Proposal in its unqualified Form could be safely adopted as the invariable Rule of Action. There is a middle Course the Adoption of which by the House would avoid all these Difficulties: it is, that the Nomination of Commissioners for local Works should be made by the Freeholders of the Counties or Townships through which such Works are to be carried. You will consider whether this Principle could not be advantageously affirmed by some general Law for regulating the Mode of appointing Commissioners for local Improvements under Provincial Statutes. If this shall appear impracticable, then you will endeavour to obtain the Introduction of this Rule into each successive Act of the Kind, but should the legislative Bodies persist in the Practice which they have already pursued you will abstain from refusing your Assent to their Acts on that Ground, unless some Case should present itself in which the Abuse you reasonably apprehend should be, not Matter of Surmise, but clearly and indisputably established.

I have, &c.
(Signed) Glenelg.

No. 29.
Lord Glenelg
to
Sir F. B. Head,
4th January 1837.

No. 29.

(No. 126.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 4th January 1837.

Referring to the Question proposed in your Despatch of the 30th July last, No. 65., out of what Funds you should defray the Expense of your late Tour of Inspection through the Province of Upper Canada, I have to return the following Answer:—

This is one of the contingent Charges of your Office, and every Year must of course produce some Exigencies which it is impossible to foretel with Certainty or to provide for by a special Appropriation beforehand of public Money; consequently it is convenient that there should be a general Allowance made at the Commencement of each Year for such Contingencies, and that they should, if possible, be confined within the Bounds of that Allowance. Occasional Exceptions to this Rule must be considered and disposed of as they arise.

In my recent Arrangements with the Province of New Brunswick, communicated to you in my Despatch of the 30th of September last, special Provision is made for these annually recurring Contingencies; and the Establishment of a similar Rule in Upper Canada with the Sanction of the local Legislature will, I trust, obviate any Difficulty of this Kind for the future; but with regard to the specific Expense to which you refer, it will be deducted from the Fund to which your Predecessors have been accustomed to resort for defraying the contingent Charges of their Government. Until some new Arrangement shall be finally made with the Assembly, it is necessary that the ancient Practice should be followed.

followed. As you have not yet stated what has been the Amount of this Charge, I can of course neither express any Opinion nor convey to you any Authority upon that Part of the Question.

No. 29.
Lord Glenelg
to
Sir F. B. Head,
4th January 1837.

I have, &c.
(Signed) GLENELG.

No. 30.

(No. 128.)

No. 30.
Lord Glenelg
to
Sir F. B. Head,
6th Jan. 1837.

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 6th January 1837.

I HAVE had the Honour to receive your Despatch of the 7th of last November, No. 87. That Communication, on the very unusual Tone and Character of which I will not remark, contains various Complaints of the Conduct of His Majesty's Government, to which satisfactory Replies could easily be given; but, in the first place, I beg to bring to your Recollection the following Passage from my Despatch to you dated the 22d March 1836:—

"Before I pass to the particular Subjects to which you have thus called my Attention I would avail myself of this Commencement of our official Correspondence as a fit Opportunity for explaining the Spirit in which I am anxious that it should be conducted. It is impossible that I should place implicit Confidence in my own Conclusions respecting passing Events in Upper Canada as they are successively reported to me. Although I do not regard a personal Observation of such Occurrences essential to a correct Understanding of their Character and Tendency, yet at this Distance from the Scene it is often unavoidable that my Judgment on such Matters should for a considerable Time be suspended. During any such Interval I anticipate great Relief and Support from the Reliance which I am happily entitled to repose in your Discretion. I shall, however, offer for your Solution any Doubts which may suggest themselves to me with perfect Unreserve, and without yielding to the Fear that you will ever misconstrue such Inquiries into an Expression of Distrust or of unavowed Disapprobation. In the Pursuit of the great Object which we have in common you will, I am sure, agree with me that our official Intercourse should be characterized both by entire Frankness and by mutual Confidence, and that on either Side the most indulgent and favourable Construction should be given to every Expression which may be susceptible of more than One Meaning."

To proceed now to your Despatch immediately before me.

You complain of the Time which was allowed to elapse before you were made acquainted with the Views taken by His Majesty's Government respecting Captain Macaulay's Appointment to the Surveyor Generalship; respecting the Dismissal of the Executive Council; and respecting the loyal Addresses which you had received.

Without entering into Details on each of these Points, which appears to me unnecessary, I have only to observe that the Delay was not occasioned by any Indifference to your Feelings or Position. My Opinions on the Subjects in question were formed on a mature Consideration of the Circumstances, and were communicated to you at the Times and in the Manner which seemed to me the most advantageous to the public Interests, and also the least likely to produce any unpleasant Impression on your own Mind.

You quote from my Despatches various detached Passages, in which I have at different Times recorded my Dissent from your Judgment, and my Opinion that some of your Measures were ill-advised; and you complain of the plain Avowal of these my Sentiments, as a Breach of what is due to you. In Answer I observe, that I cannot, without a Sacrifice of Duty, forbear to exercise, according to my Discretion, the Right of communicating to you frankly and unreservedly my Sentiments on Questions connected with your official Proceedings. It is with Pleasure I take this Opportunity of adding, that the Exercise of this Right has, in respect to your Government, been usually an agreeable Task to me; since the Sentiments which I have been called upon to express,

No. 30.
Lord Glenelg
to
Sir F. B. Head,
6th Jan. 1837.

as to the general Course and Tenor of your Administration, have been those of cordial Approbation.

The only Remark, in detail, which I make, refers to the Case of Mr. Dunn, respecting which I would simply state that it was far from my Intention to impute to you a Meaning not your own; and that I cannot see the Distinction between withdrawing a Recommendation to continue a public Officer in his Place and advising his Removal from it.

It remains that I should notice one or two other Passages of your Despatch of the 7th November.

I signified to you His Majesty's gracious Purpose to elevate you, at your own earnest Solicitation, to the Dignity of a Baronet, informing you, however, that the Accomplishment of it should be delayed only till you should return an Answer, which I did not doubt would be complete, to certain Charges preferred against you in Parliament. While you acknowledged this Promise your Despatch to which I am now replying contained no Allusion whatever to Dr. Duncombe's Charges. From this Omission I was at first apprehensive that I might have failed to express myself with sufficient Clearness. A Reference however to the Terms of my Despatch of 8th September last at once satisfied me that such was not the Case; and the Receipt of your subsequent Despatch of the 23d November, in which you inform me that a Copy of Dr. Duncombe's Charges had not reached you until the 20th of that Month, renders any further Observation on this Point wholly unnecessary.

I will only add, that I approve of the Step which you took in referring that Gentleman's Charges to the House of Assembly, and of your Intention to reply to them yourself as soon as the necessary Materials could be collected.

It will afford to the Government sincere Gratification to receive and lay before the House of Commons your Answer to the Charges preferred against you by Dr. Duncombe in his Petition to that House.

I conveyed to you His Majesty's Instructions respecting the financial Arrangements to be made in Upper Canada. You engage, as I understand, to fulfil them, but tender the Resignation of the promised Baronetcy if I insist on your Adoption of my Opinions as to the Policy of those Instructions. It can be scarcely necessary to disclaim any Wish to exact of you, as the Condition of an honorary Reward, a Conformity not to my Instructions but to my Judgment. Your Opinions are and must be your own. It is therefore wholly unnecessary that you should on that ground relinquish the Baronetage.

I cannot conclude this Despatch without expressing my earnest Wish that in the official Relation in which we stand to each other there should be an entire Absence of any Feeling of Suspicion and Distrust, which, while I utterly disclaim it on my own Part, I cannot but regret to perceive in some of your official Communications.

I have, &c.
(Signed) GLENELG.

No. 31.

No. 31.
Lord Glenelg
to
Sir F. B. Head,
26th Jan. 1837.

(No. 133.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 26th January 1837.

I HAVE had the Honour to receive your Despatch of the 28th October last, No. 86, enclosing a Memorandum on the present political State of the Canadas. I beg you to accept my Thanks for your Communication, which will not fail to receive the mature Consideration of His Majesty's Government, although at the present Moment it would, for obvious Reasons, be inconvenient to enter into a Correspondence on the Subject.

I have, &c.
(Signed) GLENELG.

No. 32.

No. 32.
Lord Glenelg
to
Sir F. B. Head,
27th Jan. 1837.

(No. 134.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 27th Jan. 1837.

I have the Honour to acknowledge your Despatch of the 6th November, No. 89, reporting the Result of your Efforts to obtain from Messrs. Bidwell and Rolph Copies of the Letters addressed by those Gentlemen to myself, and referred to in my Despatches Nos. 75. and 76.

As Mr. Bidwell has declined, and Dr. Rolph has omitted, to communicate to you the Representations which they had made to His Majesty's Government respecting your Conduct, it is unnecessary any further to advert to them, except to assure you, that under such Circumstances they cannot have any Influence on my Opinion of your Conduct. Your Explanation respecting the Charges contained in Mr. Baldwin's Letter of 26th July, and in that from Mr. Morrison of 29th April, appears to me satisfactory, and I have already conveyed to you my Approbation of your having referred to the House of Assembly Dr. Duncombe's Petition to the House of Commons.

I have, &c.
(Signed) Glenelg.

No. 33.

No. 33.
Lord Glenelg
to
Sir F. B. Head,
28th Jan. 1837.

(No. 135.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, K. C. H.

Sir, Downing Street, 28th Jan. 1837.

I have had the Honour to receive your Despatch of the 27th July, No. 62, reporting the Appointment of Mr. Robert Baldwin Sullivan to be Commissioner of Crown Lands, and Agent for the Sale of Clergy Reserves, in the Place of Mr. P. Robinson. I have hitherto delayed replying to that Despatch, because the Question of the Land Department in Lower Canada having been brought under my Consideration by a Despatch from the Earl of Gosford, and by a Report from the Commissioners of Inquiry, I had expected before this Time to have been able to adopt some general Arrangement applicable to all the North American Colonies, by which the Delay and Expense now attending the passing of Patents to Land might be reduced, and at the same Time the general Efficiency of the Department promoted. It has not, however, been possible as yet finally to complete such an Arrangement, and as you have announced your Intention, at an early Date, to report to me on the Regulations for the Disposal of Land, as far as regards Upper Canada, I have abstained in the Interval from definitively introducing any Alterations in the existing System. I am therefore at present unable to inform you of the Footing on which this Office may ultimately be placed, and I cannot consequently confirm Mr. Sullivan's Appointment absolutely. I am anxious, however, no longer to delay my Approbation of your Selection of that Gentleman, for the Office of Commissioner of Crown Lands and for the Sale of Clergy Reserves, although he must be considered as only holding the Appointment provisionally, and subject to any Regulation which His Majesty's Government may adopt, either as to the Nature of his Duties or the Amount of his official Income, and on the distinct Understanding that in the event of any Change being made in the Functions or Emoluments of the Office, no Claim for Compensation will be admitted. Should Mr. Sullivan's Appointment ultimately be confirmed, it will be necessary that he should authorize an Agent to pay to the Cashier of this Office the usual Charges upon the Warrant, under His Majesty's Sign Manual, authorizing you to make a Grant to him of the Offices in question under the Great Seal of Upper Canada.

In conveying to you my Sanction of your Choice of Mr. Sullivan, and in thus assuring that Gentleman of the favourable Light in which I view his public Services as reported by you, I must guard myself against being supposed to

No. 33.
Lord Glenelg,
to
Sir F. B. Head.
28th Jan. 1837.

pronounce an Opinion on the Expediency of combining a Seat in the Executive Council with these Employments; that is a Question which I wish to reserve for future Consideration, and to the Settlement of which, at the proper Time, I desire to come completely unfettered.

I have, &c.
(Signed) GLENELG.

No. 34.
Lord Glenelg
to
Sir F. B. Head,
31st Jan. 1837.

No. 34.

(No. 139.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 31st Jan 1837.

I HAVE received and have laid before the King your Despatch of the 14th December last, No. 100., announcing that you had proceeded to the Legislative Council Chamber to give your Assent in Person to a Bill to provide for the Support of the Civil Government, which had passed both Houses of the Legislature of Upper Canada, and reporting the Terms in which this Bill was presented to you by the Speaker of the House of Assembly. His Majesty commands me to express the Satisfaction with which he has perceived the Sentiments of Loyalty to him, and of Confidence in your Administration, contained in the Address of the Speaker of the Assembly; and it has been a Source of Gratification to His Majesty to find that His loyal Subjects of Upper Canada will, by the Liberality of the Provincial Legislature, be relieved from the Inconveniences consequent on the Refusal of the usual Supplies to His Majesty's Government during the preceding Session.

I have, &c.
(Signed) GLENELG.

No. 35.
Lord Glenelg
to
Sir F. B. Head,
26th Feb. 1837.

No. 35.

(No. 149.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 26th Feb. 1837.

I HAVE to acknowledge the Receipt of your Despatch of the 13th January, No. 104., announcing the Result of the Municipal Elections for the City of Toronto. I have perceived with much Satisfaction that these Elections have terminated in such a Manner as to testify, on the Part of the Inhabitants of that City, their Confidence in your Policy, and their Approbation of the Measures which you have adopted to promote the general Welfare of His Majesty's Subjects in Upper Canada.

I have, &c.
(Signed) GLENELG.

No. 36.
Lord Glenelg
to
Sir F. B. Head,
2d March 1837.

No. 36.

(N .151.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 2d March 1837.

I HAVE received your Despatch dated the 30th December last, No. 103.

On the present as on former Occasions I pass over without Remark the Tone in which your Remonstrances against the Measures of His Majesty's Government are written, and confine myself to those Questions which are practical, and to which it is necessary that I should advert.

1st. I approve your Decision not to suppress His Majesty's Order in Council confirming the Twelve Bills passed by the Council and Assembly of Upper Canada

No. 36.
Lord Glenelg
to
Sir. F. B. Head,
2d March 1837.

Canada in the Session of 1835–6. To have taken such a Course would have been to incur a very grave Responsibility without even the Chance of any ultimate Benefit. I need hardly observe that an Order in Council made by the King in the Exercise of the Legislative Powers conferred on His Majesty by the Constitutional Act of 1791, is a Measure of the most solemn and irrevocable Nature.

I find in your Despatch of the 30th of December nothing which induces me to regret the Advice which I tendered to His Majesty on that Subject.

2d. You complain that in my Despatch to Sir Archibald Campbell, of the 30th of September last, I stated that the Executive Council of New Brunswick was to be increased in Number, and henceforward to be composed of Individuals "possessing the Confidence of the People." It is, I am sure, from Inadvertence merely that you have quoted that Despatch inaccurately; but the Effect of your Quotation is such as to alter materially the real Sense of the Passage to which you have thus referred. My Language was as follows: "You will im-"mediately report to me the Names of several Gentlemen whom you may "think most eligible for Seats in His Majesty's Executive Council. In making "your Selection you will not confine yourself to a single Class or Description "of Persons, but will endeavour to insure the Presence in the Council of "Gentlemen representing all the various Interests which exist in the Province, "and possessing *at the same Time* the Confidence of the People *at large*."

You have attached to these Words a Meaning widely different from that which they are intended to express. According to you, they concede the Demand which was made by the late Executive Council, and which was justly refused by you as unconstitutional. This is assuredly not the Case; my Words, when fully transcribed, merely state that although each separate Interest was to be, if possible, represented, yet that the Gentlemen to be selected from each should be such as possessed the Confidence, not exclusively of their respective Sections of Society, but also of the People at large. I presume you do not mean to deny the Propriety of such a Regulation; if, however, such be your Meaning, I am unable to agree with you.

3d. You argue at great Length to prove that the Laws which will be established respecting the Disposal of the Crown Lands will deliver over that extensive Property to the Rapacity of interested Men. I shall not deny that such a Consequence might follow from the Enactment of such a Law as you have mentioned; but I have certainly not imparted to you any Authority whatever to assent on His Majesty's Behalf to such a Law, nor, with my present Information, could I advise the King to confirm such an Act, if assented to by you. While I have never doubted the Impolicy of surrendering the Right of regulating the Disposal of the Crown Lands to one or even to both Branches of the Provincial Legislature, uncontrolled by the ordinary and constitutional Exercise of the Royal Prerogative, I am fully prepared to justify the Wisdom aud even to prove the Necessity of acquiescing in the Establishment, by Laws originating in the Province itself, of the general Principles by which the Executive Government is to be guided in the Alienation of the unsettled Lands of the Crown; but I have never abandoned or intended to abandon the undoubted Right of the King to prevent the Introduction of any such Principles as may be hostile to the Interests of the present Inhabitants of the Province, or to others of His Majesty's Subjects who may be desirous to settle there.

Indeed, as any such Act must be laid before Parliament before it can be confirmed by the King, we possess every Security against such Abuses which the Nature of the Case admits.

As you have not pointed out any Particulars in which the Spirit of the Instructions which you had on quitting England has been departed from in any subsequent Communications which I have had the Honour of addressing to you, I do not feel it necessary to say more with reference to the latter Part of the present Despatch than that, while the Vigour and Firmness which you have displayed in the Administration of the Affairs of Upper Canada has merited and received the Approbation of His Majesty, I can scarcely believe that you seriously intend to assert that the Measures of your Government should necessarily be stern and unconciliating. No Principle indeed which ought to be maintained should be sacrificed to a temporary Popularity; yet to

No. 36.
Lord Glenelg,
to
Sir F. B. Head.
2d March 1837.

conciliate the Good-will and Attachment of the great Body of the People, and thereby to strengthen the Bond of Union between this Country and the Canadas, is the great Object of His Majesty's Government, and one which, I trust, I am correct in believing that you will not suffer yourself to consider as of slight Importance.

I have, &c.
(Signed) GLENELG.

No. 37.

No. 37.
Lord Glenelg
to
Sir F. B. Head,
27th March 1837.

(No. 155.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 27th March 1837.

I HAVE the Honour to acknowledge your Despatch of the 4th February last, No. 6., and in reply I beg to refer you to my Despatch of the 28th January, No. 135., in which I have explained the Grounds of the Delay in approving of the Appointment of Mr. R. B. Sullivan to be Commissioner of Crown Lands and Agent for the Sale of Clergy Reserves in Upper Canada, and the Terms on which alone it has hitherto been in my Power to confirm him in those Offices.

I have, &c.
(Signed) GLENELG.

No. 38.

No. 38.
Lord Glenelg
to
Sir F. B. Head,
5th April 1837.

(No. 158.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, K. C. H.

Sir, Downing Street, 5th April 1837.

I HAVE received your Despatch of the 6th of February last, No. 13., on the Case of Mr. Ridout. In order to explain clearly the View which I have taken of this Subject, I must begin with a short Retrospect of what has hitherto occurred, although it will perhaps involve me in the Repetition of some Statements already addressed to you.

Mr. Ridout's Dismission from his Offices was communicated to him on the 12th of July last, in Letters written to him by your Secretary, and by the Adjutant General of the Militia. In your Secretary's Letter this Measure was attributed to the Circumstance that Mr. Ridout was, as it appeared, a Member of the Constitutional Reform Society of Upper Canada, by and on behalf of which had been circulated the printed Address to which Reference was there made. The Adjutant General's Letter stated that Mr. Ridout was deprived of his Commission in the Militia, for the Reasons mentioned in your Secretary's Letter.

On the 14th of July Mr. Ridout transmited to your Secretary an Answer denying that he was a Member of the Society in question, or that he had ever seen their Address until it was in circulation in print through the City of Toronto. His Answer to the Adjutant General suggested, that the real Cause of his Dismission was a Vote which he had given at the General Election. The Adjutant General replied by contradicting the Truth of this Surmise.

On the 22d of July Mr. Ridout announced to you his Intention to bring his Case under the Notice of His Majesty's Government, and made an Application to be furnished with an Explanation of any other Reasons for your Conduct which might have been kept back. No Notice having been taken of this Letter, he placed in your Hands, for Transmission to this Country, his Petition of the 12th of August, in which he offered to prove that he had refused to connect himself with the Constitutional Reform Society, because he disapproved of its Constitution. He attached to that Document the Affidavit of Alexander Stewart, in which the Deponent confirmed Mr. Ridout's Statement, alleging that he was present at the Formation of the Society, and heard Mr. Ridout oppose that Measure.

In your Dispatch of the 12th of September you enclosed the preceding Correspondence, and imputed to Mr. Ridout various Acts of Misconduct to which that Correspondence contained no Allusion.

In my Despatch of the 29th of November I stated that I had thought myself obliged

No. 38.
Lord Glenelg
to
Sir F. B. Head,
5th April 1837.

obliged to exclude from my Consideration every Ground alleged in defence of your Proceeding against Mr. Ridout, which had not been assigned by yourself in your Correspondence with that Gentleman. For this Decision I gave Three distinct Reasons: they were, first, that it seemed to me unjust to subject any Man to Humiliation and Punishment for Reasons which he has not had an Opportunity of controverting; secondly, that Mr. Ridout had combated, both by Argument and by Evidence, the single Charge preferred in your Secretary's Letter; and, thirdly, that with a view to his Appeal to His Majesty's Government, he had demanded an Opportunity of repelling any other Accusation which you might have to bring against him.

In reference to this Statement, you have, in your Despatch of the 6th Feb., observed, that in no Department of the State, not even in my own Office, has it ever been deemed necessary, or even advisable, that every Reason for which an Individual is to be relieved from Office must be stated to him; that it may be necessary to remove a public Officer for many Reasons which it may not be desirable to explain to him; and that you were expressly absolved from any such Necessity by my own Instructions to you.

You must permit me to state unreservedly, that this Answer appears to me inadequate. First, I am totally ignorant of the Existence, either in this Office or in any other Department of the State, of any such Practice as that to which you refer. I am not aware of so much as a single Instance in which a public Officer has been dismissed as a Punishment, and on the Ground of Misconduct, without the most explicit Disclosure to him of the Reasons by which his Superior vindicated such an Exercise of Authority. Secondly, I cannot concur with you in opinion that any Man ought to use or to possess such a Power over those serving under him. The only Difficulty of supporting my Opinion on this Subject by Argument is, that so simple and elementary a Principle of Justice would rather be obscured than illustrated by a Statement of the Reasons which instantly suggest themselves in support of it. There are indeed official Relations of such a Nature that it is necessary to confide to the superior Officer the Right of dissolving them at once, without assigning any Cause whatever to the Sufferer. Thus, for example, a public Officer should be at liberty instantly to remove his private Secretary for mere Incongruity of Habits or Temper, or for the Want of some peculiar Talent or Qualification; Causes which, in such a Relation, are of the utmost Weight, but which could scarcely be drawn out into a specific Charge or Statement. In such Cases this is mutually understood as the necessary Condition and Tenure of the Service. yet even in this intimate and confidential Relation, if the Removal should be made avowedly on the Ground of Misconduct, the Superior would be bound, in common Justice, to explain unreservedly in what the imputed Fault consisted; if not, any Man's Character and Happiness might be sacrificed by vague Suspicion, and by Surmises injurious in proportion to the Station and Character of the Accuser. Thirdly, I cannot allow that the Instructions from me which you have quoted absolve you from this Obligation; on the contrary, I think they clearly impose it upon you; they declare your Responsibility to the King and to Parliament. In Mr. Ridout's Case Notice was given to you that an Appeal was about to be made to His Majesty. To acquit yourself of the Responbility which I declared you to owe to the King, it became incumbent on you to establish the Fact that Mr. Ridout had merited the severe Punishment which had been inflicted on him. To substantiate that Conclusion, it was necessary to show that he had really been guilty of the Offences laid to his Charge; and this could be proved only by showing that what he was alleged to have said or done admitted of no satisfactory Explanation; a Result which could not be established until an Opportunity of making such Explanation had been afforded to him. Fourthly, if I could admit that you were entitled to inflict a Punishment without a distinct Statement to the accused Party of the Causes which had provoked it, I should yet limit that Admission to Cases in which an entire Silence had been maintained. Instead of this, however, you communicated to Mr. Ridout a single Charge, which he contradicted and applied himself to disprove. He was thus, I think, warranted in believing, that, if successful in refuting that Accusation, his Exculpation was complete. Finally, I thought that in what related to the Constitutional Reform Society, Mr. Ridout's Defence was conclusive, and I could not therefore but doubt whether he might not have

No. 38.
Lord Glenelg
to
Sir F. B. Head,
5th April 1837.

been equally successful in vindicating himself against the other Charges if they had been made known to him.

For these Reasons I adhere to my first Opinion, that I was bound to exclude from my Consideration every Allegation against Mr. Ridout of which he had not been apprised.

You, however, maintain that your Despatch of the 12th of September ought to have satisfied me of the Truth of the Accusation preferred in your Secretary's Letter of the 12th of July. Two Reasons are assigned for this Conclusion: first, I had before me the Statement of your own Conviction that the Charge was well founded; and, secondly, I knew that you had obtained a legal Opinion to the same Effect.

It would be more than superfluous to declare my perfect Reliance on the Accuracy of every Assertion of yours respecting any Matter of Fact which has fallen within your own personal Observation; neither is it necessary to disclaim altogether the Idea of impeaching in any Degree the legal Knowledge or the Talents of the Attorney General; but neither you nor the Attorney General offered yourselves as Witnesses to the Matter of Fact, namely, whether Mr. Ridout was or was not a Member of the Constitutional Reform Society; you laid Claim to no personal Knowledge of his Conduct in reference to that Body. The Attorney General was quoted, not as a Witness of the Fact, but only as an Interpreter of the Law. Consequently, notwithstanding the strong Dissent which you have expressed, I must continue to think that the Authority of Stewart, though a common Carpenter, when speaking on his Oath respecting an Occurrence which passed in his own Presence and Hearing, is entitled to much more Weight on the Question of Fact than can be assigned to the Opinion even of the Attorney General, who appears to have had not the slightest personal Knowledge of what took place at the Meeting. This is a Conclusion to which, in so far as regards the Facts in question, no one, I am inclined to think, would more readily subscribe than the Attorney General himself.

From your Despatch of the 6th of February, I now however, for the first Time, learn that Mr. Ridout's Removal from Office was recommended by the Executive Council, and I further learn that they adhere to their original Opinion. On this Subject I have to state that I have never expressed, nor do I now entertain, any Judgment opposed to theirs; on the contrary, I entirely agree with them, that the various Acts of Misconduct ascribed to Mr. Ridout in your Despatch of the 12th of September, and still more fully stated in your Despatch of the 6th of February, are such as would, if substantiated on proper Inquiry, justify the very severe Penalty inflicted on him. If I am to understand the Council as thinkiug that such an Inquiry was needless, I must, with whatever Reluctance, differ from them. The Grounds of that Difference I have already in part explained; but I must add, that if there be any one Class of public Officers in whose Case it is especially incumbent on the Executive Government to proceed with Caution, Circumspection, and with a strict Observance of all the essential Forms of Proceeding on such Occasions, it is the Class of those who are entrusted with the Administration of Justice.

In avowing my Opinion that the Matters laid to the Charge of Mr. Ridout would, if established, justify his Dismission, I wish to be understood as not referring to the intemperate Terms in which he addressed you after his Removal from Office. Much Allowance is to be made for natural Feelings under a Sense of supposed Injury, it is to the other Allegations that my Remark applies.

It is, I can assure you, painful to me to take any Course of Conduct which may aggravate the Difficulties of your Situation; yet I feel myself bound by the paramount Obligations of Justice still to withhold my Approbation of the Measures adopted in Mr. Ridout's Case. On the other hand, his Restitution to Office may, I think, be properly made to depend upon his Ability to exculpate himself from the various Charges preferred against him in your Despatches of the 12th of September and the 6th of February. To this Extent the Instructions conveyed to you in my Despatch of the 29th of November are withdrawn and qualified; further than this, it is impossible for me to advance. You will therefore, in whatever Mode you shall think best, put Mr. Ridout in possession of those Accusations, and, after weighing his Answer and the Evidence by which it may be supported, you will communicate to me the Result.

I cannot

No. 35.
Lord Glenelg
to
Sir F. B. Head,
5th April 1837.

I cannot close my Answer to your Despatch of the 6th of February without adverting to some of the general Topics to which you have there taken occasion to advert.

You complain that the Governor's official explanatory Despatches have in this Case been treated by me as mere hearsay Evidence, which must not affect the Merits of the Case. I may, perhaps, misunderstand the precise Meaning of this Remark, but if it be that Statements made by a Governor to me on the Authority of Third Persons are entitled to the same Weight as if they referred to Facts of which he was the personal Observer and Witness, I can only say that I am not aware of any Reason which would justify me in so regarding them.

If I rightly interpret some other Passages of your Despatch, you understand me to have authorized you to dismiss from Office any Person who should openly or latently oppose your Policy. If you will refer again to the Instructions which you have thus quoted, you will perceive that the Officers to whom I referred were not of the Class to which Mr. Ridout belonged, but Persons whose public Offices bring them into a confidential or immediate Connexion with your Administration of the Affairs of the Province. I certainly never contemplated that every Officer of the Militia, every District Judge, and every Justice of the Peace, should hold his Office on the Condition of being dismissed if he should happen to oppose the Policy of the Lieutenant Governor for the Time being. To urge the Rule which I have laid down to such Consequences is at once to misapprehend my Meaning, and to establish a Principle which would bring almost every Gentleman in the Province into such Relations with the local Government as no Man of independent Character and Principles could be expected or desired to maintain. The Instructions to which you have referred were intended to apply (and I think that Intention sufficiently manifest) to those high and confidential Officers of your Government only with whom you are habitually brought into confidential Intercourse upon the general Interests of the Province.

If there be any Ambiguity in my Instructions to you, which I do not perceive, you will hereafter understand them in this limited Sense only.

You further express your Expectation that the "mere Expression of your "Opinion of the absolute Necessity for the Dismissal of any Person from "Office, whom from your local Knowledge you deemed hostile to the British "Constitution, would have carried with it infinitely more Weight than the "Individual's Denial of his own Guilt." From this and other Passages in your Despatch I infer that you regard the Secretary of State as virtually bound to adopt your Opinions in individual Cases as conclusive, even upon an Appeal against your Decision; but such is not my Estimate of the Duties of my Office. I act under a strict and effective Responsibility to the King and to Parliament. Of every Measure which I take, or which, when taken by others, I approve, I must be prepared to produce the Vindication. But I should ill acquit myself of that Duty if I attempted to rest my Justification on an implicit Confidence in the Judgment of the Officer against whose Acts an Appeal had been brought before me. Cherishing, as I do, the strongest Presumption in favour of every Decision of yours, I must yet, as often as your Sentence is impeached, examine into the Merits of the Question with strict Impartiality, and with a Jealousy of those Prepossessions in favour of your Opinions from which I can never be exempt.

In our relative Position in His Majesty's Service I could not act on any other Principle without abandoning my Duty to the King and to His Majesty's Subjects; and I trust that on your Part the just and lively Estimate which you have formed of the Importance and Responsibility of your own Duties will be combined with a due Allowance for the not less arduous and responsible Nature of mine.

I have, &c.
(Signed) GLENELG.

No. 39.

No. 39. Lord Glenelg to Sir F. B. Head, 7th April 1837.

(No. 159.)

COPY of a DESPATCH from LORD GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir, Downing Street, 17th April 1837.

I HAVE received His Majesty's Commands to take the necessary Measures for expediting your Patent as a Baronet of the United Kingdom. The King is graciously pleased to confer upon you this Mark of His Royal Favour as a fit Testimony of the high Sense which His Majesty entertains of the Services which you have rendered in the Administration of the Government of Upper Canada.

I have, &c.
(Signed) GLENELG.

No. 40.

No. 40. Lord Glenelg to Sir F. B. Head, 17th April 1837.

(No. 160.)

COPY of a DESPATCH from LORD GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir, Downing Street, 17th April 1837.

I HAVE received your Despatch dated the 4th of February, No. 7. It reached me on the 20th Ultimo. It was not until the 7th Instant that I received, by a subsequent Conveyance, the Appendix, comprising the Evidence taken before the Committee of the House of General Assembly of Upper Canada, to which was referred my Correspondence with you on the Subject of the Petition presented to the House of Commons by Dr. Duncombe in the Parliamentary Session of 1836.

The Refutation of Dr. Duncombe's Charges is entirely satisfactory. It has been in the highest Degree gratifying to me to be able to report to His Majesty, that after a minute and vigorous Inquiry, during which every Facility was given to the Petitioner to substantiate his Accusation, your Conduct in reference to the Elections has been proved to have been governed by a strict Adherence to the Principles of the Constitution.

I have, &c.
(Signed) GLENELG.

No. 41.

No. 41. Lord Glenelg to Sir F. B. Head, 20th April 1837.

(No. 166.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir, Downing Street, 20th April 1837.

I HAVE the Honour to acknowledge your Despatch No. 22., of the 4th Ultimo, in which you transmit a Copy of an Address presented to you by the House of Assembly of Upper Canada, together with a Copy of the Report of the Select Committee of that House, to whom was referred the Subject of the Petition of Dr. Duncombe to the House of Commons during the last Session of Parliament.

You also enclose Two Copies of that Report to be laid before the Houses of Parliament, in compliance with the Request contained in the Address of the Assembly.

I have had the Honour to lay this Address, with the accompanying Document, before the King; and His Majesty has been graciously pleased to express the Satisfaction with which He has read the Result of the Inquiries of

of the House of Assembly into the Allegations contained in Dr. Duncombe's Petition.

No. 41. Lord Glenelg to Sir F. B. Head, 20th April 1837.

With regard to your Request that your Despatch No. 7., of 4th February, in reply to the Charges preferred against you by Mr. Hume and Dr. Duncombe, may be laid before Parliament, I beg to acquaint you that Sir G. Grey, in his Place in the House of Commons, has moved for the Production of that Despatch, together with the Address of the House of Assembly and its Enclosures, and that His Majesty has been pleased to order that they shall be produced accordingly.

I have, &c.
(Signed) GLENELG.

No. 42.

(No. 167.)

No. 42. Lord Glenelg to Sir F. B. Head, 20th April 1837.

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir, Downing Street, 20th April 1837.

I HAVE the Honour to acknowledge the Receipt of your Despatch No. 23., of the 4th Ultimo, in which you transmit to me an Address from the House of Assembly of Upper Canada to the King, on the Subject of the Resolutions received from the Speaker of the House of Assembly of Lower Canada by the late House of Assembly of the Upper Province at its last Session.

I beg leave to acquaint you, that, having laid this Address before the King, His Majesty was pleased to receive with the highest Satisfaction the impressive Evidence which it conveys of the Attachment of the Assembly of Upper Canada, and of their Constituents, to the Principles of the Constitution established by the Statute of 1791.

I have, &c.
(Signed) GLENELG.

No. 43.

(No. 200.)

No. 43. Lord Glenelg to Sir F. B. Head, 14th July 1837.

COPY of a DESPATCH from LORD GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir, Downing Street, 14th July 1837.

I HAVE had the Honour to receive your Despatch of the 5th April last, No. 41., enclosing the Copy of a Gazette Extraordinary, notifying certain legal Appointments which you had made, in conformity with an Act passed by the Legislature of Upper Canada, during their last Session. The public Events which have occurred since my Receipt of that Act have hitherto rendered it impossible to submit it for the Royal Sanction; but I trust that I shall have it in my Power to communicate to you the Queen's Pleasure respecting it at an early Period. In the meantime Her Majesty commands me to express her Approbation of the Appointment of Mr. Jameson to be Vice Chancellor, and of Messrs. A. Maclean and Jonas Jones to be Judges in the Court of Queen's Bench, and I shall take an early Opportunity of transmitting to you the necessary Warrants under the Royal Sign Manual confirming those Appointments.

The Selection of Mr. Hagerman to be Attorney General appears more open to Question. I am fully prepared to admit, as a general Rule, the Claim of the Solicitor General not to be passed over in any new Arrangements, such as those to which your Despatch refers, and I am of opinion that such a Claim should not be set aside without some strong and paramount Reason.

I am also willing to give the greatest Weight to the Representations which you have addressed to me in Mr. Hagerman's Favour, founded both on his private Character and public Merit. It is, however, essential that the Gentleman

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Lord Glenelg
to
Sir F. B. Head,
14th July 1837.

who fills the high and responsible Office of Attorney General should hold Opinions on Questions of general Policy and relating to the Administration of the Affairs of the Province in unison with those of the Executive Government.

I have no Reason to doubt that you have received the utmost Support and Co-operation from the Solicitor General; but I am bound to add, that if the Sentiments ascribed to Mr. Hagerman in the Resolutions, a Copy of which I have the Honour to enclose, be really entertained by him, and have been publicly expressed by him in his Place as a Member of the Provincial Legislature during the last Session, a very wide Difference exists between his View and that of Her Majesty's Government, supported by the Opinion given by the Law Officers of the Crown in 1819, as to the Right of the Church of Scotland in Upper Canada under the Act of 1791. As those Resolutions have been transmitted to me by an individual Member of the General Assembly of the Church of Scotland, and as I have not received any Information from you on the Subject, I am willing to hope that some Misapprehension may have existed as to the real Nature of the Language employed by Mr. Hagerman; I shall therefore suspend my Opinion as to the Propriety of his Advancement to the Office of Attorney General until he shall have had an Opportunity of offering any Explanation which he may desire to give with reference to this Subject.

You will communicate to Mr. Hagerman a Copy of so much of this Despatch as relates to him, together with a Copy of the enclosed Paper.

There is another Subject noticed in your Despatch, to which it is necessary that I should advert. You state that it has been with unfeigned Regret that you have omitted to recommend for one of the new legal Appointments Mr. Bidwell, whose professional Talents you consider superior to those of at least one of the Gentlemen selected by you, while his Character is irreproachable. You observe, however, that Mr. Bidwell's Object, "so far as it could be elicited by the Conduct of his Associates," was to separate Upper Canada from the Parent State, and you claim my Assent to the Proposition that "where a Man acts with disloyal Associates his Talents aggravate rather than extenuate his Offence."

I need not assure you of the great Weight which I attach to any Opinion respecting the Affairs of Upper Canada deliberately expressed by you; and I have accordingly felt bound, in the present Instance, to defer to your Judgment relative to Mr. Bidwell; but, considering that the Disloyalty which is imputed to Mr. Bidwell's Associates is not charged against himself, or attempted to be proved by any Act of his; that he has, for the present at least, withdrawn himself from political Strife; and that his Legal Abilities and high moral Character are acknowledged and respected even by his political Opponents, I cannot regard the Part which he formerly took in local Politics as an insuperable Barrier to his future Advancement in his Profession; on the contrary, adverting to the general Estimate of his Qualifications for a Seat on the Bench, it appears to me that the Public Interests would be promoted by securing his Services. Nor would it be of slight Importance to convince the Inhabitants of Upper Canada, that in the Selections for Judicial Offices the Executive Government is actuated by no other Feeling than an Anxiety to promote the Welfare of all Classes of Her Majesty's Subjects. If, therefore, as you appear to anticipate, another Vacancy should occur among the Judges of the Court of King's Bench, it is the Wish of Her Majesty's Government that the Situation should be offered to Mr. Bidwell, and they will hear with much Pleasure that he has accepted it.

I have, &c.

(Signed) GLENELG.

No. 43.
Lord Glenelg
to
Sir F. B. Head,
14th July 1837.

Enclosure.

Enclosure in No. 43.

Meeting of the Congregation of Saint Andrew's Church.

Pursuant to a Requisition to that Effect, a Meeting of the Congregation of Saint Andrew's Church took place in the Church Yesterday Evening, the 28th Day of March 1837, for the Purpose of taking prompt and decided Measures for securing the Ecclesiastical Rights of the Adherents of the Church of Scotland in this Province from the Infringements with which these Rights are at present threatened, and also for the Purpose of electing a Delegate to represent the Congregation at the proposed Meeting of the Delegates from the several Congregations of the Church to be held at Coburg on the 14th of April next.

At Seven o'Clock the Reverend John Machar opened the Meeting by Prayer, after which John M'Lean, Esquire, was called to the Chair, and Mr. R.M. Rose appointed Secretary.

The Chairman having explained the Objects of the Meeting, the following Resolutions were put and unanimously adopted.

Moved by Mr. Pringle, and seconded by Mr. Andrew Drummond: — Resolved, That this Meeting, firmly believing that "Righteousness exalteth a Nation," have ever contemplated with peculiar Satisfaction that Part of the Imperial Statute of the 31st of His late Majesty George the Third which makes Provision for the Maintenance and Support of a Protestant Clergy within these Provinces, by an Allotment of One Seventh of the Waste Lands of the Crown for that Purpose.

Moved by Mr. Williamson, and seconded by Mr. Harper: — Resolved, That this Meeting, while they entertain a grateful Sense of the just and enlightened Views which actuated His late Majesty and the other Branches of the Imperial Legislature in making Provision for the Support of a Protestant Clergy, cannot forbear expressing their deep Regret that the Church of Scotland have not only hitherto been debarred from participating in the Proceeds of the Interest and Rents arising from the reserved Lands, but in other respects have been treated rather as the Teachers of a Sect merely tolerated than as the Clergy of a Church recognized and acknowledged by the Laws of the Empire.

Moved by Mr. Patrick M'Gregor, and seconded by Mr. John Mowat:* — Resolved, That when this Meeting refer to the declared Opinions of the very highest legal Authorities of the Empire, given at Doctors Commons on the 15th November 1819, and to the concurrent Opinion of the Select Committee of the House of Commons in the Year 1827, and also to the subsequent Instructions of His Majesty to His then Lieutenant Governor Sir John Colborne, in the Year 1832, wherein His Majesty most distinctly recognizes "the just Claims of the Established Churches of England and Scotland," and expresses his Concern that "as yet the Waste Lands which have been set apart as a Provision for the Clergy of these venerable Bodies have hitherto realized no disposable Revenue;" when this Meeting refer to these Things, and yet, in opposition to such full and ample Recognition of the Rights of the Clergy of the Church of Scotland, perceive His Majesty's Solicitor General asserting, in his Place as a Member of the Provincial Legislature, that the Church of England is the Established Church, that the Roman Catholic Church is an Established Church, but that the Church of Scotland is no more an Established Church than that of any other Dissenting Body in the Province; perceiving also that similar Opinions are held and maintained by other Members of the House of Assembly, Advocates for the exclusive Rights of the Church of England, their Confidence in the Provincial Legislature is lost, and thus they find it necessary to appeal to His Majesty and the Imperial Parliament for recovering and securing those Rights and Privileges to which the People and Clergy of the Church of Scotland consider themselves so justly entitled by the Act of Union, which provides for a Communication of all Rights and Privileges with the Subjects of England.

* Vide End of this Enclosure, Note 1.

Moved by Mr. John Oliphant, and seconded by Mr. Strachan: — Resolved, That this Meeting, while they claim for the Clergy of the Church of Scotland the Rights and Privileges which belong to them in common with the Clergy of the Church of England, assume the Principle that the Clergy of these Two Churches are the only Clergy recognized by the Laws of the Empire as a Pro-

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testant Clergy, and entitled to participate in the Provision made for the Maintenance and Support of a Protestant Clergy.

Moved by Mr. A. M'Nab*, and seconded by Mr. Wm. M'Intosh :—Resolved, That this Meeting, while they disavow any Wish to deprive the Clergy of the Church of England of their full Share of that Property to which they are justly entitled as a Branch of the Protestant Church, or to object to their Spiritual Authority and Ecclesiastical Jurisdiction in so far as these are limited to the Members of their own Communion, and are neither assumed nor exercised over the Clergy or People of the Church of Scotland, feel themselves warranted in saying that the recent Establishment of Rectories, and the Induction of Clergymen into these Rectories, were Measures, if not illegal, at least highly impolitic on the Part of the Provincial Government, under the existing Circumstances, and especially during the pending of those Measures of Settlement recommended by His Majesty, in which His Majesty was careful to keep in view the just Rights of both the Protestant Establishments.

* Vide End of this Enclosure, Note 2.

Moved by Mr. Mason, and seconded by Mr. Oliver Mowat :—Resolved, That this Meeting, on behalf of themselves and their Pastor, reject the Compliments paid to them in the "Patriot" Newspaper, to the Disparagement of their Fellow Churchmen, who, seeking a common Object with this Congregation, had a Right to exercise their Judgment as to the best Means of securing it; nor can this Meeting forbear to express their Concurrence in the Condemnation already widely pronounced of the grossly incorrect Statements and intemperate Language respecting their Church and Clergy of Solicitor General Hagerman, in the House of Assembly on the 9th February last.

Moved by Mr. J. Cameron, and seconded by Mr. M'Murrick :—Resolved, That while this Meeting, both on account of the pure Doctrines inculcated in the Standards of the Church of England, and on account of the estimable Christian Qualities exemplified by many in her Communion, deeply regret their being forced into a Position of apparent Hostility to that Church: They feel that not to withstand to the utmost, as is now proposed to be done, the unjust and exclusive Claims arrogated for her by some of her unwise Champions, were to betray the best Interests of the Church of Christ in this Land, inasmuch as this Meeting are fully persuaded that the Position blindly sought for by the Church of England will not only be hurtful to herself, but in a high Degree prejudicial to the Spiritual Welfare of Multitudes belonging to the Church of Scotland, who, under whatever Destitution of pastoral Instruction they might for a Length of Time labour, would not connect themselves with the Church of England.

Moved by Mr. Pringle, and seconded by Mr. John Mowat :—Resolved, That as it has been proposed that a Delegate from each Congregation of the Scottish Church in the Canadas should meet at Coburg on the 14th Day of April next, for the Purpose of preparing and forwarding a Petition to His Majesty and both Houses of the Imperial Parliament, and to adopt such other Measures as may appear to the Delegates, when met, best calculated to promote the general Interests of the Church, and to secure her just Rights, that this Meeting now appoint F. A. Harper, Esq., to be the Delegate from this Congregation.

Moved by Mr. Pringle, and seconded by Mr. Strange: — Resolved, That Messrs. John Mowat, Alexander Pringle, John M'Lean, James Williamson, and Patrick M'Gregor be a Committee, to correspond and advise with Mr. Harper on Matters relative to his Mission.

NOTES.

Note 1.—Mr. Mowat stated, that he held in his Hand "An Address to Scotchmen," written by a worthy Member of the Church of Scotland living at a Distance, and proposed that the Meeting should hear it read. This Proposal being agreed to, the Address was accordingly read, and received with Approbation.

Note 2.—Mr. M'Nab, in moving this Resolution, read the following Extract from one of the Works of that eminent English Divine, William Hurd, D.D.: —

"We have considered the Calvinists, in a general point of view, as particularly established in some Parts of Europe. We shall now consider them as a national Church, begun by infinite Wisdom, supported by almighty Power, regulated by unerring Providence, and at present

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present One of the Glories of the Protestant World. And here we are sorry to observe, that although the People of England are united under one Government with those of Scotland, yet there are many of the former utterly ignorant of the Religion of the latter. Nothing is more common in England than to call the People of Scotland Dissenters; whereas they have their own Church established by Law. Nay, so firmly is the Church of Scotland established, that it cannot be overthrown unless there is a total Revolution.

"This will appear evident, when we consider in what Manner the King of Great Britain swears to protect, defend, and support that Church. The Moment the Death of the King is made public to his Successor, the Heir takes his place in the Council, and it is intimated to him that he cannot be proclaimed till he has sworn before their Lordships that he will maintain the Church of Scotland as by Law established. This Oath is administered in the Scottish Fashion, by the King's holding up his Right Hand, and solemnly swearing that he will do nothing to injure the Church of Scotland, but support her in all her Privileges. A Copy of this Oath is recorded in the Books of the Privy Council; and then a Messenger is despatched to Edinburgh, who gives it in the Court of Session, where it is read, and ordered to be recorded in the Lords Register Office.

"Here we find a vast Privilege bestowed on the Church of Scotland beyond that of England, for in England the King does not swear to maintain the Church till his Coronation. This Privilege was claimed by the People of Scotland in that Convention of Estates, 1689, which declared the Throne vacant, and voted in William and Mary. It was again insisted on by the whole Nation of Scotland at the Union, 1707; it was claimed, not as a Favour, but as a Right; and the King of Great Britain can no more dispense with it than he can with any of the fundamental Laws of the Constitution. We have been the more explicit on this Subject, that our Readers may be made acquainted with it, and that they may know every Particular; for, as a celebrated Author says, 'We should not only learn every thing, but we should learn every thing well.'"

No. 44.

No. 44.
Lord Glenelg
to
Sir F. B. Head,
23d July 1837.

(No. 203.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, Bart., K.C.H.

Sir, Downing Street, 23d July 1837.

I have the Honour to acknowledge the Receipt of your Despatch of the 30th May, No. 66., reporting the Circumstances under which you have thought it necessary to convene the Legislature of Upper Canada.

Much as I regret that strong popular Feelings and Anxieties should have forced upon you any Measure which was not entirely consonant with your own Opinions and with those of your Executive Council, I am nevertheless convinced that in calling together the local Legislature you have adopted the best Course which, under all the Circumstances of the Case, it was possible for you to pursue.

I have, &c.
(Signed) Glenelg.

No. 45.

No. 45.
Lord Glenelg
to
Sir F. B. Head,
29th July 1837.

(No. 209.)

Copy of a Despatch from Lord Glenelg to Sir F. B. Head, Bart., K.C.H.

Sir, Downing Street, 29th July 1837.

I have had the Honour to receive your Despatches of the 24th May, No. 60., and the 8th June, No. 70., on the Subject of the present financial Embarrassments of Upper Canada, in consequence of the Discontinuance of Specie Payments throughout the Continent of North America, and reporting the Steps which you had taken for the Purpose of assisting the Upper Canada Bank.

I approve of the Measures which, in the peculiar and difficult Circumstances of the Case, you adopted, although it is impossible not to recognize the Force of the Objections against any Issue of Specie to the Upper Canada Bank out of the Military Chest, or the Advance to them by the Commissary General of Bills on the Lords of the Treasury. The Arguments used in Mr. Commissioner

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Sir F. B. Head,
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General Routh's Letter of the 26th May are conclusive, and his Conduct on this Occasion, having been fully reported and explained by himself to the Lords Commissioners of the Treasury, has received their Lordships unqualified Approbation.

I have, &c.
(Signed) GLENELG.

No. 46.

No. 46.
Lord Glenelg
to
Sir F. B. Head,
26th August 1837.

(No. 222.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K.C.H.

Sir, Downing Street, 26th August 1837.

I HAVE received your Despatches dated 12th and 20th July, Nos. 82. and 84., and have had the Honour to lay before the Queen the Report contained in the former of these Despatches of the Proceedings of the Legislature of Upper Canada in the Second Session of the present Year.

Her Majesty has received with great Satisfaction the Proof which has thus been given of the Adherence, under Circumstances of no ordinary Difficulty, of the Legislature of that important Portion of the British Empire to the Principles of Commercial Faith and National Honour. Her Majesty is pleased to regard it as no ordinary Felicity, that the first Act of Her Government in reference to that Part of Her Dominions should be to give her Assent to a Law conceived in such a Spirit, and calculated, as she trusts, by sustaining public Confidence, to avert the Danger in the Contemplation of which it was passed.

It has been very satisfactory to the Queen to learn that the Chartered Banks of the Province had, down to so late a Period as the 20th July, persevered in the honourable Course of fulfilling their Engagements, regardless of the Risk or the Losses to which they might be exposed by keeping Faith with their Creditors. Her Majesty is convinced that this Sacrifice will be amply repaid by the just Reliance which will be reposed in the Honour of the Conductors of those Establishments.

I am honoured by the Commands of the Queen to convey to you the Expression of Her Majesty's entire Approbation of the Firmness and Ability by which your Conduct in this trying Exigency has been distinguished.

I have, &c.
(Signed) GLENELG.

No. 47.

No. 47.
Lord Glenelg
to
Sir F. B. Head,
7th Sept. 1837.

(No. 231.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K.C.H.

Sir, Downing Street, 7th September 1837.

DURING the present Year I have received numerous Communications from Gentlemen, either resident in England or deputed hither by Communities in connexion with the Churches of England and Scotland, on the Subject of the present State of the Ecclesiastical Establishments in the Canadian Provinces, and more especially with reference to the Appropriation of the Clergy Reserves. In answer to these Communications, I have entered at considerable Length into the Question, and have fully explained to the Applicants the Position and the Views of Her Majesty's Government respecting it. I herewith enclose for your Information Copies of this Correspondence, of which a Schedule accompanies this Despatch.

With the previous Knowledge which you possess of the Subject, and the Information contained in the accompanying Letters, it is unnecessary for me to enter into any detailed Exposition of the present State of the Case. It is sufficient to observe, that, notwithstanding the Instances which, as you will perceive, have been addressed to me by some of the Deputies, the Objections against any Interference

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Interference of the Imperial Parliament, except at the Invitation of the Canadian Legislatures, appear to be insuperable.

At the same Time there is scarcely any Question connected with public Affairs in Canada the Settlement of which on a comprehensive and liberal Basis would be hailed with more Satisfaction by Her Majesty's Government.

Independently of its intrinsic Interest, this Question derives an Importance which can scarcely be exaggerated from the Nature of the Feelings which it calls into action. Involving much of a religious Character, it is approached with Sentiments far more serious and deeply rooted than are brought to the Discussion of ordinary political Questions. It is therefore with no groundless Anxiety that Her Majesty's Government have long contemplated the unsettled State of this Question, an Anxiety which has been fully justified by the Events of the last Session in Upper Canada. On referring to the public Journals I find that the Settlement of the Clergy Reserves engaged much of the Attention of the Assembly of that Province, and gave rise to Discussions of unusual Length and Animation. The Intensity of the public Feeling on the Subject is attested by the large Space devoted to the Discussion of it, no less than by the direct Evidence of many of the Gentlemen who have addressed me; while the Difficulty of devising a final Settlement of the antagonist Claims, and the ill Consequences resulting from their continual Agitation, have induced some of those Gentlemen earnestly to invoke the Interposition of the Imperial Legislature.

Under these Circumstances you will readily understand my Anxiety to contribute by all Means in my Power to an Adjustment of the Question, and it has appeared to me that the Experience acquired in other of the British Colonies might perhaps be useful in suggesting to the Legislatures of Upper and Lower Canada the Arrangement of a Measure which might be satisfactory to all Parties. In the Colony of New South Wales a great Deficiency existed in the Means of religious Instruction, a Deficiency which the unassisted Efforts of the Inhabitants would have been quite inadequate to supply. To remedy this Difficulty, Her Majesty's Government proposed a Plan, the Principles and Details of which you will find fully explained in those Parts of the accompanying Parliamentary Paper which relate to a Provision for the Erection of Places of Worship and the Maintenance of Ministers in the Australian Colonies, and which have since been adopted and embodied in a Legislative Enactment passed by the Governor and Council of New South Wales, and also enclosed for your Information.

The Circumstances of the Australian Colonies differ so widely from those of Canada, that it would be plainly impossible to transfer to the latter Country the entire System which has been adopted with Success in the former. Nor should I venture to prescribe to the Legislatures of the Canadian Provinces the Principles on which they should endeavour to make Provision for the Religious Wants of their Fellow Colonists. The Inhabitants of the Australian Colonies belong almost exclusively to the Churches of England, of Scotland, and of Rome; but in the Canadas the Case is different. There are in those Provinces many other Persuasions of Christians forming large Communities, each superintended by a controlling Body. The Exclusion of these Communities from the Benefit of a public Provision made for religious Purposes would be quite inconsistent with the Design of Her Majesty's Government. It is, on the contrary, their anxious Wish that to all such Christian Communities Assistance should be afforded, in proportion to their Numbers and to their Necessities. To the Maintenance of the actual Ministers of the Churches of England and Scotland in their existing Emoluments the Faith of Her Majesty's Government is, as you are aware, distinctly pledged; but should any Arrangement be hereafter concluded with the Legislatures of Upper and Lower Canada for the Cession to them of the Crown Revenues, there would be at the Disposal of the Legislature from that Fund, and from the other Sources of Revenue, ample Means of providing for the Erection of Places of Worship, and the Salaries of Ministers, throughout the Provinces.

I have, &c.
(Signed) GLENELG.

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to
Sir F. B. Head,
4th Oct. 1837.

No. 48.

(No. 234.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir, Downing Street, 4th October 1837.

I HAVE had under my attentive Consideration your several Despatches on the Subject of the Expenses to which you have been subjected by your Appointment to be Lieutenant Governor of Upper Canada, and I have felt every Desire if possible to discover a Mode of affording you Relief.

Your Representation embraces Three distinct Topics, to which I shall reply in order :—

First, You desire to be informed from what Funds the Expenses incurred by you in your inspectional Tour through the Province are to be defrayed. To this Question you will have already received the Answer contained in my Despatch of the 4th January. It only remains for me, therefore, on the present Occasion, to convey to you my Approval of the Amount and Nature of this Expenditure, as shown by the Vouchers which accompany your Despatch of the 4th February.

Secondly, You advert to the extraordinary Expenses which you incurred in consequence of the Circumstances under which you were despatched to assume the Government of Upper Canada. Those Expenses you estimate at 800*l.*, independently of the Sum required for the Conveyance of Lady Head and your Family to Toronto. You also call my Attention to the Amount paid by you to Sir J. Colborne, on account of the Furniture in the Government House, which, together with the Furniture purchased by your Orders in this Country, amounts to 2,050*l.*

You are aware, that by a Regulation which has been for many Years in force, and which equally affects the Governors of all the British North American Provinces, 300*l.* is the Amount of Allowance for Outfit and Passage on the Appointment of a Governor. There does not seem to be any special Ground which could be urged for making your Case an Exception to this Regulation, so far as relates to those Expenses which must, in any Case, have been incurred on the Assumption of the Government, especially as, contrary to former Practice, you were relieved, on my Recommendation, from the Payment of the Stamp Duty on your Commission. So also with regard to the Sums paid by you on account of Furniture. I regret that I cannot feel myself justified in suggesting to the Lords of the Treasury to assume any Portion of that Expenditure. At the same Time I am of opinion that, without reference to your particular Case, it would be expedient to extend to other Colonies the Rule which has already been applied in the Case of some of the West Indian Colonies, in which the Furniture of the Rooms in the Governor's Residence, required and used for public Reception, is provided, not at the Expense of each successive Governor, but from Colonial Funds. On the same Principle on which a Residence is provided for the Officer administering the Government at the public Expense, the requisite Furniture for so much at least of that Residence as is employed for public Purposes should also, as it appears to me, be supplied. I have therefore to authorize you to suggest to the Legislature of Upper Canada the Propriety of purchasing, for the public Service, such Part of the Furniture at present in use in the Government House as comes within this Description. If, as I confidently anticipate, they should accede to this Suggestion, it will be for them to take the necessary Steps for ascertaining its Value, and to decide in what Manner Provision should be made for its future safe Custody, for the Use of the Lieutenant Governor for the Time being. In consideration, however, of the increased Expense necessarily arising from the Suddenness of your Departure for Upper Canada, the Lords Commissioners of the Treasury have sanctioned an Increase of 500*l.* to the Allowance already made to you for Outfit and Passage.

You are at liberty, either to draw forthwith on their Lordships for this Sum, or to grant to your Agent in this Country a Power of Attorney to receive it for you. If you should prefer the former Course, Care must be taken to state in the Body of the Bill the Service for which it is drawn, and to advise their Lordships immediately of its Number and Date.

Thirdly, You repeat your Representations in regard to the Inadequacy of your Emoluments, and you call on me to fulfil the Expectation formerly held

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out of an Increase of your Salary contingent on the Result of your longer Experience. On this Point I will not now question the Accuracy of the Opinion which you so decidedly express; but I must confess that under existing Circumstances there is a very serious Difficulty in meeting your Wishes. There are no Funds in this Country from which a permanent Augmentation of the Salary of the Lieutenant Governor of Upper Canada could be drawn. An Application to Parliament for this Purpose in the Case of a Colony possessing ample Resources, administered by an Assembly which has shown no Disposition to withhold the requisite Funds for any public Service, would be, if not altogether unprecedented, at least so contrary to the Principle which has been repeatedly recognized and acted on, that Her Majesty's Government could not feel justified in having recourse to it, even were it likely to be attended with Success. Such an Application I certainly have never contemplated. The Provincial Revenue is the natural Resource; but there are undoubtedly Circumstances which may make an Application to the local Legislature for such a Purpose at the present Time inexpedient, and except with their Sanction the Colonial Revenue cannot be rendered available, as I do not feel myself at liberty, after the Propositions which have been made to the Legislature of Upper Canada respecting the Casual and Territorial Revenue, at once to authorize you to derive from that Source an additional Amount of Salary. The Question indeed is one which properly belongs to the Provincial Legislature, and I should be happy to find that they were not indisposed to enter on the Consideration of it. Without their Intervention, the Difficulty appears to me insuperable. If however there is sufficient Reason to believe that they would decline to sanction any Increase to the present Amount of Salary, unequivocal Evidence would be afforded of the public Sentiment on this Point, and you would at once be relieved from the Obligation which you have hitherto felt to maintain the Scale of Expense observed by your immediate Predecessors.

I have, &c.
(Signed) GLENELG.

No. 49.

(No. 238.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

No 49.
Lord Glenelg
to
Sir F. B. Head,
26th Oct. 1837.

Sir, Downing Street, 26th October 1837.

I HAVE the Honour to acknowledge the Receipt of your Despatch, No. 99., of the 10th of September last.

I will not conceal from you the Surprise with which I have perused that Despatch, nor my Sense of the Degree of public Inconvenience likely to ensue from so abrupt a Termination of your Administration of the Affairs of Upper Canada, at a Period when the Result of your Policy in several important Questions remains undecided, and when it is obviously of the greatest Consequence that Measures recommended and instituted by yourself should be followed up under your own Superintendence in the approaching Session of the Provincial Legislature.

I therefore feel it is my Duty to abstain from laying your Resignation before the Queen until I shall have had an Opportunity of consulting my Colleagues collectively as to the Course which it will be right for me to adopt. The Absence of several of them from London at the present Moment precludes my doing this immediately, although the Delay, I trust, will be of very short Duration. In the meantime I purposely abstain from adverting to any of the Topics which you have introduced into your Despatch.

I have, &c.
(Signed) GLENELG.

No. 50.
Lord Glenelg
to
Sir F. B. Head,
8th Nov. 1837.

No. 50.

(No. 242.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K.C.H.

Sir, Downing Street, 8th November 1837.

I HAVE received your Despatches, Nos. 100. and 101., dated on the 11th and 15th of September, enclosing the Answers of Mr. Hagerman, the Attorney General of Upper Canada, to the Inquiries which I instructed you to propose to that Gentleman in my Despatch, No. 200., of the 14th July 1837.

It affords me the highest Satisfaction to acknowledge that Mr. Hagerman has entirely rescued himself from the Imputations which formed the Ground of the Representations transmitted to me through a Member of the General Assembly of the Church of Scotland. In deference to the Authority of the Presbytery and Members of that Church at Kingston in Upper Canada, from whom the Complaint emanated, I felt myself constrained to pause in submitting to the Queen the Confirmation of Mr. Hagerman's Appointment as Attorney General until he should have answered the Remonstrance preferred by them against his public Conduct. Mr. Hagerman's explicit Assurance is sufficient to convince me that they must have been misled by erroneous Information, and that his Conduct was not obnoxious to the Charge preferred against him. I feel it due to him to add that he appears to have been uniformly solicitous, in the Proceedings in which he has taken a Part on this Question, to conform to the Views of the Government in whose Service he was employed.

Under these Circumstances the Queen has been pleased to command that the Warrant appointing Mr. Hagerman Attorney General of Upper Canada, and the Warrant appointing Mr. Draper Solicitor General of the Province, should immediately be prepared for Her Majesty's Signature.

It gives me great Pleasure to make to you this Communication. The Warrants will be delivered to the Agents of these Gentlemen on Application at this Office. With regard to Mr. Draper, it is scarcely necessary to mention, that the only Question was, not whether his Promotion should be confirmed, but whether in a possible Contingency he might not have to be appointed at once to the Office of Attorney General. Mr. Draper I know will concur with me in rejoicing that the Contingency to which I refer has not occurred.

I have, &c.
(Signed) GLENELG.

No. 51.
Lord Glenelg
to
Sir F. B. Head,
24th Nov. 1837.

No. 51.

(No. 247.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K.C.H.

Sir, Downing Street, 24th Nov. 1837.

IN my Despatch of the 26th of October, No. 238., I acknowledged the Receipt of your Despatch of the 10th of September, No. 99., and informed you, that I had felt it to be my Duty to abstain from laying before the Queen your Resignation of the Office of Lieutenant Governor of the Province of Upper Canada, until I should have had an Opportunity of consulting my Colleagues collectively as to the Course which it would be right for me to adopt. Her Majesty's confidential Advisers having now bestowed their careful Attention on the whole Subject, I proceed to communicate to you the Result of their Deliberations.

It is due to my own Character, and to the Station which I have the Honour to hold, that I should connect this Communication with an explicit Reference to the various Grounds which you have assigned in explanation of your Conduct on this Occasion.

The first of these Topics, however, I shall pass over with a very few Words. To those who have intrusted me with the Office which I now fill I have given the most precise Explanation of the Mode in which I have executed the Duty of superintending your Administration of the Affairs of Upper Canada; but to an Officer serving under my immediate Authority, who charges me with having surrendered the Exercise of my own independent Judgment to some invisible and

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to
Sir F. B. Head,
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and overruling Influence, exerted for the Introduction of Republican Principles into British North America, I need make no Reply, contented to refer to his more calm and deliberate Judgment the Question whether it is fitting that so serious a Charge should be conveyed in such a Form and on such an Occasion.

Commencing with this Topic, you next proceed to announce that the System of Policy pursued by my Predecessors and by myself in reference to British North America is essentially opposed to your own.

This Declaration naturally leads to the Inquiry, whether during the Period of our official Connexion there has ever arisen, until the present Time, any material Question of practical Conduct on which we have differed. Our abstract Principles may not have been the same; in our official Correspondence you may have occasionally advanced Doctrines to which I have not been able to give my Assent; such Disagreements are more or less inseparable from every Discussion between those who at once assert for themselves and respect in others the free Exercise of an independent Judgment. Habitually indisposed to make my official Correspondence the Channel for the Debate of abstract Questions of Policy, I have been content to know that you were prepared to obey my Instructions, and have felt comparatively very little Concern as to the Light in which you might regard my Opinions. Whatever theoretical Distinctions may have existed between you and me, it is at least clear, that, subject to the Exceptions to be noticed in the Sequel, you have avowed your entire Acquiescence in the whole Tenor of my Instructions, and that every Act of which you have been the Author, involving any of the general and permanent Interests of the Province, I have sanctioned and approved.

My Views of the Policy to be observed and my Instructions as to the Measures to be adopted by you as Lieutenant Governor of Upper Canada were conveyed to you in my Despatch of the 5th of December 1835. What then has been your Language and what your Course of Proceeding in reference to the Rules which in that Despatch I laid down for your Guidance?

Within Three Months from your Arrival in Upper Canada you addressed to me a Despatch, dated the 21st of April 1836, in which I find the following Passages:—

"The decided Measures which your Lordship took promptly to correct the "alleged Grievances which were brought before you have had the happy "Effect of breaking up the Faction which, from Want of Firmness, has long "been undermining the Constitution of this Province."—"I shall never regret "the generous Policy which attempted to produce here Tranquillity by Con-"ciliation, for I at present owe to it my Success."

After the Lapse of Three additional Months you addressed to me a Despatch, dated on the 23d of July 1836, in which you strongly objected to one of the Measures directed by my original Instructions, that, namely, Surrender of the Territorial Revenue of the Crown to the Appropriation of the House of Assembly in exchange for an adequate Civil List. I answered (in my Despatch of the 8th of September 1836), that from my original Instructions it was impossible for the Government to depart, and that a zealous and cordial Co-operation on your Part in prosecuting the System of Policy announced in those Instructions was the Condition on which the Administration of the Province would be continued in your Hands. I transcribe from your Despatch of the 7th of November 1836, acknowledging this Answer, the following Passage:—

"With respect to the Instructions I have had the Honour to receive from "your Lordship, I have no Hesitation in saying that when I received them in "England they appeared to me to be every thing I could desire.

"They have formed the Text of all the Replies I have made to the various "Addresses I have received, and I have invariably referred to them as a Proof "that I was ordered by your Lordship 'to maintain the happy Constitution of "this Province inviolate, yet cautiously and effectually to correct all real "Grievances.' The Victory I gained over the Republicans I attributed (vide "my Despatch, No. 56.), not to my own Exertions, but to your Lordship's "Instructions."

Although you still retained your Opinion as to the Inexpediency of the Surrender of the Territorial Revenue, this was a Difference of Opinion only, and involved no practical Difficulty. Your Duty having been discharged by a frank Avowal of your Views on that Question, and mine by a Declaration

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equally explicit of my Adherence to my original Decision, the Discussion reached its Close. You acquiesced in giving Effect to the fixed Purpose of His late Majesty's Government on this Subject, devolving on them, very properly, the undivided Responsibility for the Consequences that might follow. To this Resolution to submit yourself to the Authority of the Ministers of the Crown on this Subject you adhered so recently as the 22d of August in the present Year, that is, only Three Weeks before the Date of your Resignation; for in a Despatch dated on that Day you solicited specific Directions for your Guidance during the ensuing Session as to the Details of the proposed Surrender of this Revenue. I might, without much Risk of Error, add, that your Opinion as to the ruinous Results to be anticipated from the Surrender had probably undergone a material Change, for in your Despatch of the 22d August 1837 you reported that the Revenue to be given up was hardly equal to the Charges upon it, and you referred to that Circumstance as explanatory of "the "Indifference of the Assembly in not at once accepting an Offer which, in "their Opinion, might turn out to them a losing Bargain."

With the solitary Exception of the proposed Surrender of the Territorial Revenue, I had not, from the Commencement of your Administration until my Receipt of your Despatch of the 10th of September 1837, the slightest Reason to know or to surmise, that, among the Measures prescribed for your Adoption in my original Instructions, there was any one to which you did not completely and cordially subscribe; on the contrary, the repeated Assurances which I have quoted from your Despatches led me to conclude that I might calculate on your zealous Observance of those Instructions as the Rule and Guide of your official Conduct. If therefore the Contrast which you declare to have existed between your Policy and mine has really prevailed in reference to the specific Measures indicated by my original Instructions, I can only state that my Ignorance of the Fact has been as unavoidable as it has been complete.

I have further stated, and I proceed to show, that there is no one of your reported Acts or Proceedings in which the general Interests of the Province were involved which has not received my Sanction. I refer especially to your Choice of Executive Councillors from the popular Party,—your subsequent Resistance to their Demands,—your Acceptance of the Resignation of the whole Council,—your Selection of Four new Members,—your Opposition to the Pretensions of the Assembly,—your Dissolution of the Legislature,—your Selection of Three new Judges,—and your Proceedings respecting the Suspension of Cash Payments. This Enumeration comprises the whole Series of your reported Measures affecting any of the general and permanent Interests of Upper Canada. The more important of them have been acknowledged in Terms of ample and cordial Commendation. On the Ground of your Services you have been rewarded by Advancement to the Dignity of a Baronet. The supposed Contrast between your Policy and mine is not, therefore, to be discovered in reference to any one considerable Measure of which you were the Author.

If there really exists any essential Difference between us respecting the Administration of the Affairs of Upper Canada, it must be a Difference reconcilable with your avowed Acquiescence in all the Measures which I prescribed, and with my Approval and Commendation of every material Act which you have reported as having originated with yourself.

It is indeed sufficiently apparent, from your present Despatch, that there are some Questions on which we differ. The Nature and the Amount of that Difference I will subsequently consider. But it is necessary that I should first advert to your Remarks respecting the Government of the neighbouring Provinces, to which you point as illustrating the Dangers of that conciliatory Policy of which you represent me as the Supporter and yourself as the Opponent.

Without entering into a Digression of great Extent, it would be impossible for me to explain in this Place the Grounds on which I am prepared to vindicate the whole Course and Tenor of my Proceedings in the Administration of the Affairs of British North America. With what Success they have been attended in Upper Canada the preceding Quotations from your Despatches may sufficiently attest. For my immediate Purpose it is enough to observe, that, possessing Means of Knowledge which are not within your Reach, I cannot defer to your Opinion, however confidently entertained and vehemently expressed. Reflection and Experience have strengthened my previous Conviction, that,

not

not on the North American Continent only, but throughout the whole Extent of our Colonial Dependencies, a firm Adherence to the Principles of the British Constitution, so far from being incompatible with a System of Conciliation, can only be effectually maintained in connexion with that System; and that the surest Support of the Authority of the Crown in these distant Possessions is to be found in a prompt Attention to every Complaint,—in the Redress of every real Grievance,—in a Government acting for the Benefit of the Colonists collectively, and not exhibiting itself as the Leader of any single Party,—in an impartial Justice to all Persons; in a Word, in that Policy which you condemn as conciliatory. Little Advance indeed is made towards any useful Conclusion by the mere Application, whether for the Purpose of Praise or Censure, of a general Term of this Kind to any System of Government. Such Controversies are seldom much more than verbal. But this Degree at least of Notice I could not refuse to your sweeping Censure of Measures which I must be permitted to think you can appreciate but very imperfectly.

With these preliminary Remarks I proceed to consider the Complaints which you have made respecting my Conduct in the official Relation subsisting between us, from its Commencement to the present Time.

I. Your first Complaint relates to the Occurrences which took place respecting the Office of the Surveyor General. The following are the Facts of this Case:—

The Office having become vacant, very powerful local Interest was made to obtain the Appointment for Mr. Radenhurst. You objected, and on conclusive Grounds, to this Proposal, and conferred the Office, subject of course to His Majesty's Pleasure, on Captain Macaulay. Within less than a Week that Gentleman tendered his Resignation, and it was accepted. Your Report of these Circumstances reached me on the 29th of March 1836. You left me without any Information as to the Motives or the Circumstances which had induced Captain Macaulay to surrender the Office. You did not inform me whether he was still to be regarded as a Candidate for the Place, nor did you suggest any Person as his Successor. You did not call upon me to make a new Appointment. You solicited no Instructions; nor was there any Measure which it remained for me to take on the Subject. I therefore awaited in Silence your expected Report of the Arrangements which you might propose to make for supplying the Vacancy occasioned by Captain Macaulay's Resignation. But as several Weeks elapsed without the Arrival of any further Communication from you, I at length, in my Despatch of the 25th of July, requested you to make another Choice. To no Part of your Proceedings did I object; but, on the contrary, I declared my Approbation of your Refusal to appoint Mr. Radenhurst.

You complain, however, of my Inattention and Neglect on this Subject. I answer, that the Delay was the unavoidable Consequence of your own Postponement of the Nomination of Captain Macaulay's Successor. I might indeed have interposed to fill up the vacant Office by an Appointment originating with myself; but it was my Wish and Purpose that the new Surveyor General, whoever he might be, should be indebted for his Advancement to your spontaneous Act, and to that alone. Aware of the Difficulties of your Situation, I was happy to leave in your Hands this and every other Resource for augmenting the Number and the Attachment of your Supporters.

It would therefore have been totally beyond my Power even to conjecture in what Manner I had wronged or embarrassed you respecting this Office, or what could be the Source of your Dissatisfaction on the Subject, if some Light had not been thrown upon it by Facts which I have learnt from Captain Macaulay himself. That Gentleman presented himself here in the Autumn of 1836, with a Complaint which I communicated to you, and the Substance of which you have not contradicted. He represented that his Resignation was not a spontaneous Act, but that it was made at your Request; that his Letter resigning the Office of Surveyor General, which you had transmitted to me without Comment, was really drawn up at your own Suggestion; and that he had distinctly intimated to you that he was still to be considered a Candidate for the Office. Now, if the Fact be that you thought Captain Macaulay's Appointment desirable, and if it was your Purpose or Wish that I should decline to accept his Resignation, my Omission to take that Course may have disappointed your Plans, and so may have been productive of some Embarrassment to you. But I was in utter Ignorance of what had privately taken place between Captain Macaulay and yourself. His Resignation appeared to be perfectly voluntary

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and unconditional; and in that Light alone I received and viewed it. If, in this instance, I did not co-operate with you, it was because your Report left me in total Ignorance of any ulterior Views which you may have entertained in Captain Macaulay's Favour.

II. The second Case of imputed Neglect respects your Contest with the Executive Council. Your Report on that Subject reached this Office on the 25th of April 1836, and Three Months elapsed before it was answered. Your present Remonstrance imposes on me the Necessity of explaining this Delay.

I freely acknowledge, that, although your Conduct in the main appeared to me worthy of Commendation, yet in this instance I found it impossible, without a Sacrifice of Sincerity and Truth, to pronounce regarding it an absolute and unqualified Approbation. To have announced even a partial Dissent at the Moment of your Struggle could not have failed to discourage, and might seriously have embarrassed you. I therefore resolved to await the Result in Silence. In case of a Failure of your Measures, I felt that I was thus rendering myself responsible for that Part of them which I disapproved, no less than for the other Portion which I might approve. It was however my Determination, that in the event of such a Failure I should withhold my Opinions, and assume to myself the full Responsibility for every Act in which I had tacitly acquiesced; but that in the opposite Event—that, namely, of your Success—I should, while offering to you the Meed of just Applause, hazard at the same Time the frank Expression of my Dissent, so far as it extended. The Issue of the Struggle was successful in the highest Degree; and accordingly, in pursuance of the Resolution which I had taken, I addressed you on the Subject in the Month of July 1836, combining, with the cordial Language of general Approbation, not indeed a Censure, but a cautious Avowal of my Opinion, that in the Contest with the Executive Councillors one Step had been taken which it would be difficult to justify.

The Silence which I observed on this Subject from April to July 1836 was therefore the Result of no Indifference to your Difficulties, but the reverse; the Motives by which it was dictated were at least not ungenerous, nor must I omit to add, that I had sufficient Reason to conclude that a tacit Acquiescence on my Part was really in accordance with your own Wishes. In your Despatch of the 21st of April 1836 you had deprecated any Interference with your projected Measures, and had stated that you were not looking to me for Instructions or direct Assistance. From this Language I drew the Conclusion which it still appears to me to warrant, and inferred, that you would not expect from me an Opinion on the Merits of your preparatory Acts, until I should be apprised in what Manner those Measures might in the Exercise of the Freedom of Action which you had solicited be followed up.

III. The Third Charge is an imputed Omission in acknowledging the loyal Addresses presented to you by the Inhabitants of the Province. The Facts are these. Seventy Addresses of this Kind were transmitted by you, and reached this Office in the Months of June and July 1836. The Receipt of them all, with the Exception of the Nine last, was acknowledged in the same Months, and the first was noticed in Terms of great Cordiality. But the subsequent Addresses drew from me no Remark or Statement beyond the simple Acknowledgment that they had reached my Hands. It is therefore not to the Absence of an Answer, but to the Coldness and Dryness of the Style, that your Complaint must be supposed to refer. Now it is a general Rule, of which the Motives scarcely need Explanation, that congratulatory Addresses made, not to the Sovereign but to the Governor of the Colony, are acknowledged to the Parties by the Governor only, and not by the Secretary of State. In the Case of the first Address which you transmitted, my Anxiety to support you induced me to break through this formal Regulation; but as the Addresses multiplied the Necessity of adhering to the Rule became evident; many of the Addresses were conceived in Terms suggested rather by the Feelings of the passing Day than by Views to which it was possible to pronounce an unqualified Assent. Your Answers were occasionally drawn up in Language for which much Allowance was to be made in consideration of the Excitement of the Occasion, but which, writing in the Name of the King, I could not very properly mark with Approbation. The only Course left was that of Silence; a Course the less liable to Objection, as it was consonant with the general Rule to which Reference has already been made.

IV. The

IV. The Fourth alleged Neglect is the Omission to notice the Speech with which you closed the Session. That Speech reached me on the 7th of June, and on the 14th of the same Month I acknowledged the Receipt of the Despatch in which it was enclosed. It is the established Practice to make nothing more than a formal Acknowledgment of Addresses passing between a Governor and the Legislative Bodies. This however it may be said was a peculiar Occasion, in which ordinary Rules of that Kind should have been disregarded. This is readily allowed; but the Fact is, that the Speech in question was one in reference to which there were ample Reasons for declining to make any particular Comment. Unwilling to provoke Dissatisfaction by qualified Praise, and unable to bestow unmixed Commendation, I combined my Acknowledgment of the Speech with a Reference to your Proceedings in general, and thus bestowed on your Measures the Approbation which I could not honestly give to your Speech; declaring those Measures to have been "characterized by a Zeal for the "general Good of the Province, and by an Energy, Firmness, and Promptitude "of Decision which entitled you to the cordial Sympathy and grateful Acknow-"ledgments of the Ministers of the Crown."

V. Another Complaint is, that when my ample Acknowledgments of the Measures taken in the Spring of 1836 arrived, "other minute Points were "visited with Observations which you never expected to receive." That the Topics to which you here advert were minute (that is, of little Importance), might be disproved by the Enumeration of them. That the Observations of which you complain were expressed in Terms the most courteous, mild, and respectful cannot be denied, and is not denied even by yourself. That the Occasion justified and even required those Observations might be readily demonstrated.

But without engaging in needless Details, I cannot omit to point out the Result to which the Principle involved in this Complaint would conduct us.

The Doctrine which you have so strenuously maintained, that the local Government is responsible, not to the local Legislature, but to the King, is just and constitutional, but it has invariably been connected with the corresponding Doctrine, that the Responsibility to the King must really exist and be in force. Upon this you insisted in your Addresses to the Assembly. This also was the Language of the original Instructions which you communicated to that Body, and to which you ascribe your Success. But the Professions thus conveyed to the Legislature would be a mere Illusion and Deceit if the King's Ministers were not at liberty to avow any Difference of Opinion between themselves and the Officer administering the Government, although the Avowal might be couched in Terms the most courteous and respectful, and although it might be unmixed with Censure, and connected with cordial Eulogy and honourable Reward. If even such an Exercise of the controlling Power is to be resented as an Injury, and denounced as a Support to Republican Principles, the Acknowledgment is inevitable, that the Governors of our Provinces, so long as they continue to govern, must exercise a supreme and irresponsible Authority, a Principle which, whether avowed in Terms or tacitly asserted by Conduct, is wholly at variance with that which Her Majesty's Government have hitherto maintained, and to which they are determined to adhere.

VI. The next Subject of your Complaint is, that Mr. Sullivan's Appointment as Commissioner of Crown Lands was first impeded by what you have termed a technical Objection, and that it has not even yet been confirmed. The Accuracy of this Representation may be most fitly brought to the Test by a simple Statement of the real Facts of the Case. They are as follow:—

Mr. Sullivan's Appointment to the Office of Commissioner of Crown Lands was communicated to me in a Despatch which reached me on the 1st September 1836. At that Time Plans were in agitation for remodelling the Crown Land Departments in all the British North American Provinces. You had announced your Intention to make an early Report on the Land-granting System in Upper Canada. At such a Moment it would have been highly improper to confirm absolutely and without Qualification Mr. Sullivan's Appointment, or indeed any other Appointment in that Department, because such a Confirmation would have created a vested Interest inconsistent with the meditated Improvements. Meantime Mr. Sullivan was in possession of the Office. The Circumstances which delayed the proposed Alterations in the Crown Land Department in Lower Canada need not be stated here.

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Even in New Brunswick it is only within the last Autumn that they have been completed.

But on the 28th of January 1837, unwilling to incur any further Postponement, I transmitted to you an Explanation of the past Delay, and confirmed Mr. Sullivan's Appointment; reserving however to the Crown the Right to make any Alteration which might subsequently be found necessary, either in the Duties or in the Emoluments of the Office, without any Right to Compensation on the Part of Mr. Sullivan.

In the Interval that Gentleman was not to receive the usual Appointment under the Sign Manual, but was to act under your Nomination; the single Object of this Arrangement being to avoid a Measure which might render more difficult any future Regulation of the Office. Finding however that you considered the Absence of this usual Form of Appointment injurious to Mr. Sullivan and embarrassing to yourself, I transmitted the Royal Warrant in my Despatch of the 31st of July 1837, accompanied by an express Stipulation against its being regarded as a final Act. Such is the present State of this Matter.

VII. You complain of my not having at once advised the Confirmation by the Crown of the Appointments of Messrs. Hagerman and Draper to the Offices of Attorney and Solicitor General, without a Reference back of the Subject to you. I beg to remind you of the real State of this Case.

In the Month of April you appointed, under Sanction of an Act of the local Legislature, Three new Judges, One of whom was Mr. Jameson the then Attorney General. To the Office of Attorney General thus vacated you appointed Mr. Hagerman the Solicitor General; and this last Office you conferred on Mr. Draper. All these Five Appointments were of course provisional, and awaited the Confirmation or Disallowance of the Crown.

The Information of these several Appointments reached me during the Illness of the late King, at a Time when His Majesty could not with Propriety be consulted on the Subject. Shortly after the Accession of The Queen the Three Judicial Appointments were confirmed by Her Majesty; but the following Circumstances rendered some Delay in deciding on the Claims of Messrs. Hagerman and Draper unavoidable.

In the Despatch delivered to you on your Acceptance of the Government, and by you communicated to the Legislature, I had in the clearest Terms declared that no high and confidential Servant of the Crown, who, as a Member of the Legislature, should oppose the Policy of the Government, would be permitted to retain his Office.

A Member of the General Assembly of the Church of Scotland had transmitted for my Information certain printed Resolutions of the Presbytery of that Church in Upper Canada, which Resolutions represented that in the Session of 1836 Mr. Hagerman had, in his Place in the House of Assembly of Upper Canada, held Language and pursued a Line of Conduct highly injurious to the Character and Interests of the Scotch Church, and in direct Opposition to the avowed Policy and recorded Opinions of the Ministers of the Crown. In fulfilment of the Pledge communicated by you to the Assembly, I directed you to call on Mr. Hagerman for Explanations. These Explanations, which have been given by that Gentleman, promptly and frankly, were transmitted in your Despatches Nos. 100. and 101., of 11th and 15th September, and have proved, I am happy to add, quite satisfactory. Mr. Hagerman has distinctly disclaimed the Sentiments and Language imputed to him, and it is clearly established that the Presbytery acted on erroneous Information; Mr. Hagerman's Appointment as Attorney General has therefore been confirmed. Respecting Mr. Draper there never was any Doubt, excepting whether he should be Attorney or Solicitor General; that Doubt being now resolved, he has been confirmed in the latter Office.

In the whole of this Proceeding I have simply adhered to the Pledges which in obedience to my Instructions you gave at the Commencement of your Administration to both Houses of the local Legislature.

VIII. You represent that the Statement which I laid before the Law Officers of the Crown respecting the Fifty-seven Rectories established by your immediate Predecessor in the Government of Upper Canada omitted a most material Fact, and that this Error may throw the whole Province into confusion. This Representation renders it necessary for me briefly to advert to the Particulars of this Case.

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Immediately before the Close of his Administration, Sir J. Colborne, by an Order made by the Advice of the Executive Council, established and endowed Fifty-seven Rectories. Complaints of this Proceeding were preferred in the House of Commons. They were answered by the Statement that His Majesty's Government had neither authorized nor even heard of the Measure. When required to supply the necessary Information and Explanation on this Subject, you transmitted the Order of the Lieutenant Governor in Council by which the Rectories had been established, and you expressed your Regret at this Act of your Predecessor, declaring that it had constituted one of your most serious Embarrassments in the Administration of your Government.

On the Receipt of your Despatch it occurred to me, as a Question of very grave Doubt, whether the Act was valid or legal. To adjust that preliminary Question, I consulted the Law Officers of the Crown, and communicated to them the Order of the late Lieutenant Governor in Council establishing the Rectories, with every other Document which you had transmitted to me as bearing on the Subject. The King's Advocate and the Attorney and Solicitor General made a Report against the Validity of the Endowments, and that Report was transmitted to you, with an Instruction to communicate it to the Bishop and the Archdeacon, and to request them to state whether any material Facts had been omitted or inaccurately represented in the Case laid before the Law Officers of the Crown, and whether the Law Officers appeared to have overlooked any View or Bearing of the Question to which their Attention ought to have been directed. To this Instruction I have not yet received the Reply, which of course will in due Time arrive, and until I receive it I must reserve my final Opinion on the Case. You maintain, however, that if certain Instructions conveyed by Lord Bathurst to Two preceding Governors in the Reigns of their late Majesties King George the Third and King George the Fourth, had been laid before the Law Officers of the Crown, their Decision must have been entirely different. Without prejudging a Subject, which must hereafter be referred to those Learned Persons, I will merely state that the Materiality of the Omission of those Instructions to the Question at issue seems to me very doubtful. But if the Statement laid before the Law Officers of the Crown was essentially defective, the Responsibility does not rest with me. The Order of Sir J. Colborne in Council proceeded avowedly on Lord Ripon's Instructions, and on them alone, and neither in the Order itself, nor in your Despatch transmitting it, was the slightest Allusion made to any other Foundation of the Measure. I therefore had no Ground to conjecture that the Creation and Endowment of the Rectories rested on a different Basis. Called upon to supply all the necessary Information on the Subject, you omitted that, which, as it now appears, you regard as the fundamental Fact in the whole Case. This Omission not only left me in Ignorance that the Order of the Lieutenant Governor in Council rested on the Authority of Lord Bathurst's Instructions, but necessarily led me to conclude that the Authors of the Measure rested its Defence entirely on the Instructions of the Earl of Ripon. That this is not the Fact I had never heard nor surmised until your Despatch of the 10th of September reached me.

IX. You remonstrate against the Remarks, which I made in my Despatch of the 6th of June, 1837 respecting Mr. Draper's Mission to this Country. I think it necessary therefore to remind you of the real State of this Case.

Mr. Dunn, the Receiver General of Upper Canada, obtained, in the Year 1835, under the Authority of an Act of the local Legislature, and on the Credit of the Revenues of the Province, large Loans from the House of Wilson and Co. of London. These Contracts were made by Mr. Dunn in Person, without even the Knowledge of His Majesty's Government. There was no Record in this Country of the Nature and the Terms of them; the whole rested in the personal Knowledge of Mr. Dunn.

The Insolvency of the American Houses justly alarmed you as to the Possibility of obtaining Payment of the Sums due in London to the Provincial Treasury, and in order to explain that and some other Financial Questions you directed Mr. Draper to repair to England. Mr. Draper brought with him no official and but little personal Knowledge on the Subject; and in my Despatch of the 6th of June I expressed "my Regret that any other Person than "Mr. Dunn should have been selected as the Messenger of the Provincial "Government on this Occasion. Whatever" (I observed) "may have been

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" Mr. Dunn's political Conduct, yet, so long as he retains the Office of Receiver " General, he should be permitted to discharge the Duties and to sustain the " Responsibility connected with it. In the present Case this is peculiarly im- " portant, because the Loans with the Commercial Houses were negotiated " by him, and no other Person can, with any Plausibility, lay Claim to a Know- " ledge equally intimate of the real State of those Transactions."

Such is the Censure of which you complain. It remains to state the Sequel of the Transaction. Mr. Dunn ultimately came to England, though at his own Expense, to prosecute the Claims of the Province. The whole Account was adjusted by him in London. He transferred to a Banking House in the City the Management of the Affairs formerly conducted by Messrs. Wilson and Co., and, having wound up the whole Business, returned to Upper Canada. Thus, while Mr. Draper, who had it in his Power to render but very slight Assistance, came to England at the public Expense, and as the Agent of the local Government, Mr. Dunn, in whose Department the Question lay, and by whom the whole Business was transacted, had to bear his own Charges, and accomplished a Result most important to the Province.

X. Another specific Complaint urged in your Despatch is, that I employed, not Mr. Draper, but another Gentleman, as the Bearer of my Despatches to you respecting the Financial Affairs of the Province. Even this Complaint, slight as it may appear, must not pass unnoticed.

I fully intended to make Mr. Draper the Bearer of the Despatches in question. With that view he was requested to attend at this Office. He promised to do so; but from Causes unexplained and unknown to me Mr. Draper left England without presenting himself at this Office, and the Employment of another Messenger was therefore a Matter of inevitable Necessity. These Facts were communicated to you on the 4th of August. When you wrote your Despatch of the 10th of September you had probably not received that Communication.

In the preceding Observations I beg to state that I mean to make no Complaint of Mr. Draper, nor to imply the slightest Reflection upon him of any Kind. My Opinion of that Gentlemen has been sufficiently attested by the Confirmation, since that Time, of his Appointment as Solicitor General of the Province.

The next Topics to which I have to advert demand the more particular Notice, as they appear to be regarded by you as the more immediate and prominent Grounds of your Resignation.

XI. You remonstrate against my Instruction on the Subject of Mr. Bidwell's eventual Promotion to the Bench in case of a future Vacancy, and you declare your Determination never to carry that Instruction into effect. Your Opposition is vindicated by the Objections which you make to the political Career of Mr. Bidwell, and which you insist ought to have forbidden the Adoption by Her Majesty's Government of any Resolution favourable to that Gentleman's Employment in the Service of the Crown.

My Estimate of Mr. Bidwell's Character and Claims to Advancement to the Bench had been derived chiefly from your own Depatches. It was on no lower Authority that I adopted the Opinion that he was properly eligible for that Distinction. You now inform me that you had drawn his Character with a light and feeling Hand. You had however acknowledged Mr. Bidwell to be a Gentleman of great Abilities, of the first Eminence in his Profession, and of irreproachable private Character. I knew indeed that he had formerly taken a very prominent Part in opposition to your own Measures, and those of your immediate Predecessor. You had stated that his Object, " so far as it could be elicited by the Conduct of his Associates," was to separate Upper Canada from the Parent State; and you had claimed my Assent, in reference to this Gentleman, to the Proposition, " that " where a Man acts with disloyal Associates, his Talents aggravate rather than " extenuate his Offence." I had further been apprized that Mr. Bidwell had entirely retired from political Life, confining himself to the Duties of his Profession, and had ceased to act with the Party of which he had formerly been a Member. Such was my Information when I instructed you eventually to offer to Mr. Bidwell a Seat on the Bench. I confess that it did not appear to me fit that under such Circumstances he should be punished by a permanent and irreparable Incapacity for a Promotion to which, on the Grounds of private Character,

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Character, no Objections could be raised; and to which, on the Grounds of Professional Eminence, he had the highest possible Title. It appeared to me dangerous, or rather impracticable, to govern the Province on the Principle of a Proscription of the whole of one large Body of the Inhabitants. You now indeed make the additional Statement, that Mr. Bidwell was a Member of a Revolutionary Society called "The Provincial Convention." Of this Fact I was totally ignorant until the Receipt of the very Despatch now under Consideration. By a Despatch from you of a still later Date, namely, the 22d of September, it appears that a Letter, bearing the Date of the 3d of August, and the Signature of Mr. Bidwell, was published at Toronto on the 20th of September, in which Mr. Bidwell expressly declines to be a Member of that Society, and complains of the unauthorized Use of his Name for that Purpose. In reporting this Fact you assume that the Date which the Letter bears was purposely falsified; that Mr. Bidwell had heard of the Intentions in his Favour, and had published his Letter with a false Date, in order to remove an Objection which might have obstructed his Advancement. On what Authority this Accusation is made you have not explained; and without some such Explanation I could not impute what would be in effect a wilful Violation of Truth to a Gentleman whose moral Character is unimpeached by his most decided political Antagonists. If however the only practical Ground of Difference between you and me had been the Promotion of Mr. Bidwell, I should have been anxious for the present at least to defer to the strong Opinion which you have expressed against my Recommendation. Mr. Bidwell had certainly no Claim of strict Right to the Promotion in question. Every Selection of that Kind is an Act of discretionary Authority, in which the Government is not only at liberty but is bound to weigh all conflicting prudential Considerations on either Side; and whatever may have been my Views respecting Mr. Bidwell's Appointment, I do not scruple to admit, that if I had been to make my Choice between the Execution of that Purpose and your Continuance in Office I should not have hesitated to prefer the latter Alternative.

XII. But Mr. Ridout's Case is of a different Complexion; and with respect to it I am compelled to acknowledge my irreconcileable Dissent from your Judgment and Conclusions.

In the Despatch to which I am now replying the Particulars of this Case are recapitulated but briefly, and therefore with that Kind of Inaccuracy which is inseparable from the Abridgment of any considerable Extent of Detail. On the other hand, in the Correspondence which has taken place on this Subject, and which is comprised in the Despatches referred to in the Margin, will be found a full and careful Investigation and Statement of every material Circumstance. To that Correspondence I refer with Confidence, as proving that the Course which I pursued was imperatively forced upon me by the Duties of my Office, and by the Obligations of Justice to Mr. Ridout, and of good Faith to the Province at large.

Sir F. B. Head, 12th Sept. 1836, No. 72.
Lord Glenelg, 29th Nov. 1836, No. 113.
Sir F. B. Head, 6th Feb. 1837, No. 13.
Lord Glenelg, 5th April, 1837, No. 158.

I think it necessary, however, to preface the Remarks I have to make on this Subject by a short Summary of the Facts, as they are to be collected from the Papers before me.

You dismissed Mr. Ridout from the Offices of Colonel of the Militia, Judge of the District Court of Niagara, and Justice of the Peace, and caused a Letter to be addressed to him in which that Measure was stated to have been taken, on the ground that it appeared that he was an active Member of a Society which had circulated an Address insulting to your Person and Office. Mr. Ridout distinctly denied that he was a Member of that Society; that he had had any thing to do with drawing up the Address in question, or that he had even seen it until it was in circulation in Print through the City of Toronto. He transmitted to you Evidence on Oath in corroboration of his Statement. As you took no Notice of his Complaint, he placed in your Hands an Appeal to myself, having first requested, in Terms to which no possible Objection could be made, that if there were any other Reasons for his Dismissal than that which you had assigned to him he might be informed of them. You did not comply with this Request; but, in transmitting to me his Appeal, you imputed to Mr. Ridout various Acts of Misconduct, to which no Allusion had been made in your Correspondence with him. I answered you by stating, in effect, that in deciding on Mr. Ridout's Appeal it was impossible for me to advert to any

No. 51.
Lord Glenelg
to
Sir F. B. Head,
24th Nov. 1837.

other Grounds of Accusation than that which had been made known to Mr. Ridout as the Cause of his Dismissal.

I explained the Reasons which led me to regard as satisfactory Mr. Ridout's Defence against the Charge of which alone he had been informed; and I signified to you His late Majesty's Commands, that Mr. Ridout should be permitted to resume the various Employments from which he had been removed. Against this Decision you remonstrated in your Despatch of the 6th February. You then for the first Time informed me that you had acted on this Subject with the Advice of the Executive Council. In my Reply of the 5th April, after stating my Dissent from some of the Principles which you had maintained with reference to this Case, I further addressed you in the following Terms:—

"From your Despatch of the 6th of February I now however for the first "Time learn that Mr. Ridout's Removal from Office was recommended by "the Executive Council; and I further learn, that they adhere to their original "Opinion. On this Subject I have to state, that I have never expressed, nor "do I now entertain, any Judgment opposed to theirs; on the contrary, I "entirely agree with them, that the various Acts of Misconduct ascribed "to Mr. Ridout in your Despatch of the 12th September, and still more fully "stated in your Despatch of the 6th of February, are such as would, if sub-"stantiated on proper Inquiry, justify the very severe Penalty inflicted on him.

"If I am to understand the Council as thinking that such an Inquiry was "needless, I must, with whatever Reluctance, differ from them. The Grounds "of that Difference I have already in part explained. But I must add, that "if there be any one Class of public Officers in whose Case it is especially "incumbent on the Executive Government to proceed with Caution, Circum-"spection, and with a strict Observance of all the essential Forms of Proceeding "on such Occasions, it is the Class of those who are intrusted with the "Administration of Justice.

"In avowing my Opinion that the Matters laid to the Charge of Mr. Ridout "would, if established, justify his Dismission, I wish to be understood as not "referring to the intemperate Terms in which he addressed you after his "Removal from Office. Much Allowance is to be made for natural Feelings "under a Sense of supposed Injury. It is to the other Allegations that my "Remark applies.

"It is, I can assure you, painful to me to take any Course of Conduct which "may aggravate the Difficulties of your Situation, yet I feel myself bound by "the paramount Obligations of Justice still to withhold my Approbation of the "Measures adopted in Mr. Ridout's Case. On the other hand, his Restitu-"tion to Office may, I think, be properly made to depend upon his Ability "to exculpate himself from the various Charges preferred against him in "your Despatches of the 12th of September and the 6th of February. To "this Extent the Instructions conveyed to you in my Despatch of the 29th "of November are withdrawn and qualified. Further than this it is impossible "for me to advance. You will therefore, in whatever Mode you shall think "best, put Mr. Ridout in possession of those Accusations, and after weighing "his Answer, and the Evidence by which it may be supported, you will com-"municate to me the Result."

I have entered on the preceding Statement as necessary to explain and justify the very material Fact which I am desirous to record. That Fact is, that the Instructions, which you now refuse to obey, do not direct Mr. Ridout's Reinstatement. In the Exercise of the Authority with which I was invested I directed you to place a Judge whom you had dismissed from Office in possession of the Grounds of that very grave Proceeding before I could confirm his Removal. I called upon you to render to him that Measure of Justice which the humblest Member of Society is entitled to demand, by making known to him what were the Reasons on which the Representative of his Sovereign had sentenced him to Degradation and Punishment. This is the Instruction which you meet with a direct and positive Refusal. Such is One of the most prominent Grounds on which, at a Moment of extreme Embarrassment and Difficulty, you have resigned the Administration of the Government of Upper Canada.

Your deliberate Refusal to obey my Instructions of the 5th of April, is communicated to me, for the first Time, in a Despatch dated on the 10th of September. It is to be collected from other Communications of yours which

are

No. 51.
Lord Glenelg
to
Sir F. B. Head,
24th Nov. 1837.

are recorded in this Office, that my Despatch of the 5th April had reached your Hands on the 26th of June; that is, between Two and Three Months before the Date of the peremptory Declaration, that on this Point at least you would not conform to the unequivocal Instructions of your official Superior. You must permit me to say that your Purpose ought to have been much sooner announced. I cannot acknowledge the Justice or Propriety of leaving me so long in ignorance of such a Decision, and of the Resignation which you represent as immediately and unavoidably connected with it.

I have thus noticed separately and distinctly the various Accusations of which, in your Despatch of the 10th of September, you have made me the Object. I have not stopped to comment on particular Expressions, or on the general Tone and Style of that Communication. The Respect with which Her Majesty's Government have invariably acknowledged your public Services is too sincerely entertained to leave room for any other Feeling than that of Regret, in contemplating the Position which you have thought it proper to assume with relation to them. So long as I could rely on your Assurance that your Policy would be regulated by the Instructions which you had received from me, I felt fully justified in continuing in your Hands the Administration of the Province. You now however inform me that you have felt it your Duty frankly to disclose to me Opinions and Sentiments, which, being hostile to the Policy of the Office over which I preside, ought not to be withheld from me. You have accompanied this Disclosure with a positive Refusal to carry my Instructions into effect, in a Case in which that Refusal involves, not only Disobedience to my Directions, but actual Injustice to an Individual who has appealed to me for Redress.

Under these Circumstances Her Majesty's Ministers have, after the fullest Deliberation, thought it their Duty to tender to The Queen their Advice that your Resignation should be accepted; and I have received Her Majesty's Commands to signify to you Her Acceptance of it accordingly.

In conformity with your Request, your Successor will proceed to Upper Canada with the least possible Delay. In the meantime I rely on your devoting the short Period of your future Administration of the Affairs of Upper Canada, to the Protection and Advancement of those highly important Interests which during the last Two Years have been intrusted to your Guidance with so much Advantage to the Public Service.

I have, &c.
(Signed) GLENELG.

No. 52.

No. 52.
Lord Glenelg
to
Sir F. B. Head,
30th Dec. 1837.

(No. 259.)

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., K. C. H.

Sir, Downing Street, 30th December 1837.

I HAVE the Honour to acknowledge your Despatch of the 18th November, No. 124., enclosing Copies of a Correspondence which had passed between yourself and Sir J. Colborne relative to calling out the Militia of Upper Canada to assist in suppressing the Revolt in the Lower Province, and containing some Suggestions as to the Course which, at the Date of your Despatch, it would, in your Opinion, have been most advisable for Her Majesty's Government to pursue towards Lower Canada.

Although the Events which have taken place since the Date of your Despatch, have rendered these Suggestions inapplicable to the actual State of the Province, I feel it due to you to offer my best Thanks for the Communication of them, and to express my Concurrence in much of what you have stated with reference to this Subject. I approve the Answer which you returned to Sir J. Colborne on the Subject of the Upper Canada Militia, and I have no Doubt of the Prudence of the Course which you have pursued, and the Soundness of the Discretion which you have exercised, in regard to the late Proceedings in the Vicinity of Montreal.

I have, &c.
(Signed) GLENELG.

No. 53.
Lord Glenelg
to
Sir G. Arthur,
30th Dec. 1837.

No. 53.

(No. 11.)

Copy of a Despatch from Lord Glenelg to Major General Sir G. Arthur, K. C. H.

Sir, Downing Street, 30th December 1837.

Sir F. B. Head, 12th Sept. 1836, No. 72. Lord Glenelg, 9th Nov. 1836, No. 10. Sir F. B. Head, 6th July 1837, No. 13. Lord Glenelg, 5th April 1837. No. 158.

It is necessary that on your Arrival in Upper Canada you should be prepared with definite Instructions for your Guidance, in reference to the Case of Mr. George Ridout, to which the Correspondence enumerated in the Margin has given an accidental but grave Importance.

If the State of the Canadian Province at present, had been substantially the same as when Mr. Ridout's Appeal against his Removal from Office was discussed, between Sir F. Head and myself, I should be prepared to abide, without any Qualification, by the Instructions which I addressed to your Predecessor on the Subject; but when I advert to the Fact that One of the Districts of the Lower Province is the Scene of an open Insurrection, I at once acknowledge that the Crisis may demand and justify the Postponement of almost any private and individual Claim, the Discussion of which might endanger the public Safety. I refer, therefore, implicitly to your own Judgment, guided by the Information which will reach you on your Arrival in Upper Canada, the Question whether any Communication shall or shall not then take place with Mr. Ridout, on the Subject of his unanswered Appeal from your Predecessor to His late Majesty; and I authorize you to decline for the present any Communication with him respecting it, if you shall find Cause to conclude that the Effect would be to give to a particular Party a hazardous Triumph, or to raise a popular Misconception, dangerous to the public Tranquillity; in that Event you will defer any Notice of his Case until the Danger shall have passed away. But if, on the other hand, you should be satisfied that the Revival of the Discussion would be unattended with any such Risk, you will inform Mr. Ridout that his Appeal reached me, but that Circumstances into which you decline to enter had unavoidably postponed until now, my Answer to it. You will then transmit to him a Statement of the Grounds on which the Executive Council dissuaded his Restoration to Office, and will apprise him, that before I can express a final Opinion, I shall be ready to receive and consider any Answer which he may think proper to make to the Charges so preferred against him.

I have, &c.
(Signed) Glenelg.

No. 54.
Lord Glenelg
to
Sir G. Arthur,
30th Jan. 1838.

No. 54.

(No. 16.)

Copy of a Despatch from Lord Glenelg to Major General Sir G. Arthur, K. C. H.

Sir, Downing Street, 30th January 1838.

I have received, and have laid before the Queen, Sir F. Head's Despatch of the 19th December last, No. 132., reporting the recent Events which up to that Date had occurred in the Province of Upper Canada. Her Majesty has learned, with the deepest Regret, that at a Moment of profound Tranquillity, and in the Absence even of any plausible Pretext for Resistance to lawful Authority, an Attempt should have been made to effect an insurrectionary Movement, and to attack the loyal and peaceable Inhabitants of the City of Toronto.

Her Majesty, however, has observed with peculiar Satisfaction the Zeal and Enthusiasm with which the Militia of the Province came forward, unsupported by the Presence of any of Her Majesty's regular Troops, for the Suppression of Revolt, the Protection of Property, and the Defeat of the interested Designs of a few disaffected Individuals.

Highly as Sir F. Head had estimated the Attachment of the People of Upper Canada to Great Britain, it is evident that he had not overrated their Sentiments in this respect, but that he was fully justified in placing the strongest Reliance in their Fidelity and Loyalty.

The

No. 54.
Lord Glenelg
to
Sir G. Arthur,
30th Jan. 1838.

The Energy and Decision evinced by Sir F. Head and the Militia of Upper Canada, after the first Appearance of open Disturbance, have received The Queen's high Commendation, and Her Majesty has been pleased especially to notice the Gallantry and Activity of Colonel Allan M'Nab, the Speaker of the House of Assembly. To that Officer, and to the Militia of Upper Canada generally, Her Majesty has commanded me to direct that you will communicate Her Thanks for the Zeal which they have displayed on this Occasion.

The Queen has learned with deep Concern the Murder of Colonel Moodie, in his Endeavour to apprize the Executive Government of the Preparations which were in progress among the Insurgents. I am commanded to convey through you, to Colonel Moodie's Family, the Expression of Her Majesty's Sympathy with their Loss.

I trust that, with this Exception, the loyal Inhabitants of the Province have sustained little, if any, Loss in the Course of the recent Transactions. I shall however await with Anxiety, though with a full Confidence in the Means which the Province possessed within itself of resisting any sudden Attack, the Report of further Proceedings to which Reference is made in public Papers, of a Date subsequent to that of Sir F. Head's Despatch. I have adverted to this Subject in a Despatch to Sir J. Colborne, with whom you will of course communicate without Reserve, as to the most effectual Means of defeating any Attempt at a hostile Aggression, on the Territory of Upper Canada.

You are called on to enter on your Government at a Moment of such peculiar Difficulty, that the State of Excitement in which you will find the Province can scarcely fail to interrupt the ordinary Course of Business during the present Session of the Provincial Legislature; I trust, however, that Order and Tranquillity will speedily have been restored, and that no material Obstacle will have been created to the Furtherance of those Objects of public Interest and Advantage, which it will be your earnest Endeavour, in concert with the Two Branches of the Provincial Legislature, to effect.

I have, &c.
(Signed) GLENELG.

No. 55.

No. 55.
Lord Glenelg
to
Sir G. Arthur,
16th March 1838.

(No. 43.)

COPY of a DESPATCH from Lord GLENELG to Major General Sir G. ARTHUR, K. C. H.

Sir, Downing Street, 16th March 1838.

I HAVE received Sir F. Head's Despatch, No. 11., of the 26th January. As he no longer occupies any official Station, I abstain from all Comment on that Despatch, except with reference to the only practical Question which is involved in it. I allude to the Case of Mr. Ridout, with respect to which, I think it my Duty to acquaint you, that I see no Reason to alter the Opinion which I have before fully expressed, or to qualify the Instructions which I have addressed to you, for your Guidance.

I have, &c.
(Signed) GLENELG.

No. 56.

No. 56.
Lord Glenelg
to
Sir G. Arthur,
17th March 1838.

(No. 44.)

COPY of a DESPATCH from Lord GLENELG to Major General Sir G. ARTHUR, K. C. H.

Sir, Downing Street, 17th March 1838.

I HAVE received Sir F. Head's Despatch No. 12., of the 30th January, reporting the Dispersion of the Americans who had taken part with the Insurgents on the Frontier of Upper Canada. Having already addressed to you such Instructions as I thought necessary, as to the Maintenance of the

 Militia

No. 56.
Lord Glenelg
to
Sir G. Arthur,
17th March 1838.

Militia Force in the Province, I have only to express my Concurrence in the Propriety of the Course which, under existing Circumstances, was adopted by Sir F. Head with reference to this Subject, more especially as the most recent Accounts indicate a State of considerable Excitement upon the Frontier, against which every proper Precaution should undoubtedly be taken. I cannot however omit to notice the Terms in which Sir F. Head has expressed himself with respect to the Inhabitants of the United States, a Country in amity with Great Britain, and the Government of which has evinced the most friendly Feelings towards this Country during the recent Disturbances. While the Attempts of individual Citizens of the United States, to aid the Cause of Insurrection and Rebellion in Canada, cannot be too strongly reprobated, Her Majesty's Government deprecate any Countenance being given to a general Feeling of Hatred and Detestation, among any Portion of the Subjects of the British Crown towards America; and I cannot but regret that Language should have been used by the Lieutenant Governor of Upper Canada, opposed to that Spirit of Amity and Goodwill, which it is the earnest Desire of Her Majesty's Government to maintain towards the Government and People of the United States, no less than towards those of any other Power maintaining friendly Relations with this Country.

I am confident, that while you will be prompt to vindicate the Authority of the British Crown, and to maintain the Integrity of the Province, you will not only abstain from any Conduct or Language calculated to inflame angry Passions or increase Excitement, but will by every Means in your Power cherish and diffuse, a better and more friendly Feeling, towards the neighbouring States.

I have, &c.
(Signed) GLENELG.

No. 57.
Lord Glenelg
to
Sir G. Arthur,
20th April 1838.

No. 57.

(No. 59.)

EXTRACT of a DESPATCH from Lord GLENELG to Major General Sir G. ARTHUR, K. C. H.

Downing Street, 20th April 1838.

I HAVE had the Honour to receive Sir F. Head's Despatch of the 14th of March, No. 33., reporting the Defeat, by the Forces under the Command of Colonel John Maitland, of the Insurgents who had taken Possession of Point Pelé Island in Upper Canada.

I had previously received a Report of this Transaction from Lieutenant General Sir J. Colborne, and enjoyed the Satisfaction of conveying through him to Her Majesty's Troops and to the Militia and Volunteer Corps engaged on that Occasion, Her Majesty's high Sense of their Loyalty, Zeal, and Gallantry. I trust that Sir F. Head is correct in anticipating that after the signal Defeat that has attended the Insurgents on this and on every Occasion, when they have attempted to invade the British Territory, no further Attacks of a like Nature will be made.

No. 58.
Lord Glenelg,
to
Sir F. B. Head,
25th April 1838.

No. 58.

COPY of a DESPATCH from Lord GLENELG to Sir F. B. HEAD, Bart., H. C. K.

Sir, Downing Street, 25th April 1838.

I HAVE had the Honour to receive the Despatch which you addressed to me on the 23d January in the present Year, on the Subject of your pecuniary Demands upon Her Majesty's Government. I regret to be obliged again to touch on that Subject; but I cannot, in Justice to myself, avoid offering some Observations in reference to the View which you take of it. You observe that I am aware that you "accepted the Government of Upper Canada against your Inclination and against your Judgment." I must say that I cannot receive in Silence

No. 58.
Lord Glenelg
to
Sir F. B. Head
25d April 1838.

Silence such a Representation, especially when made the Basis of a pecuniary Claim. I must beg to disavow any Knowledge whatever of the Fact, that in accepting your late Office, you acted in opposition, either to your Inclination or to your Judgment. When I offered you the Government of Upper Canada, we met as Strangers to each other. I had no Sort of personal Claim on you, and possessed neither the Power nor the Wish to bias your Judgment or to control your Inclination.

You quote from my Despatch of the 2d of March, No. 41., the following Passage, which you characterize as a "distinct Promise;" namely, that "if after a sufficient Length of Observation it shall be established to your Satisfaction and my own, that your official Income is inadequate to the Demands to which your Office reasonably subjects you, I shall think it my Duty, not for your Sake, but with a view to the permanent Interest of the Public at large, to stipulate for the necessary Increase as a Part of that Civil List for which Her Majesty's Hereditary Revenue is to be surrendered." I readily acknowledge the Pledge contained in these Words, and from the Fulfilment of it, I have never shrunk, nor am I now disposed to evade it. On the contrary, assisted by all the Information within my Reach, I have endeavoured, on the Nomination of your Successor, to ascertain the Amount of the Demands to which the Office of Lieutenant Governor of Upper Canada would reasonably subject the Holder of it. My Conclusion was, that an annual Income of 3,500*l.* would be adequate to this Purpose. I drew that Conclusion partly from your Representations and partly from a Comparison of your official Income with that of the other Lieutenant Governors of Her Majesty's Provinces in North America. The Result has been to induce me to think that your Salary was fixed at too low a Rate by the annual Sum of 500*l.* I therefore instructed Sir George Arthur to stipulate with the House of Assembly for an annual Income for the Lieutenant Governor of 3,500*l.* The Demand thus made prospectively in his Case, I have since instructed him to make retrospectively in yours. You will therefore receive, either from the Grant of the Assembly or from the Revenues at the Disposal of the Crown, an additional Salary at the Rate of 500*l.* per Annum, in respect of the Period of your Administration of the Government.

You state that your Aide-de-camp "drew your Income, paid it away, and only came to you to supply out of your private Funds the Deficiency, and that you felt it was hopeless to be trying Experiments against Facts such as you had submitted to me, or to ruin yourself in contending against Arithmetic." From these Expressions I collect that your annual Expenditure was conducted by your Aide-de-camp, and that it largely exceeded your annual official Income. Sincerely as I regret this Fact, I must remind you, that the Pledge given in my Despatch of the 2d March 1836, was not to indemnify you against the Expenses which might be incurred in your Household, but only to stipulate with the Assembly for an official Income adequate to the Demands to which your Office reasonably subjected you.

To the Complaints which you prefer of my Conduct towards you on this Subject, it would not be difficult to find an Answer in the Language of several of your former Communications, in which you abandoned in the most unequivocal Terms, all Claims for Increase of Salary, on condition of receiving the Rank of a Baronet, which was afterwards conferred upon you. But without dwelling at present, as I should be quite justified in doing, on Expressions of that Nature, however distinct, and however often repeated with apparent Deliberation, my Reply to the Charge of having failed to fulfil my Engagement, and of having allowed you "to sink Day after Day, and Week after Week, "Month after Month, and Year after Year, deeper and deeper into Debt," is simply this:—You accepted the Office of Lieutenant Governor of Upper Canada with a distinct Knowledge of the Amount of the Income belonging to it; when you found that this Income would be inadequate, and reported the Fact to me, I gave in my Despatch of the 2d of March 1836 the Pledge already quoted to stipulate with the Assembly for such an Increase as should be adequate to the Demands to which your Office reasonably subjected you. That Stipulation has not yet been made, only because Circumstances entirely beyond my Control postponed during the whole of your Administration the Settlement of the Civil List Question. In order to relieve you from the Difficulties attendant on the Shortness of the Time which elapsed between your Appointment and your Departure from England you have already been apprised of the Intention of

No. 58.
Lord Glenelg
to
Sir G. Arthur,
25th April 1838.

the Lords of the Treasury, to apply to Parliament to grant you the unusual Allowance of 500*l.*, in addition to the Sum of 300*l.* which you received, according to the usual Practice, to defray the Expenses of your outward Voyage, and you will receive 300*l.* to defray the Charges of your Return Home. The Stamp Duty on your Commission, amounting to 200*l.*, has been remitted, and you have yet 1,000*l.* to receive on account of the retrospective Increase of your Salary. Thus, in addition to 600*l.* for Passage Money, you will in respect of your Two Years Service, be in the Receipt in the whole, of Allowances exceeding by 1,700*l.* the Amount of the Salary on which you accepted your Office.

I have, &c.
(Signed) GLENELG.

No. 59.
Lord Glenelg
to
Sir G. Arthur,
25th April 1838.

No. 59.

COPY of a DESPATCH from Lord GLENELG to Major General Sir G. ARTHUR, K. C. H.
(Separate.)

Sir, Downing Street, 25th April 1838.

ON the 23d of last January, Sir F. Head addressed to me a Despatch, recapitulating the former Correspondence which had passed between us on the Subject of his Emoluments, and demanding from Her Majesty's Government Repayment of certain Expenses therein stated, amounting in all to 2,950*l.* As this Question is of a personal Nature, my Answer has been of course addressed to Sir F. Head himself; but as the Subject is one, not unconnected with a due Administration of the Government of Upper Canada, and as it occupies a prominent Place among the Points brought into Discussion during the last Two Years between Sir F. Head and myself, I think it right to transmit to you herewith, a Copy of my Letter to him, in order that it may be placed among the Records of Upper Canada.

25th April 1838.

In conformity with the Intention which I have intimated to Sir F. Head, I have to desire, that in bringing under the Notice of the House of Assembly of Upper Canada, at their next Meeting, the Propositions which you have been authorized to make for the Surrender to them of the Casual and Territorial Revenue, you will stipulate that whatever Emoluments may be prospectively attached to the Office of Lieutenant Governor, beyond the Sum enjoyed by Sir F. Head should be granted retrospectively to him, for the Two Years during which he executed the Duties of that Office. I cannot doubt that both Branches of the local Legislature, will concur in the Justice of this Course, and will willingly agree to a Measure having for its Object to indemnify an Officer, whose Services they have acknowledged in such honourable Terms. If however the Legislature of Upper Canada should not agree to this Proposal, or, acquiescing in the Propriety of an Increase of the Lieutenant Governor's Salary, should yet fix that Increase below the Sum specified in my Dispatch to you of the 28th December last, I have to desire that you will remit to Sir F. Head, out of the Casual and Territorial Revenue of Upper Canada, the Amount necessary to make up the Allowance of 1,000*l.* promised to him in the enclosed Letter, in addition to the Salary attached to the Office of Lieutenant Governor at the Time when he accepted it.

I have, &c.
(Signed) GLENELG.

No. 60.
Lord Glenelg
to
Sir G. Arthur,
29th July 1838.

(No. 121.)

No. 60.

COPY of a DESPATCH from Lord GLENELG to Major-General Sir GEORGE ARTHUR, K. C. H.

Sir, 29th July 1838.

HAVING communicated to Sir F. B. Head a Copy of the Despatch which I addressed to you on the 25th April last, directing the Payment to him of an extra Allowance of 500*l.* for each of the Years during which he administered the Government of Upper Canada, he has observed to me, that the Terms of that Despatch are, in his Opinion, calculated to convey an Impression that the Question of the Amount of his Emoluments formed a prominent Feature in those

No. 60.
Lord Glenelg
to
Sir G. Arthur,
29th July 1838.

those Discussions which ultimately led to the Resignation of his Office. I think it due to Sir F. B. Head to state, that I did not intend to convey the Impression that the Question of his Emoluments, though the frequent Subject of Discussion, constituted the ultimate Ground of his Resignation. Of this, indeed, you are already fully aware.

I have, &c.

(Signed) GLENELG.

From Sir F. B. Head, Bart.

SCHEDULE.

From Sir Francis Bond Head, Bart.

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CANADA.

Copies of or Extracts from Despatches on the Subject of Canada.

From Sir F. B. Head, Bart.

No. 1.

(No. 3.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

No. 1.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1836.

My Lord, Government House, 5th February 1836.

In my Despatch No. 2. I informed your Lordship that I arrived at Toronto on the 23d Ultimo. I had previously engaged Apartments for myself and the Three Gentlemen who accompanied me at the principal Hotel in this City; but on my Arrival a Letter from Sir John Colborne was immediately delivered to me by his Aide-de-camp, informing me that Rooms were prepared for me at Government House. Requiring Rest and Quietness, I at first declined the Invitation; but finding that Party Differences were running very high, and being desirous to show that I had at least arrived with unbiassed Feelings, I thought it better to accept than to decline the Attention that was offered to me, and I accordingly went to Government House on Saturday. On Monday I was sworn in as Lieutenant Governor of this Province, and the following Morning Sir John Colborne and his Family left Toronto for Montreal, accompanied for a few Miles by a vast Concourse of People, who, I was happy to see, vied with each other in testifying the Sense they entertained of his amiable Character and high moral Worth.

On Sir John Colborne's Departure I endeavoured to make myself acquainted with the Outline of public Feeling in the Province, by conversing calmly with the Men of most Ability of all Parties. I had several Interviews with the Chief Justice and the Officers of the Crown, Two long Conversations with Mr. M'Kenzie, Member for York, Two Interviews with Mr. Bidwell, the Speaker of the House of Assembly, and with others.

As far as I was capable of judging, it appeared to me that in general Terms a good Feeling pervaded a Majority of the People of this Province, who, intently occupied in their various Locations, are naturally desirous to be tranquil, and equally disposed to be loyal.

That Party Feeling, however, and Struggle for Office, which have existed so strongly in the Mother Country, have produced similar Excitements in this Province, added to which, strong Republican Principles have leaked into the Country from the United States. These various Elements have long been conflicting together in the House of Assembly, which, I firmly believe, misrepresents the general Feeling and Interests of the Inhabitants, who, as I have before said, naturally desire Peace, Tranquillity, and a Continuance of Exemption from Taxation; but, from the peculiar State of this infant Society, all that is good and estimable remains at the Bottom, while the Surface is agitated by factious Discussions.

In England this Evil would soon be corrected by the Ebullition of a free Press; but the greatest Difficulty which seems to present itself is, that the Press is here conducted by Editors who, on all Sides, not only misrepresent, but shamelessly falsify all public Events. In Toronto, this unprincipled Mode of Warfare is so well understood that it produces little Evil; but the Dissemination of Falsehood throughout the remote Districts of the Province, as well as in Lower Canada, creates a moral Contagion which it seems almost impossible to arrest.

No. 1.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1836.

As far as I have been able to judge, I should say, that the Republican Party are implacable; that no Concession whatever would satisfy them; their self-interested Object being to possess themselves of the Government of this Province for the Sake of Lucre and Emolument.

Under these Circumstances I considered that the great Danger I had to avoid was the slightest Attempt to conciliate any Party; and that the only Course for me to adopt was to act fearlessly, undisguisedly, and straight-forwardly for the Interests of the Country; to throw myself on the good Sense and good Feeling of the People, and abide a Result which I firmly believe will eventually be triumphant.

Having resolved on this Course, I verbally explained it to Mr. Bidwell, the Speaker of the House of Assembly, a Gentleman of unimpeachable moral Character, but of strong Republican Principles; to Mr. M'Kenzie, one of the Members for York; to the various Heads of Parties, and to the Members of the Executive Government; and on the 27th Ultimo I delivered to the Two Houses of the Legislature the following Speech:

"Honourable Gentlemen of the Legislative Council, and Gentlemen of of the House of Assembly,

"As the Lieutenant Governor of this Province I am commanded by the King to lay before you the Answer His Majesty has been pleased to give to the several Addresses and Representations which proceeded from the Two Branches of the Legislature during your last Session.

"This Communication I shall submit to you in a Message, which will at once inform you of the difficult and most important Duties about to devolve upon me as well as upon yourselves.

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

The Newspapers I have forwarded contain the Addresses I received from the Legislative Council, and from the House of Assembly, to which Addresses I replied as follows:

"Honourable Gentlemen of the Legislative Council,

"It is with much Satisfaction that I receive your Congratulations on my Assumption of the Government of this important Province, and I cordially participate in the Sentiments of Gratitude you express for the paternal Solicitude of our most gracious Sovereign."

"Mr. Speaker, and Gentlemen of the House of Assembly,

"I thank you for the Address I have just had the Pleasure to receive from you; I appreciate the Liberality with which you welcome my Arrival among you; I am gratified to learn that you sincerely desire cordially to co-operate with me in the arduous and important Duties which by Command of our revered Sovereign we are about impartially to perform, and I look with Confidence towards the future for the Continuance of your loyal Support."

A great Difficulty now arose in my Mind, namely, whether my Message should consist of my Instructions and Appendix as I received them, or whether I should condense them.

I at first attempted the latter Course; but in carrying it into effect, I found the Subjects so important, the Remedies to be applied requiring so unavoidably the explanatory Arguments upon which they had been prescribed, that I felt it was almost impossible for me to undertake correctly to translate them into other Words. I also considered, that as unexpected Difficulties had lately arisen in Lower Canada, and as the Press was at that Moment decrying "the trembling Government of Great Britain," any Concession proceeding from me might appear as if extorted by the Threats of the Day; whereas I felt, that if my Instructions were given to both Houses exactly as I received them, their Date would clearly show that they had no Reference whatever to the tumultuous Proceedings of the Moment.

I had also Reason to believe that the House of Assembly would not be satisfied with any thing short of the precise Words of His Majesty's Government, inasmuch as Sir John Colborne had formally announced to them, that on my Arrival the King's Answer to the Addresses and Communications from both

No. 1.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1836.

both Houses of the Provincial Legislature would be officially announced to them. I felt confident that they would receive with the greatest Suspicion and Dissatisfaction any Alteration made by me, and that although I might certainly assert the Prerogative of refusing to accede to their Wishes, yet that such a Course would belie the straightforward Policy which I had declared I would adopt, and at once involve me in an ignominious Dispute, amounting to nothing less than a Quibble; because, as I was actually ordered by your Lordship to give them "the Substance of my Instructions," they might fairly argue that the Substance and the Reality were and ought to be identical.

It is true, that by giving to them the Appendix, which is an Extract of Lord Gosford's Instructions, I felt that I might possibly embarrass his Lordship and the Commissioners of Inquiry: but after giving the Subject the best Reflection I was able, I considered that the Point of all others in which the House of Assembly were most anxious to receive His Majesty's Determination, namely, the Alteration (if any) in the Legislative Council, was only mentioned in my Instructions by a Reference to the said Appendix; and that the Manner in which it was there treated was by Arguments (which I could not presume to withhold) avowedly declared to be applicable to both the Canadas.

I also remembered, that in the Draft of the Instructions and Appendix originally given to me by your Lordship I was ordered to give the "Copy" of them to the Provincial Legislature; and that when the Word "Substance" was substituted for the Word "Copy," your Lordship will remember it was explained to me in England, that the Alteration was merely made because it had been considered undignified that it should appear I was actually ordered to do so, your Lordship observing to me, "But remember, the more you give "them of it the better."

I have not hesitated to make this Explanation to your Lordship of the Course I determined to adopt, because, as regards Lord Gosford, I am not without the Apprehensions I have stated.

For the Reasons above stated, I accordingly forwarded a Copy of my Instructions and Appendix to each House of Parliament, in the Form of a Message, headed as follows:

"The Lieutenant Governor transmits to the Legislative Council (and House of Assembly) the Communication alluded to in his Speech to the Two Houses of the Legislature on the 27th Instant.

"The Lieutenant Governor was commanded by His Majesty to communicate the 'Substance' of his Instructions to both Houses of the Provincial Parliament, but considering it would be more satisfactory to them to receive the whole, he accordingly transmits it herewith.

"Government House,
30th January 1836."

I am well informed that the Legislative Council were highly satisfied with the above Message, and a Deputation waited upon me with an Address expressive of these Sentiments.

The House of Assembly has not yet pronounced its Opinion on the Subject, but has merely ordered 2,000 Copies of the Message to be printed. A most violent Discussion will of course take place, and the Result will pretty clearly determine the relative Strength of the placable and implacable Parties in that House.

Whatever may be the Result, I shall steadily and straightly proceed in the Course of Policy I have adopted. I shall neither avoid nor rest upon any Party; but, after attentively listening to all Opinions, I will, to the best of my Judgment, do what I think honest and right, firmly believing that the Stability of the Throne, the Interest of this Province, and the Confidence of the People, can now only be secured by such a Course.

I have the Honour, &c.

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

F. B. Head.

No. 2.

(No. 4.)

No. 2.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1836.

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Government House, Toronto, 5th Feb. 1836.

Having in my Despatch, No. 3., reported my Progress up to this Date, I wish respectfully but explicitly to state to your Lordship, that unless I am armed by His Majesty's Government with much stronger Means than I at present possess, I shall be incompetent to contend with the very great Difficulties which surround me.

In order to bring this Subject before your Lordship's serious Consideration, I will endeavour to explain as well as I am able,—

I. The present political State of this Colony;

II. The Manner in which the Government has hitherto been administered; and

III. The inadequate Power which I possess.

I. The present political State of Upper Canada.

There scarcely can exist on the Surface of the Globe a People who have less real Grounds for Complaint than the Inhabitants of Upper Canada, nevertheless a few positive and undeniable Grievances have been glaringly brought forward by designing Individuals, who having clearly, practically, and successfully triumphed in substantiating their Accusations against the executive Government, have proceeded to prescribe for the Disease a violent Remedy, amounting to nothing less than Rebellion.

I submit with Deference that, attending to the Effect rather than to the Cause, we have injudiciously combated this speculative Remedy instead of this positive Disease, until the Wealth and Population of the Province have nearly overbalanced the Military Power, Patronage, and Influence of the Executive.

Accordingly this Province has witnessed one Governor after another sink into Disrepute, while Agitators of inferior Calibre have gradually attained an Eminence not intrinsically their Due.

Our Policy, though late in the Day, has at last changed; we have now determined to suppress the Grievances instead of the Complaints of the People; and I have no Hesitation in declaring to your Lordship, as my humble Opinion, that if these Grievances be firmly, judiciously, and impartially remedied, internal Peace and Tranquillity will be restored to a loyal happy People; and I need hardly add, that if Upper Canada be thus tranquillised, the Lower Province, hemmed in on one Side by us, on the other by the British Navy, and containing a French and English Population, the Elements of which have no Affinity for each other, will have less Power, and consequently less Disposition, to rebel — in short, if the Lakes of Erie and Ontario are politically calmed, the Waters of the St. Lawrence will cease to be turbid.

II. The Manner in which the Government of Upper Canada has hitherto been administered is as follows:

Although the Lieutenant Governor has nominally represented His Majesty in this Province, yet his Duties have embraced minute Details of every Department under the Government.

All Applications for Land, all Disputes concerning Locations, all Recommendations for Office, all Applications for the Appointment or Removal of Magistrates, &c. &c. &c., have been invariably addressed personally, or by Petition, to him; by him they have been referred to the different Departments of the State for a Report, which has again returned for his final Decision. All Settlers arriving in the Country first personally appear before the Lieutenant Governor, Travellers from every Nation in Europe pay him their Respects, the Inhabitants of Upper Canada feel it their loyal Duty occasionally to do so; and in proportion as the Population of the Province has increased, the Duties imposed upon the Lieutenant Governor have become so laborious, that besides the Time required for replying to Letters and for transacting Business with his *civil* (improperly surnamed in England his *private*) Secretary, Sir John Colborne found it necessary publicly to announce that he was at Home during Four Hours a Day, for Four Days in the Week, to receive personal Applications and Visits.

Moreover,

Moreover, Sir John Colborne thought it adviseable to give Two large public Dinners a Week, besides public Dinners to each Branch of the Legislature, and besides "at Home" Parties, to which the Officers of the Crown, Army, Members of both Houses of Parliament, and in fact all People who were "above the Rank of retail Shopkeepers," were invited.

To keep up the Establishment requisite for this toilsome Hospitality, Sir John Colborne found it necessary to keep Fourteen in-door Servants besides Helpers; his House required Twenty-two Fires; and although Provisions in this Country are cheaper than in England, yet he found it impossible to resist the Impositions which the Tradespeople here fancy they have a Right to levy on every thing required for Government House. The Expenses and the Demands on the Lieutenant Governor for private Charity have, I understand, exceeded for the last Three Years his Salary.

With respect to the Civil Secretary, Lieutenant Colonel Rowan, his Duties were so heavy, that not only was he obliged to devote his Days as well as his Evenings to Business, but, although assisted by Three Clerks, he found it necessary to decline entering into any Society at all.

I am quite certain that His Majesty's Government is unacquainted with these Details, but I have felt it necessary to relate them, in order to show your Lordship, as I now propose to do,—

III. The inadequate Means which I possess.

I need hardly commence by observing to your Lordship, that, in general Terms, the Influence of the Individual who in a Monarchical Government has the Honour to represent His Majesty, ought to increase with the Wealth and Population of the Province he governs, and that if Governor after Governor has practically found his Influence insufficient, a Successor must be young and careless of his own Character to undertake the Situation with diminished Means.

Your Lordship will be sensible that in the Reform which I am ordered to establish, I have novel Duties to perform of a very unpopular Nature.

I have to revise and reduce (if necessary) all Salaries; I have to purify the Influence of the Legislative Assembly, as also that of the Executive Council; and the more fearlessly I establish domestic Peace and Tranquillity, the more I shall offend that implacable Republican Party, who have fancied they had almost succeeded in obtaining the rebellious Object they have had in view.

Now it unfortunately happens that my Writings, which have made me slightly known to my own Country, have never been reprinted in this Country. I therefore leave you to judge what my present Situation is, when compared with that of my Predecessors, whose superior Power and Influence have nevertheless hitherto proved insufficient.

For instance, instead of being a Major General, like Sir Peregrine Maitland or Sir John Colborne, with the Army at their Command, I am simply a Major, totally divested of the Direction of the Troops, with a Number of Officers in the Province superior to me in Military Rank, among whom are the following:

Lieut. Col. Horton, Fifteenth Regiment, Commandant;
Lieut. Col. Foster, Assistant Adjutant General;
Col. Coffin, Adjutant General of Militia;
Col. O'Hara, Assistant Adjutant General of Militia;
Col. Wells, Member of Executive Council;
Col. Adamson, Legislative Council;
Col. Givins, Chief Superintendent of Indian Department;
Lieut. Gen. Murray;
Rear Admiral Vansittart;
Col. Cameron;
Col. Moodie;
Col. Light;
Col. Delatre; with many others.

In point of Income or Means of influential Hospitality I receive 3,000*l.* a Year, with about 300*l.* a Year for Fines, my Military Pay being forfeited; whereas my Predecessors for the last Fifteen Years, besides the above Sums, received, I believe, for Military Allowances of various Sorts,

Sir Peregrine Maitland, 2,100*l.* - - -
Sir John Colborne (including his Regiment) 1,500*l.* - } per Annum.

No. 2.
Sir F. B. Head
to
Lord Glenelg,
5th Feb. 1836.

Your Lordship is aware that Lieutenant Halkett was permitted by the Secretary of War to accompany me here as Aide-de-camp, but that after he had embarked, and had actually paid his Passage Money, an Order from the Horse Guards declared he was not to be allowed to be placed on my Staff. He is now acting for me as Aide-de-camp gratuitously, and for upwards of Four Hours a Day is employed in receiving and introducing (as Sir John Colborne's Aide-de-camp did) numerous Visitors, who I have no Hesitation in saying would be offended at being received in the Waiting Room by any Person but a Gentleman. Lieutenant Halkett has also complete Charge of my Servants and House Establishment (to which I have no Time whatever to attend), and yet I am to be deprived of his Services!

My Lord, in all the Travels I have made, and even in my Duties as Assistant Poor Law Commissioner, I have never permitted a Servant to attend me, on the Principle that I felt a Pleasure in taking care of myself; but when seated on the Throne I require, like Sir John Colborne and his Predecessors, to be supported at least by an Aide-de-camp on one Side and by the Civil Secretary on the other. On Thursday last the whole of the Members of the House of Assembly, as well as the Members of the Legislative Council, according to Custom, formally waited upon me at Government House; and if, wearing the Uniform of the Lieutenant Governor of this Province, and seated, as I am obliged to be on such Occasions, with my Hat on, I am not only to receive these People, but to usher them into the Room and out of it;—if at Dinner I am not only to perform towards my Guests the Honours of my Station, but am laboriously to carve for them all;—if I am personally to attend to all the Minutiæ of my Household, I practically feel, what I most earnestly repeated to your Lordship in the few hurried Interviews I had the Honour to hold with you before I left England, that I have more to do than One Pair of Hands can possibly perform.

As far as regards the real and important Duties of my Station, I declare to your Lordship that I am not afraid of them; that I am not unwilling to undertake them; and that I would scorn to say so if I thought I should fail. I am not altogether a Stranger to the Difficulties I have to contend with; for the Prejudices, the Unpopularity, and the self-interested Opposition I must meet with here, cannot, I submit, be greater than what I had to contend with in at first carrying the Poor Law Amendment Act into effect.

I will trouble your Lordship no longer in stating the positive as well as the comparative Disadvantages under which I am placed, as I cannot but believe they are self evident, but will conclude by respectfully submitting to your Lordship the Three following Requests:—

1. That in order to elevate me to the Level of the high and important Civil Station which I hold here, your Lordship would be pleased to recommend me to His Majesty for the Rank of Baronet, it being considered that in order to undertake my present Station I instantly gave up a permanent Situation in my own Climate of 1,000*l.* a Year, being at the Time, out of Twenty, the senior Assistant Poor Law Commissioner, and consequently next in succession to the Chief Commissioner, whose Income is 2,000*l.* a Year.

2d. That an Allowance for Table Expenses should be granted to me, the Hospitality for which it would be applied being for the Public Service, and in no Way for my own domestic Happiness or Comfort; and that this Allowance be granted to me from England, as it would be impossible for me to recommend an Increase of my own Salary out of the Funds of this Province, while I am ordered to make every possible Reduction in the Salaries of others.

3. That Lieutenant Halkett, whose Manners and Conduct are of the most important Service to me, should be allowed to remain with me as Aide-de-camp, or any other Description of Military Assistant.

I have the Honour, &c.

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

F. B. Head.

No. 3.

No. 3.
Sir F. B. Head
to
Lord Glenelg,
15th Feb. 1836.

(No. 5.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Government House, Toronto, 15th February 1836.

I have the Honour to enclose to your Lordship an Address which I have received from the House of Assembly.

Your Lordship will perceive that it was moved by Mr. M'Kenzie, with the Object publicly to extract from me my Opinions on various Subjects which have long been violently agitated in the House by himself and others; and that, in order to give unusual Publicity to the Address, Two thousand Copies of it have been ordered by the House to be printed; besides which it has been published in most of the Newspapers.

As the Document will speak for itself I will only observe, that, besides requiring my Opinions, it prays for Copies of various Despatches, which, under ordinary Circumstances, I should certainly have felt it my Duty to withhold; but as, under the Excitement of the Moment, I am desirous at once to avow the Policy which, under your Lordship's Directions, I have determined to adopt; and as it fortunately happens that no one of the Documents requested are objectionable to publish, I conceive it better to comply with the Prayer of the Address, than to appear, as I might have done, to avoid it.

I accordingly submit to your Lordship my Answer to this Address, which you will perceive is written to meet the Object to which I well know it is intended to be applied, namely, to be circulated throughout the Canadas.

I can assure your Lordship that I have had very satisfactory and amicable Conversations with a Number of Individuals of all Parties; and the more I reflect upon what I have heard and observed, the more convinced I am that the Population of Upper Canada will eventually rally round this Government, if it firmly and decidedly declare that it is determined to maintain the Constitution inviolate, but to correct cautiously yet effectually all real Grievances.

As long as People in the remote Districts are allowed to believe that the Government of this Province feels itself insecure, so long will they be disposed to attach themselves to whatever they are led to conceive has Stability and Strength; but if their own Interests be appealed to; if they find that we are anxious to infuse among them Capital and Population (both of which they ardently desire); and that nothing but Dissension prevents it, they will, I firmly believe, very quickly correct for themselves the greatest of all their Grievances, namely, a factious Opposition to the British Government.

My Attention since my Arrival here has been much occupied in searching for Two or Three Individuals fit to be added to the Executive Council, which will probably be the Subject of my next Despatch.

I have the Honour to be, &c.

The Right Hon. Lord Glenelg. F. B. Head.
&c. &c. &c.

I enclose a Copy of an Address I received on the 10th instant from the Mayor and Corporation of Toronto, with my Reply thereto.

Enclosure No. 1.

First Enclosure in No. 3.

Proceedings had in the Commons House of Assembly, on the Subject of an Address to His Excellency Sir F. B. Head, for certain Information on the Affairs of the Colony.

Wednesday, 3d February 1836. Mr. Mackenzie, seconded by Mr. Morrison, moves—That an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency to transmit to this House Copy of the Correspondence desired to be obtained by its Address to His Excellency Sir John Colborne, dated the 19th of January 1835, relative to the Removal of the late Attorney and Solicitor General, the Appointment of the present Attorney General, and the Re-appointment of the Solicitor General, and concerning the several Expulsions of a Member of this House in the last Parliament.

No. 3.
Sir F. B. Head
to
Lord Glenelg,
15th Feb. 1836.

Enclosure No. 1.

Also any Despatches that would serve to explain to this House the apparent Contradiction between the Royal Instructions relative to the Dismissal or Resignation of Public Officers when they cease to give a conscientious Support to the Measures of the Government, and the Continuance in Office of Mr. Hagerman, notwithstanding his unqualified Opposition to many beneficial Measures recommended by the Earl of Ripon, as it is set forth in the Seventh Report of the Committee on Grievances. His Excellency will also perceive, on reference to our Journals of the 9th Day of February 1833, that the Solicitor General opposed an Address to His Majesty, " thanking Him for the prompt Attention that He had been most graciously pleased to pay to the Representations and Petitions, not only of His faithful Commons, but also of His Majesty's faithful and loyal People in this Province; and to express to His Majesty our sincere Gratitude for the many valuable Measures that His Majesty had been most graciously pleased to suggest and recommend to the Government of this Province, which are eminently calculated, if acted upon, to render His Majesty's Subjects in this Province more happy and contented," and which are contained in the Despatch sent down by Message on the 19th January 1833, which Despatch His Excellency is called upon to carry into effect. Mr. Hagerman proposed a Measure of a very different Character, in the Form of an Address to His Excellency Sir John Colborne, to prevent a Vote of Thanks to His Majesty, and his Amendment was never carried through the usual Stages. We do not doubt but that Mr. Hagerman's Opposition to the Measures proposed by his Sovereign was conscientious, but we cannot persuade ourselves that he would very sincerely co-operate in effecting the Reforms he so much deprecates.

Requesting His Excellency's Attention to the Third Report of the Committee of Finance of last Session, on the Defalcation of Mr. Hagerman, and the Proceedings of Mr. Inspector General Markland thereon; and that Information may be laid before the House what Steps have been taken by the Government on that Report (Copy of which is transmitted herewith).

Also, Copy of the Despatches of His Excellency Sir John Colborne to the Secretary for the Colonies, dated the 12th and 16th of September last, the latter containing His Excellency's Observations on some of the Topics embraced in the aforesaid Report on Grievances, and which have happily engaged the paternal Attention of our most Gracious Sovereign.

Also, Copy of any Communications from the Colonial Office relative to the Address of this House accompanying a Report and Evidence from the Committee on Grievances on the Complaint of William Forsyth, late Proprietor of the Niagara Falls Hotel.

And, Copy of all those Communications from the Colonial Office on Matters of public or general Interest to the Inhabitants of this Province, addressed to His Excellency's Predecessor in the Administration of the Government since the Period of the General Election of Members to serve in the present House of Assembly, and referred to in the Despatch of the Secretary of State sent down to this House on Saturday last, as being for His Excellency's Guidance and Instruction.

By the Statute of the United Kingdom Parliament commonly called the Constitutional Act, the Executive Council is appointed expressly to advise the Lieutenant Governor upon the Affairs of the Province, and a permanent Provision was made by Law, on the Request of the Government, for the Payment of annual Salaries to Five Executive Councillors. The House is desirous to know the Names of the Persons who compose His Excellency's Executive Council, with the Date at which they were sworn into Office, and whether they are considered by His Excellency as appointed in conformity with the Spirit of the Royal Instructions, from among that Class of His Majesty's Subjects who have given a conscientious Support to those Measures of the Government which are enumerated in the Despatch of the Earl of Ripon of the 8th November 1832.

Although fully convinced that His Excellency sincerely desires to co-operate with this House in the arduous and important Duties which, by the Command of our revered Sovereign, we are called to perform, we feel assured, that unless His Excellency takes into his Councils Men in whose Loyalty, Patriotism, and Discretion His Excellency and this House can place mutual Confidence, the Reforms sought for by the People, and which it is the anxious Wish of His Majesty to accomplish, will not be likely to be brought to an early and happy Termination.

In

No. 3.
Sir F. B. Head
to
Lord Glenelg,
15th Feb. 1836.

Enclosure No. 1.

In reply to the Representations of this House to His Majesty, against the Constitution and Composition of the Legislative Council, the Despatch of Lord Glenelg refers with Approbation to the Report of the Committee of the House of Commons in 1828. We cannot easily reconcile the Principles adopted in that Report and Despatch with the recent Appointment of William Morris, Esquire, to a Seat in the Legislative Council. Mr. Morris was generally to be found in the Minority referred to by his Lordship when he was a Member of this House during the last Session; and our Journals of 24th of January 1833 show that, so far from being attached to those Reforms, to the Progress of which the Legislative Council are so great an Obstacle, he moved in this House the Resolutions to insult our most Gracious Sovereign and Lord Ripon his Minister, by sending back to the Colonial Office the Despatch of the 8th of November 1832, to the Instructions contained in which the King continues to adhere.

We are anxious to obtain Copies of any Communications between the Colonial Office and the Lieutenant Governor relating to this Addition to the Numbers of the Legislative Council, a Measure not likely to lessen the unhappy Differences which exist between the Two Houses, One Result of which in the present Session we greatly deplore, because it involves the continued Disfranchisement of the Electors of a large and populous County, the Interests of which, and of the Province as therewith connected, are neglected and injured, because the Council neglects or declines to sanction a Law which would afford those Safeguards to the Electors which in Times of unusual Excitement they stand in need, as is shown by the Resolutions of special Committees of this House, acting upon Oath in a judicial Capacity. We are also desirous to obtain Copies of any other Correspondence between the Colonial Office and the Colonial Government concerning the Nomination or Appointment of any other Persons to the Legislative Council, and of the Answers made by them, if any, to Notifications that such Appointments had been made.

On the 15th of April last a Resolution was reported to the House from the Committee on Finance, which the House adopted as containing their Views on the important Question of the Appropriation of the Proceeds of the natural Resources of the Country by the Legislature, and especially remonstrating against the Charter and improvident Grants to the Canada Company, which have proved, and are likely to continue to prove, very injurious to the Country. This Resolution was opposed by Mr. Morris, whose Elevation to the Council we have already adverted to, but agreed to by a large Majority, and sent up to His Excellency Sir John Colborne, to be by him transmitted to His Majesty. As there are several important Topics contained in that Resolution on which the Despatch sent down on Saturday last is silent, or not very explicit, we would gladly receive any Communications of the Royal Pleasure with respect to these Matters, which His Excellency may think fit to transmit to the House.

The Office of Speaker of the Legislative Council is held, during the Pleasure of the Executive, by the present Chief Justice of the Province, who not only sanctioned the extraordinary and unusual Address and Proceedings of the Legislative Council in the Matter of Lord Ripon's Despatch recommending Measures of Reform, but is generally understood to have been the Author of that Address, to which the Seventh Report of the Committee of Grievances has a special Reference. Entertaining the political Sentiments he has avowed, in opposition to the beneficial Declarations of the Government, it appears to us at variance with the Principles avowed by His Majesty that Mr. Robinson should continue to hold this Office; and this House would consider the Administration of Justice as less liable to injurious Suspicions, if the Judges were to cease to interfere in the political Disputes of the Day, and confine themselves to their appropriate Sphere, which is the early and equal Administration of the Laws.

His Majesty was very graciously pleased, in conformity with the Petitions of the People, to intimate to the Bishop of Regiopolis and the Archdeacon of York, several Years ago, His Royal Desire that they would resign their Seats in the Councils, and devote their Time to their high Spiritual Functions as Ministers of Religion; notwithstanding which they have since continued to mix themselves up with the secular Concerns of the Colony by attending in the Legislative Council as Members of that House. We trust that Your Excellency, in fulfilment of the benevolent Wishes of the King, will take such Steps to carry into effect the Royal Instructions as may enable the Bishop and

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the Archdeacon to make their Election, either of abandoning their political Labours in the Legislature, or of quitting all Claim to any Salaries, Pensions, or other Emoluments they now hold or enjoy during the Pleasure of the Government.

And that the Thirty-first Rule of this House be suspended in so far as it would affect this Motion.

Mr. Macnab, seconded by Mr. Boulton, moves in Amendment, That the Question be now put, but that this Resolution be referred to a Committee of the whole House on Wednesday next; and that it be the First Item on the Order of the Day for that Day.

On which the Yeas and Nays were taken as follows:

Yeas: Messrs. Boulton, Brown, Caldwell, Dunlop, Lewis, M'Crae, M'Donell (of Northumberland), M'Kay, M'Lean, Macnab, Malloch, Richardson, Roblin, Rykert, Small, Strange, Walsh, and Wilkinson.—18.

Nays: Messrs. Alway, Bruce, Chesser, Chisholm, Cook, Duncombe (of Norfolk), Durand, Gibson, Gilchrist, Hopkins, Lount, M'Donell (of Stormont), Mackenzie, M'Micking, Moore, Morrison, Parke, Perry, Rymal, Shaver, Shibley, Thorburn, Waters, Wells, and Wilson.—25.

The Question of Amendment was decided in the Negative by a Majority of Seven.

Mr. Perry, seconded by Mr. Bruce, moves, That the Debate be adjourned until To-morrow, and that it be the First Thing on the Order of the Day.

Which was carried, and the Debate was adjourned accordingly.

Thursday, 4th *February* 1836.—Pursuant to the Order of the Day the Debate on Mr. Mackenzie's Motion for Address to His Excellency, of Yesterday, was resumed.

Mr. Perry, seconded by Mr. Roblin, moves in amendment, That after the Word "Office" in the First Page the whole be expunged, and the following inserted, "of Persons composing the Executive Council and legal Advisers of the Government, notwithstanding their Opposition to many urgent and beneficial Measures of Reform, so often and loudly called for by a large Majority of the People of the Colony, and recommended by the Earl of Ripon, as set forth in his Despatch of the 8th November 1832, which Opposition and utter Contempt of the Wishes of the People and the Recommendation of His Majesty's Government as aforesaid will more strikingly appear by Reference to the Journals, in regard to Proceedings had on the said Despatch, which was sent down to both Houses by His Excellency Sir John Colborne, in compliance with the Instruction of the Earl of Ripon to make it public in Canada, by which Reference it will most distinctly appear that the above Description of Persons have not only opposed the carrying into effect the said Recommendations, but offered the greatest Indignity to His Majesty and His Minister, by voting to send the said Despatch back to His Excellency, in opposition to a Motion for printing and publishing it; and on another Occasion opposed and prevented the Passage of an Address of Thanks to His Majesty for his prompt Attention, displayed in said Despatch, to the Wishes and Interests of the People of the Colony, by moving another Address in amendment, of a censurable Character upon His Majesty's Minister, for writing and transmitting the said Despatch, which Address was afterwards presented to His Excellency as the Address of the House, although never carried through its several Stages. This House disclaim any Wish to prevent any Member of either Branch of the Legislature from fully and fairly expressing his candid Opinion, and giving his Vote according to the Dictates of his Conscience and Conceptions of Right and Wrong; yet we cannot reconcile with the Principles of our Constitution the Appointment and Continuance in Office of Persons, as Councillors and Advisers of the Government, who are known to stand opposed to the Wishes of the People and Recommendation of His Majesty, on great leading Measures of Reform, and who do not possess the Confidence of the People, and acquiesce in their general political Views and Policy, as expressed through their Representatives.

"That by the Statute of the United Kingdom Parliament commonly called the Constitutional Act, the Executive Council is appointed expressly to advise the Lieutenant Governor upon the Affairs of the Province, and a permanent Provision was made by Law out of the Revenues of the Country, at the Request

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of the Government, for the Payment of annual Salaries to Five Executive Councillors and Two legal Advisers; and feeling assured that, unless those who are called upon, from Time to Time, to counsel and advise the Lieutenant Governor on Matters of deep Interest and Concern to the Welfare and Peace of this Colony, are Men in whose Principles, Policy, and Integrity this House, as well as His Excellency, can place full Confidence, the Reforms and Improvements sought for by the People, and which appear from His Majesty's several Despatches to be His most anxious Desire to see accomplished, will not be brought to an early and happy Termination; therefore we most earnestly solicit His Excellency, as speedily as possible, to lay before this House a Statement of the several Persons who compose His Excellency's Executive Council, and of his legal Advisers, with the Dates of their Appointments, and at which they were severally sworn into Office; and that His Excellency will please to inform this House, whether it is considered that their Appointments and Continuance in Office are in strict Conformity with the Spirit of the Royal Instructions, and that they are taken from among that Class of His Majesty's Subjects who have given a conscientious Support to those Measures of the Government which are enumerated in the Despatch of the Earl of Ripon as aforesaid.

"That in reply to the Representations of this House to His Majesty against the Composition of the Legislative Council, the Despatch of Lord Glenelg refers with Approbation to the Report of the Committee of the House of Commons on Canadian Affairs in the Year 1828; and we cannot, by any possible Ingenuity, reconcile the Principles laid down in that Report and that Despatch with those acted upon in the recent Appointment to Seats in the Legislative Council, (if we may believe general Report,) inasmuch as all those said to be lately appointed to the said Council, who were Members of the last Parliament, (including the Gentleman who has, during the present Session, already taken his Seat,) took a most conspicuous and prominent Part in the contemptuous Proceedings on the Earl of Ripon's Despatch, which a Reference to the Journals of this House will most amply show; and all said to be so appointed have always been understood to be violently opposed to the principal Measures of Improvement and Policy so long required by a large Majority of the People; thereby increasing, if possible, instead of diminishing, the great Obstacle to the Reform necessary to be accomplished in order to secure to the People of this Colony Peace, Happiness, and Prosperity, and the full Enjoyment of their civil and religious Rights and Privileges. We therefore desire to obtain Copies of any Communications between the Colonial Office and the Government of this Colony relating to the late Appointments to the Legislative Council, or those of any other Persons whose Appointments have not been acceded to or confirmed by the King; and to be informed who, among those lately appointed, have taken the Oath as Legislative Councillors, and who, if any among them, have declined accepting of the Appointment, and requesting His Excellency, as early as may be, to call upon any such as have been so appointed, either to accept the said Appointment, and take the necessary Oaths, &c., or to decline the same; also setting forth that this House and the Country have long felt much aggrieved, not only by observing the Appointment of the Chief Justice to a Seat and the Speakership in the Legislative Council, which we consider highly improper and incompatible with the Office of Chief Justice, thereby affording just Grounds of Suspicion and Complaint of the partial and impure Administration of Justice, but have also had the Mortification to see the Bishop of Regiopolis and the Archdeacon of York neglecting their high and spiritual Functions and Care of Souls, and clinging to their Seats in the Legislative Council, and devoting their Time and Talents to political Strife and secular Concerns, in direct Opposition and contrary to the express Desire and Pleasure of His Majesty, as set forth in the said Despatch of Earl Ripon, and at the same Time permitted to hold and enjoy Offices of Emolument and Profit. We therefore trust that your Excellency will take immediate Steps, in fulfilment of the gracious Wishes of the King, to carry into effect his benevolent Intentions, and as desired by the great Body of the People of this Colony, by calling upon the said Bishop and Archdeacon, either to withdraw from the said Legislative Council altogether, or resign their other Offices, and for ever quit all Claim to any other Salary, Pension, or other Emolument they now hold or enjoy during the Pleasure of the Government.

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" That His Excellency will lay before this House any other Information or Instruction that he may have received (if any) from His Majesty's Government, beyond what has already been sent to this House, relative to the Administration of the Government, or in answer to a Resolution transmitted to His Majesty through His Excellency Sir John Colborne, which Resolution was reported to this House by the Finance Committee, and adopted by the House, as containing the Views of the House on the important Question of the Appropriation of the Proceeds of the natural Resources of the Country by the Legislature, and strongly remonstrating against the Charter and improvident Sale to the Canada Company which has proved, and is likely to continue to prove, exceedingly injurious to the Province; and also, Copies of Answers to any other Resolutions or Addresses of this House transmitted to His Majesty by its Order, or Correspondence between His Majesty's Government and the Government of this Province on the same, especially relative to the Address reported by the Committee on Grievances, and adopted by this House, on the Complaint of an Outrage on William Forsyth, late Proprietor of the Niagara Falls Hotels; also, a Copy of the Despatch of His Excellency Sir John Colborne to the Secretary for the Colonies, dated 12th and 16th of September last, the latter containing His Excellency's Observations on some of the Topics embraced in the Seventh Report of the Committee on Grievances; also, Copies of all other Communications between the Colonial Office and the Executive Government of this Province, on Matters of public or general Interest to the Inhabitants of this Province, since the Period of the general Election of Members to serve in the present House of Assembly, and referred to in the Despatch of the Secretary of State, sent down to this House on Saturday last, as being for His Excellency's Guidance and Instructions; also, requesting His Excellency to lay before this House a Statement of the Proceedings and Steps taken by the Government relative to a special Matter contained in the Third Report of the Committee on Finance of last Session, in reference to a Defalcation of Monies by the late Collector of the Town of Kingston, which Defalcation had for several Years been reported, and appeared in the public Accounts, but which was omitted to be stated by the Inspector General in the last Accounts sent down to this House, without any Authority to do so from the Legislature."

And that the 31st Rule of this House be dispensed with so far as relates to this Motion, and that Messrs. Roblin and Shaver be a Committee to draft and report said Address.

On which the Yeas and Nays were taken as follows:—

Yeas.—Messrs. Alway, Bruce, Chesser, Chisholm, Cook, Duncombe (of Norfolk,) Durand, Gibson, Hopkins, Lount, M'Intosh, M'Micking, Moore, Morrison, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Thorburn, Waters, Wells, Woolverton, and Yager.—26.

Nays.—Messrs. Boulton, Caldwell, Cornwall, Dunlop, Lewis, M'Crae, M'Donell (of Northumberland), M'Kay, M'Lean, Malloch, Richardson, Robinson, Rykert, Strange, Walsh, and Wilkinson. 16.

The Question of Amendment was carried in the Affirmative by a Majority of Ten.

On the original Question, as amended, being put, the Yeas and Nays were taken as follows:—

Yeas.—Messrs, Alway, Bruce, Chesser, Chisholm, Cook, Duncombe (of Norfolk,) Durand, Gibson, Gilchrist, Hopkins, Lount, M'Intosh, Mackenzie, M'Micking, Moore, Morrison, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Thorburn, Waters, Wells, Wilson, Woolverton, and Yager.—29.

Nays.—Messrs. Boulton, Caldwell, Cornwall, Dunlop, Lewis, M'Crae, M'Donell (of Northumberland), M'Kay, M'Lean, Malloch, Richardson, Robinson, Rykert, Strange, Walsh, and Wilkinson.—16.

The Question, as amended, was carried in the Affirmative by a Majority of Thirteen, and it was—

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency. For Address, &c., vide infra, p. 130.

That

That the Thirty-first Rule of this House be dispensed with so far as it relates to this Motion; and that Messrs. Roblin and Shaver be a Committee to draft and report said Address.

Friday, 5th February 1836.—Mr. Roblin, from the Committee to draft an Address to His Excellency the Lieutenant Governor, founded upon the Resolution of the House passed Yesterday, presents a Draft, which was received and read Twice.

On the Question for adopting the Address,—

Mr. Solicitor General, seconded by Mr. M'Kay, moves in Amendment, that the Address be not now adopted, but that it be,—

Resolved, That this House views with Gratitude and Cordiality the renewed Proof of His Majesty's paternal Solicitude for the Welfare of His loyal Subjects in this Province, evinced in the Despatch of the Right Honourable the Secretary of State for the Colonies, of the 5th of December last; and that this House, actuated by an earnest Wish to co-operate with His Majesty in His gracious Desire to increase the Prosperity of this interesting and valuable Portion of His Dominions, will exert itself to advance and maintain the Principles of Government set forth in the Despatch referred to, as also in that of the Right Honourable the Earl of Ripon, of the 8th November 1832, addressed to His Excellency Sir John Colborne; and that fully impressed with the Conviction that an undeviating Adherence to the Spirit and Principles of those Despatches, in the Administration of the Public Affairs of this Province, will be viewed with Satisfaction by all Classes of His Majesty's Subjects in the Colony, and have the Effect of strengthening the Attachment now universally felt by them for His Royal Person and Government, this House earnestly hopes that His Majesty will forthwith banish from His Counsels all such Persons as shall attempt by any Means whatever, to counteract the beneficent and gracious Instructions laid down for the Guidance of His public Servants in this Province.

On which the Yeas and Nays, being taken, were as follows:—

Yeas.—Messrs. Boulton, Caldwell, Cornwall, Dunlop, Lewis, M'Donell (of Northumberland), M'Kay, M'Lean, Robinson, Rykert, Solicitor General, Strange, and Wilkinson.—13.

Nays.—Messrs. Alway, Bruce, Chesser, Chisholm, Cook, Duncombe (of Norfolk), Durand, Gibson, Gilchrist, Hopkins, Lount, M'Donell (of Stormont), M'Intosh, Mackenzie, M'Micking, Moore, Morrison, Parke, Perry, Roblin, Rymal, Shaver, Small, Thorburn, Walsh, Waters, Wells, Wilson, Woolverton, and Yager.—30.

The Question of Amendment was decided in the Negative by a Majority of 17.

On the original Question, the Yeas and Nays, being taken, were as follows:—

Yeas.—Messrs. Alway, Bruce, Chesser, Chisholm, Cook, Duncombe (of Norfolk), Durand, Gibson, Gilchrist, Hopkins, Lount, M'Donell (of Stormont), M'Intosh, Mackenzie, M'Micking, Moore, Morrison, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Thorburn, Waters, Wells, Wilson, Woolverton, and Yager.—30.

Nays.—Messrs. Boulton, Caldwell, Cornwall, Dunlop, Lewis, M'Donell (of Northumberland), M'Kay, M'Lean, Malloch, Richardson, Robinson, Rykert, Strange, Walsh, and Wilkinson.—15.

The Question was carried in the Affirmative by a Majority of 15, and the Address was read a Third Time.

On the Question for passing the Address the Yeas and Nays were taken, as follows:—

Yeas.—Messrs. Alway, Bruce, Chesser, Chisholm, Duncombe (of Norfolk), Durand, Gibson, Gilchrist, Hopkins, Lount, M'Intosh, Mackenzie, M'Micking, Moore, Morrison, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Thorburn, Waters, Wells, Wilson, Woolverton, and Yager.—28.

Nays.—Messrs. Boulton, Caldwell, Cornwall, M'Donell (of Northumberland), M'Kay, M'Lean, Malloch, Richardson, Robinson, Rykert, Strange, Walsh, and Wilkinson.—13.

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The Question was carried in the Affirmative by a Majority of 15, and the Address was signed by the Speaker, and is as follows :—

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please Your Excellency:

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly pray your Excellency to transmit to us Copy of the Correspondence desired to be obtained by our Address to His Excellency Sir John Colborne, dated 19th January 1835, relative to the Removal of the late Attorney and Solicitor General, the Appointment of the present Attorney General, and the Re-appointment of the Solicitor General, and concerning the several Expulsions of a Member of this House in the last Parliament.

Also, any Despatches that would serve to explain to this House the apparent Contradiction between the Royal Instructions relative to the Dismissal or Resignation of Public Officers when they cease to give a conscientious Support to the Measures of the Government, and the Continuance in Office of Persons composing the Executive Council, and legal Advisers of the Government, notwithstanding their Opposition to many urgent and beneficial Measures of Reform so often and loudly called for by a large Majority of the People of the Colony, and recommended by the Earl of Ripon, as set forth in his Despatch of the 8th November 1832, which Opposition and utter Contempt of the Wishes of the People, and the Recommendation of His Majesty's Government as aforesaid, will more strikingly appear by Reference to the Journals in regard to Proceedings had on the said Despatch, which was sent down to both Houses by His Excellency Sir John Colborne, in compliance with the Instruction of the Earl of Ripon, to make it public in Canada, by which Reference it will most distinctly appear that the above Description of Persons have not only opposed the carrying into effect the said Recommendation, but offered the greatest Indignity to His Majesty and His Minister by voting to send the said Despatch back to His Excellency, in opposition to a Motion for printing and publishing it; and on another Occasion opposed and prevented the Passage of an Address of Thanks to His Majesty for His prompt Attention displayed in said Despatch to the Wishes and Interests of the People of the Colony, by moving another Address in Amendment of a censurable Character upon His Majesty's Minister for writing and transmitting the said Despatch, which Address was afterwards presented to His Excellency as the Address of the House, although never carried through its several Stages. This House disclaim any Wish to prevent any Member of either Branch of the Legislature from fully and fairly expressing his candid Opinion, and giving his Vote according to the Dictates of his Conscience and Conceptions of Right and Wrong, yet we cannot reconcile with the Principles of our Constitution the Appointment and Continuance in Office of Persons as Councillors and Advisers of the Government who are known to stand opposed to the Wishes of the People and Recommendation of His Majesty on great leading Measures of Reform, and who do not possess the Confidence of the People, and acquiesce in their general political Views and Policy as expressed through their Representatives.

That by the Statute of the United Kingdom Parliament called the Constitutional Act, the Executive Council is appointed expressly to advise the Lieutenant Governor upon the Affairs of the Province, and a permanent Provision was made by Law out of the Revenues of the Country, at the Request of the Government, for the Payment of annual Salaries to Five Executive Councillors and Two legal Advisers; and as we feel assured that unless those who are called upon, from Time to Time, to counsel and advise the Lieutenant Governor on Matters of deep Interest and Concern to the Welfare and Peace of this Colony, are Men in whose Principles, Policy, and Integrity this House as well as your Excellency can place full Confidence, the Reforms and Improvements sought for by the People, and which appear from His Majesty's several Despatches to be His most anxious Desire to see accomplished, will not be brought

brought to an early and happy Termination; therefore we most earnestly solicit your Excellency as speedily as possible to lay before this House a Statement of the several Persons who compose your Excellency's Executive Council and of your legal Advisers, with the Dates of their Appointments and at which they were severally sworn into Office; and that your Excellency will please to inform this House whether it is considered that their Appointments and Continuance in Office are in strict Conformity with the Spirit of the Royal Instructions, and that they are taken from among that Class of His Majesty's Subjects who have given a conscientious Support to those Measures of the Government which are enumerated in the Despatch of the Earl of Ripon as aforesaid.

That in reply to the Representations of this House to His Majesty, against the Composition of the Legislative Council the Despatch of Lord Glenelg refers with Approbation to the Report of the Committee of the House of Commons on Canada Affairs in the Year 1828, and we cannot, by any possible Ingenuity, reconcile the Principles laid down in that Report and that Despatch with those acted upon in the recent Appointment to Seats in the Legislative Council, (if we may believe general Report,) inasmuch as all those said to be lately appointed to the said Council, who were Members of the last Parliament, (including the Gentleman who has during the present Session already taken his Seat,) took a most conspicuous and prominent Part in the contemptuous Proceedings on the Earl of Ripon's Despatch, which a Reference to the Journals of this House will most amply show; and all said to be so appointed have always been understood to be violently opposed to the principal Measures of Improvement and Policy so long required by a large Majority of the People, thereby increasing, if possible, instead of diminishing, the great Obstacle to the Reform necessary to be accomplished, in order to secure to the People of this Colony Peace, Happiness, and Prosperity, and the full Enjoyment of their civil and religious Rights and Privileges. We therefore desire to obtain Copies of any Communications between the Colonial Office and the Government of this Colony, relating to the late Appointments to the Legislative Council, or those of any other Persons whose Appointments have not been acceded to or confirmed by the King, and to be informed who, among those lately appointed, have taken the Oath as Legislative Councillors, and who, if any, among them, have declined accepting of the Appointment; and we request your Excellency, as early as may be, to call upon any such as have been so appointed, either to accept the said Appointment, and take the necessary Oath, &c. or to decline the same. We assure your Excellency that this House and the Country have long felt much aggrieved, not only by observing the Appointment of the Chief Justice to a Seat and the Speakership in the Legislative Council, which we consider highly improper and incompatible with the Office of Chief Justice, thereby affording just Grounds of Suspicion and Complaint of the partial and impure Administration of Justice, but have also had the Mortification to see the Bishop of Regiopolis and the Archdeacon of York, neglecting their high and spiritual Functions and Care of Souls, and clinging to their Seats in the Legislative Council, and devoting their Time and Talents to political Strife and secular Measures, in direct Opposition and contrary to the express Desire and Pleasure of His Majesty, as set forth in the said Despatch of Earl Ripon, and at the same Time permitted to hold and enjoy Offices of Emolument and Profit. We therefore trust that your Excellency will take immediate Steps in fulfilment of the gracious Wishes of the King to carry into effect His benevolent Intentions, and, as desired by the great Body of the People of this Colony, by calling upon the said Bishop and Archdeacon either to withdraw from the Legislative Council altogether, or resign their other Offices, and for ever quit all Claim to any other Salary, Pension, or other Emolument they now hold or enjoy during the Pleasure of the Government.

We also request that your Excellency will lay before us any other Information or Instruction that you may have received (if any) from His Majesty's Government beyond what has already been sent to us relative to the Administration of the Government, or in answer to a Resolution transmitted to His Majesty, through His Excellency Sir John Colborne; which Resolution was reported to this House by the Finance Committee, and adopted by the House as containing our Views on the important Question of the Appropriation of the

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Proceeds of the natural Resources of the Country by the Legislature, and strongly remonstrating against the Charter and improvident Sale to the Canada Company, which has proved, and is likely to continue to prove, exceedingly injurious to the Province; and also, Copies of Answers to any other Resolutions or Addresses of this House transmitted to His Majesty by its Order; or Correspondence between His Majesty's Government and the Government of this Province on the same; especially relative to the Address reported by the Committee on Grievances and adopted by this House, on the Complaint of an Outrage on William Forsyth, late Proprietor of the Niagara Falls Hotels; also a Copy of the Despatch of His Excellency Sir John Colborne to the Secretary for the Colonies, dated 12th and 16th of September last, the latter containing His Excellency's Observations on some of the Topics embraced in the Seventh Report of the Committee on Grievances; also Copies of all other Communications between the Colonial Office and the Executive Government of this Province, on Matters of public or general Interest to the Inhabitants of this Province since the Period of the general Election of Members to serve in the present House of Assembly, and referred to in the Despatch of the Secretary of State sent down to this House on Saturday last, as being for your Excellency's Guidance and Instructions.

We also request your Excellency to lay before us a Statement of the Proceedings and Steps taken by the Government relative to a special Matter contained in the Third Report of the Committee on Finance of last Session, in reference to a Defalcation of Monies by the late Collector of the Town of Kingston, which Defalcation had for several Years been reported and appeared in the public Accounts, but which was omitted to be stated by the Inspector General in the last Accounts sent down to this House, without any Authority to do so from the Legislature.

Marshall S. Bidwell,
Speaker.

Commons House of Assembly, 5th February 1836.

On Motion of Mr. Perry, seconded by Mr. Roblin,—
Ordered, That Messrs. M'Micking and Chisholm be a Committee, to wait on His Excellency, to know when he will be pleased to receive the Address, and to present the same.

On Motion of Mr. Perry, seconded by Mr. Solicitor General,—
Ordered, That besides the Journals, Two thousand Copies of the Address, together with the Amendments proposed, with the Yeas and Nays on the several Questions, be printed in Pamphlet Form for the Use of Members.

Enclosure No. 2.

Second Inclosure in No. 3.

Message from His Excellency Sir Francis Bond Head, Lieutenant Governor of Upper Canada, in answer to the Address of the House of Assembly of the 5th February 1836; with sundry Documents requested by the House in said Address.

Message.

F. B. Head.

The Lieutenant Governor transmits to the House of Assembly the following Answer to its Address of the 5th instant:

Items contained in Address.

It appears to the Lieutenant Governor that this Address contains, 1st, A Statement of the Opinions of the House on various Subjects of high Importance to this Province.

2d, A Request that the Lieutenant Governor should himself give the House certain Explanations.

3d, A Request that the Lieutenant Governor should transmit to the House Copies of certain Documents and Despatches, which are mentioned.

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His Excellency will attentively consider.

The Lieutenant Governor assures the House of Assembly, that every Opinion stated in their Address shall receive his attentive and deliberate Consideration.

With respect to the Explanations, as also the Copies of the Documents and Despatches which the House of Assembly has requested from the Lieutenant Governor, he will now proceed to consider these Subjects, seriatim, in the Order in which they appear in the Address.

Certain Correspondence sent as desired.

1st, The Lieutenant Governor transmits herewith to the House of Assembly, according to its Request, "A Copy of the Correspondence desired to be obtained by our Address to His Excellency Sir John Colborne, dated the 19th of January 1835, relative to the Removal of the late Attorney General and Solicitor General, the Appointment of the present Attorney General, and the Re-appointment of the Solicitor General."

Another Despatch in Government Office, but may not be sent.

The Lieutenant Governor informs the House of Assembly, that there also exists in the Government Office one other Despatch on the above Subjects, marked "Confidential," and which he withholds from the House because it is not even left to his Discretion to impart it.

Lieutenant Governor explains.

The Lieutenant Governor, however, briefly explains to the House of Assembly, that Lord Goderich's Order of the 8th of March 1833, for the Retirement of the Solicitor General, was subsequently reversed by His Majesty's Government, in consequence of exculpatory Explanations which that Officer made during his Visit to England.

Retirement of Solicitor General subsequently reversed.

Correspondence on Expulsions transmitted.

2d, The Lieutenant Governor transmits herewith to the House of Assembly, according to its Request, "a Copy of the Correspondence concerning the several Expulsions of a Member of this House in the last Parliament."

Certain apparent Contradictions required to be explained.

3d, The House of Assembly request Copies of any Despatches "that would serve to explain to this House the apparent Contradictions between the Royal Instructions relative to the Dismissal or Resignation of public Officers, when they cease to give a conscientious Support to the Measures of the Government, and the Continuance in Office of Persons composing the Executive Council, and legal Advisers of the Government, notwithstanding their Opposition to many urgent and beneficia Measures of Reform so often and loudly called for by a large Majority of the People of the Colony, and recommended by the Earl of Ripon, as set forth in his Despatch of the 8th November 1832, which Opposition and utter Contempt of the Wishes of the People and the Recommendation of His Majesty's Government as aforesaid will most strikingly appear by Reference to the Journals in regard to the Proceedings had on the said Despatch, which was sent down to both Houses by His Excellency Sir John Colborne, in compliance with the Instruction of the Earl of Ripon to make it public in Canada; by which Reference it will most distinctly appear that the above Description of Persons have not only opposed the carrying into effect the said Recommendation, but offered the greatest Indignity to His Majesty and His Ministers, by voting to send the said Despatch back to His Excellency, in opposition to a Motion for printing and publishing it; and on another Occasion opposed and prevented the Passage of an Address of Thanks to His Majesty for His prompt Attention, displayed in said Despatch, to the Wishes and Interests of the People of the Colony, by moving another Address in amendment, of a censurable Character, upon His Majesty's Minister, for writing and transmitting the said Despatch; which Address was afterwards presented to His Excellency as the Address of the House, although never carried through its several Stages."

No Despatches affording Explanation desired.

In reply to the above Request, the Lieutenant Governor informs the House of Assembly that no Despatches exist in the Government Office affording the Explanation desired.

The Lieutenant Governor transmits Lists of the Executive Council, and of the legal Advisers of the Governor, &c.

4th, The Lieutenant Governor transmits herewith to the House of Assembly, according to its Request, "a Statement of the several Persons who compose Your Excellency's Executive Council and of your legal Advisers, with the Dates of their Appointments, and at which they were severally sworn into Office."

The House requests further Information respecting these Officers.

5th, The House of Assembly requests that Your Excellency will please to inform this House whether it is considered that their Appointments and Con-

tinuance in Office are in strict Conformity with the Spirit of the Royal Instructions, and that they are taken from among that Class of His Majesty's Subjects who have given a conscientious Support to those Measures of the Government which are enumerated in the Despatch of the Earl of Ripon, as aforesaid.

The Appointment of the Executive Council and Crown Officers the Prerogative of the Crown.

As the *Appointment* of the Individuals alluded to is the Prerogative of the Crown, the Lieutenant Governor cannot presume to offer to the House of Assembly any Opinion on that Subject; but with respect to the Question, whether their *Continuance* in Office is in strict Conformity with the Spirit of the Royal Instructions contained in Lord Ripon's Despatch of the 8th of November 1832, the Lieutenant Governor conceives that the real Meaning of those Instructions was to arm the Lieutenant Governor of this Province with Power to require, and, if necessary, to insist on the Resignation of any or all Individuals holding official Situations who should openly or latently oppose the Measures of his Government.

Their Resignation may be insisted on if opposed to the Measures of the Government.

This the Lieutenant Governor feels bound to do, if absolutely necessary.

The Lieutenant Governor will certainly not hesitate to avail himself of this Power, should he ever feel it his painful Duty to do so, but he considers it would not be a fruitful Application of his Time were he now retrospectively to attempt to determine whether these Individuals ever had or had not opposed any Measure of the Government of his Predecessor, who is responsible to His Majesty alone for his Decisions. He therefore feels he is bound, in justice, to infer, that as his Predecessor did not see Occasion to dismiss these Officers, their Continuance in Office up to the present Date is in strict Accordance with the Spirit of the Royal Instructions, which never required that these Gentlemen should inflict upon themselves the Penalty awarded in case they should oppose the Measures of the Government.

And as these Officers were not dismissed by his Predecessor, must infer that they acted in accordance with Royal Instructions.

Despatch of Lord Glenelg refers with Approbation to the Report of Commissioners on Canada Affairs of 1828.

6th, The House of Assembly state, "That in reply to the Representations of this House to His Majesty against the Composition of the Legislative Council, the Despatch of Lord Glenelg refers with Approbation to the Report of the Committee of the House of Commons on Canada Affairs in the Year 1828, and we cannot, by any possible Ingenuity, reconcile the Principles laid down in that Report and that Despatch with those acted upon in the recent Appointment to Seats in the Legislative Council, (if we may believe general Report,) inasmuch as all those said to be lately appointed to the said Council, who were Members of the last Parliament, (including the Gentleman who has during the present Session already taken his Seat,) took a most conspicuous and prominent Part in the contemptuous Proceedings on the Earl of Ripon's Despatch, which a Reference to the Journals of this House will most amply show; and all said to be so appointed have always been understood to be violently opposed to the principal Measures of Improvement and Policy so long required by a large Majority of the People, thereby increasing, if possible, instead of diminishing, the great Obstacle to the Reform necessary to be accomplished, in order to secure to the People of this Colony Peace, Happiness, and Prosperity, and the full Enjoyment of their civil and religious Rights and Privileges. We therefore desire to obtain Copies of any Communications between the Colonial Office and the Government of this Colony relating to the late Appointments to the Legislative Council, or those of any other Persons whose Appointments have not been acceded to or confirmed by the King; and to be informed who among those lately appointed have taken the Oath as Legislative Councillors, and who, if any of them, have declined accepting of the Appointment; and we request your Excellency, as early as may be, to call upon any such as have been so appointed, either to accept the said Appointment, and take the necessary Oath, &c., or to decline the same."

Said Report and Despatch not reconcileable with the late Appointments to Legislative Council.

The Persons so appointed being opposed to the Principles contained therein and to the Wishes of a Majority of the People, they therefore request Copies of the Correspondence respecting the Appointment of those Persons.

Also to know if they have taken the Oath, &c., and requesting they may be called to do so or decline the same.

As the Lieutenant Governor is incompetent to judge of the Principles which regulated the Conduct of his respected Predecessor, it is totally out of his Power to attempt to reconcile to the House of Assembly the recent Appointments to the Legislative Council with the Report and Despatch alluded to by the House of Assembly. But although these Appointments are the Prerogative of His Majesty, and although the Recommendations from which they proceeded ought not to transpire, the Lieutenant Governor nevertheless transmits to the House of Assembly, according to its Request, "Copies of any Communications between the Colonial Office and the Government of this Colony relating to the late Appointments to the Legislative Council, or those of any other Persons whose Appointments have not been acceded to or confirmed by the King;" and moreover the Lieutenant Governor informs the House, that those Gentlemen who

Lieutenant Governor not competent to decide on the Conduct pursued by his Predecessor.

These Appointments the Prerogative of the King, and although not usually done, his Excellency transmits Copies of the Correspondence requested.

The Persons recently appointed have been required to take the Oath.

who have been lately appointed have been already required to take the Oath as Legislative Councillors.

7th, The House of Assembly states, "We therefore trust that your Excellency will take immediate Steps, in fulfilment of the gracious Wishes of the King, to carry into effect His benevolent Intentions, as desired by the great Body of the People of this Colony, by calling upon the said Bishop (of Regiopolis) and Archdeacon (of York) either to withdraw from the Legislative Council altogether, or resign their other Offices."

The House trusts His Excellency will call upon the Bishop (of Regiopolis) & the Archdeacon (of York) to resign either their Seats in Legislative Council or their Offices.

The Lieutenant Governor is not aware that His Majesty has expressed any "Intentions" on the above Subject; but Opinions have been very clearly expressed by Lord Ripon, in his Despatch of the 8th November 1832, to the full Extent and Meaning of which the Lieutenant Governor assures the House he shall feel it his Duty strictly to attend.

The Lieut. Governor will act up to the Opinions contained in Lord Ripon's Despatch of 8th November 1832.

8th, The House of Assembly request, "that your Excellency will lay before us any other Information or Instructions that you may have received (if any) from His Majesty's Government beyond what has already been sent to us relative to the Administration of the Government."

The House requests His Excellency to lay before them any further Instructions he may have received.

In reply to the above Request, the Lieutenant Governor feels it will be only necessary for him to remind the House of Assembly of the following Extract of the Message he communicated on the 30th Ultimo. "The Lieutenant Governor was commanded by His Majesty to communicate the "*Substance*" of his Instructions to both Houses of the Provincial Parliament; but, considering it would be more satisfactory to them to receive the *Whole*, he accordingly transmits it herewith."

The Lieut. Governor having been commanded to communicate the Substance, has already laid the whole of those Instructions before the House.

9th, The House of Assembly requests the Lieutenant Governor will transmit "any other Information or Instruction in answer to a Resolution transmitted to His Majesty, through His Excellency Sir John Colborne, which Resolution was reported to this House by the Finance Committee, and adopted by the House as containing our Views on the important Question of the Appropriation of the Proceeds of the natural Resources of the Country by the Legislature, and strongly remonstrating against the Charter and improvident Sale to the Canada Company, which has proved, and is likely to continue to prove, exceedingly injurious to the Province."

The House requires Information in answer to their Remonstrance on the Subject of the Public Revenue and the improvident Grant to the Canada Company.

In answer to the above Request, the Lieutenant Governor re-assures the House of Assembly that he has received from His Majesty's Government no other Information or Instructions on the Subject beyond what he has already communicated.

The Lieutenant Governor re-assures the House that he has received no further Informations or Instructions.

10th, The Lieutenant Governor transmits herewith to the House of Assembly, according to its Request, "Copies of Answers to any other Resolutions or Addresses of this House transmitted to His Majesty by its Order."

The Lieutenant Governor transmits Answers to other Addresses of the House.

11th, The House of Assembly requests the Lieutenant Governor to transmit Copies "of Correspondence between His Majesty's Government and the Government of this Province, especially relative to the Address reported by the Committee on Grievances, and adopted by this House, on the Complaint of an Outrage on William Forsyth, of the Niagara Falls Hotel."

The House requests Correspondence relative to the Case of Mr. Forsyth.

In reply to this Request, the Lieutenant Governor informs the House of Assembly, that the Case of Mr. William Forsyth, with the Documents relating to it, are at this Moment under the Consideration of His Majesty's Government; and that as soon as the Lieutenant Governor receives His Majesty's final Decision it shall immediately be communicated to the House.

This Case now under Consideration, and Decision will be made known to the House when received.

12th, The Lieutenant Governor transmits to the House of Assembly, according to its Request, "The Copy of the Despatch of His Excellency Sir John Colborne to the Secretary for the Colonies, dated the 12th of September last." The Despatch dated the 16th, containing His Excellency's Observations on some of the Topics embraced in the Seventh Report on Grievances, the Lieutenant Governor cannot transmit without the Sanction of the Secretary of State.

The Lieutenant Governor transmits Copy of Sir J. Colborne's Despatch of 12th September last.

The Despatch dated 16th September His Excellency is not at liberty at present to transmit.

13th, The House of Assembly requests the Lieutenant Governor to transmit to the House "Copies of all other Communications between the Colonial Office and the Executive Government of this Province on Matters of public or general Interest to the Inhabitants of this Province since the Period of the General Election of Members to serve in the House of Assembly, and referred to in the Despatch of the Secretary of State sent down to this House on Saturday last, as being for your Excellency's Guidance and Instruction."

The House requests Correspondence in all Matters of general Interest to the Province referred to in Despatch sent down to the House on Saturday last.

The House must feel that it was not the Intention of His Majesty's Government to divulge to one Branch of the Legislature Correspondence relating exclusively to the Two other Branches, some of which would only tend to revive bygone Discussions.

In reply to this Request, the Lieutenant Governor observes to the House of Assembly, that in his Instructions alluded to he certainly was referred for Information by the Colonial Minister "to the Correspondence of my Predecessor and myself with the Officers who have successively administered the Provincial Government;" but he is sure the House will feel that it was not either the Intention or Wish of His Majesty's Government that the Lieutenant Governor should (as requested by the House) unreservedly, and without even a Specification of the Documents desired, divulge to one Branch of the Legislature a voluminous Correspondence, which from its Nature must unavoidably relate to many Questions belonging exclusively to the other Two Branches, but must also unavoidably contain Subjects of a strict confidential Nature, besides others the Publication of which would merely tend to revive bygone Discussions.

The Lieutenant Governor appeals to the Liberality and good Sense of the House of Assembly for the Consideration of His Excellency's recent Arrival in this Province, and the Importance and Magnitude of the Task he has to perform.

The Lieutenant Governor takes this Opportunity of appealing to the Liberality and good Sense of the House of Assembly for Consideration, that, as a Stranger to this Province, totally unconnected even with the political Differences which have existed in the Mother Country, he has but lately arrived here, intrusted by our most Gracious Sovereign with Instructions the undisguised Object of which is, firmly to maintain the happy Constitution of this Country inviolate, but to correct cautiously yet effectually all real Grievances.

His Attention to the future Prosperity of the Province precludes his occupying himself with the Occurrences of the past: to attend to both impossible.

The House of Assembly is deeply interested in the Importance and Magnitude of the Task he has to perform; and he is confident it will, on Reflection, be of opinion, that the Lieutenant Governor of this Province had better look steadily forwards to its *future* Prosperity and Improvement,—that he had better attract into Upper Canada the superabundant Capital and Population of the Mother Country, by encouraging internal Peace and Tranquillity,—than to be observed occupying himself only in re-considering the Occurrences of the *past*.

The Lieutenant Governor does not assert that the latter Occupation would be totally useless, but he maintains that the former is by far the more useful, and that to attend to both is impossible.

The Lieutenant Governor transmits a Statement of the Proceedings taken by the Government relative to a "Defalcation" by the late Collector of the Port of Kingston.

14th, The Lieutenant Governor transmits to the House of Assembly, according to its Request, "A Statement of the Proceedings and Steps taken by the Government relative to a special Matter contained in the Third Report of the Committee on Finance of last Session, in reference to a Defalcation of Monies by the late Collector of the Town of Kingston, which Defalcation had for several Years been reported and appeared in the Public Accounts, but which was omitted to be stated by the Inspector General in the last Accounts sent down to this House, without any Authority to do so from the Legislature."

Government House,
15th February 1836.

Enclosure No. 3.

Third Enclosure in No. 3.

Address

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Guelphic Order of Hanover, and of the Prussian Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Mayor, Aldermen, and Commonalty of the City of Toronto in Common Council assembled,

Respectfully beg leave, upon the Occasion of our Accession to Office, to congratulate your Excellency upon your Appointment by the King to the Government of this valuable Portion of the British Empire, and to assure your Excellency that your safe Arrival amongst us has afforded us sincere Gratification.

We

No. 3.
Sir F. B. Head
to
Lord Glenelg,
15th Feb. 1836.

Enclosure No. 3.

We desire to convey to your Excellency Assurances of the devoted Attachment of the Council and the Inhabitants of the City of Toronto to our revered Sovereign and the Constitution of the Mother Country; and that your Excellency may rely at all Times upon the cordial Co-operation of this Council, in carrying into full and efficient Operation the Laws necessary to insure the Peace, Welfare, and Prosperity of this loyal and flourishing City.

(Signed) T. D. Morrison, Mayor.

Council Chamber,
8th Feb. 1836.

Answer.

Mr. Mayor, and Gentlemen of the Corporation,

I receive with Pleasure the personal Congratulations you have been good enough to offer me, but it is with Feelings of infinitely higher Satisfaction that I remark and admire your devoted Attachment to our revered Sovereign and to the Constitution of our Mother Country.

Gentlemen, I hear it daily remarked to me, most particularly by those whose own Minds are disturbed, that I am placed in a very critical Situation, and that I am surrounded by Difficulties almost insurmountable.

I cannot however say that I participate in any such Apprehension; I know that the Inhabitants of this Province are loyal; I also know that they possess not only good Feelings, but good Sense.

I require no other Support, I ask for no other Assistance, for I feel confident that when the broad liberal Policy of His Majesty's Government is clearly developed—when the Truth becomes known, that I have no dearer Object than impartially to correct all real Grievances, and to reward Allegiance to our beloved Monarch by cheap and good Government, all Ranks of People will unite with the Capital of Upper Canada in loyally offering me that "*cordial* "*Co-operation*," for which I now beg to return you my best Thanks.

No. 4.

(No. 6.)

No. 4.
Sir F. B. Head
to
Lord Glenelg,
15th Feb. 1836.

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 15th Feb. 1836.

I have been requested by the House of Assembly to transmit to your Lordship a Resolution passed in that House on the 6th Instant.

I have the Honour, &c.

F. B. Head.

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

Enclosure in No. 4.

Enclosure.

Resolved,

That the Seventh Report of the Special Committee on Grievances of last Session, to which was referred Lord Ripon's Despatch to Sir John Colborne of the 8th of November 1832 (with the accompanying Documents), has been widely circulated among the People of Upper Canada during the past Year, by Order of the House of Assembly, for general Information; that the Facts and Opinions embodied in that Report continue to receive the full and deliberate Sanction and Confirmation of this House, and the People whom it represents; and that it is our earnest Desire that the many important Measures of Reform recommended in that Report may be speedily carried into effect by an Administration deservedly possessing the Public Confidence.

Truly extracted from the Journals of the Assembly of Upper Canada of the Sixth Day of February 1836.

James FitzGibbon, Clerk.

No. 5.

No. 5.
Sir F. B. Head
to
Lord Glenelg,
23d Feb. 1836.

(No. 9.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Government House, Toronto, 23d February 1836.

A few Days after my Arrival here I received a Communication from the Executive Council, submitting to me the Necessity of increasing their Number, which, from being composed only of Three Individuals, would (in case of the Illness of any One of the Members) be unable to form a Quorum. I was also informed by them, that as Mr. Peter Robinson, besides being Commissioner of Crown Lands, was also an Executive Councillor, he had the invidious Duty imposed on him of auditing his own Accounts.

This important Subject, as I stated to your Lordship in my Despatch No. 5., has occupied my Attention for some Time; for in so small a Community as that of Toronto and its Neighbourhood, to select Three Individuals suited to the Office was no easy Task.

After making every Enquiry in my Power, I became of opinion that Mr. Robert Baldwin, Advocate, a Gentleman already recommended to your Lordship by Sir John Colborne for a Seat in the Legislative Council, was the first Individual I should select, being highly respected for his moral Character, being moderate in his Politics, and possessing the Esteem and Confidence of all Parties.

Having come to this Conclusion, I deemed it prudent to consult the Lord Chief Justice, who is Speaker of the Legislative Council, Mr. Bidwell, the Speaker of the House of Assembly, and the Members of the Executive Council; and as all these Gentlemen unreservedly approved of his Selection for the Office, I sent for Mr. R. Baldwin, and proposed to him to accept the same, with the Addition of Mr. Dunn, the Receiver General, who had already been recommended by my Predecessor, and Dr. Rolfe, who had also been recommended by Lord Ripon as Solicitor General of this Province.

I had several Interviews with Mr. Baldwin of many Hours Duration. I allowed him to consult Mr. Bidwell, Dr. Rolfe, and his other Friends on the Subject, and the Result of his Deliberation was, his positively declining to undertake the Office, unless I enabled him to carry with him the Support of the House of Assembly, which he stated could not be effected, unless I should consent to dismiss from my Council the Three existing Councillors; namely, Mr. Peter Robinson, Colonel Hills, and Mr. Markland.

With this Demand I resolutely refused to comply, on the Grounds that I had other Interests besides those of the House of Assembly to consider—that the Commons already possessed its own legitimate Power—that to impart to it, in addition, an exclusive Influence in my Council would be unconstitutional and unjust; besides which, it would at once connect with Party Feelings the Representative of His Majesty, who ought to stand unbiassed and aloof from all such Considerations.

Mr. Baldwin maintained his Demands, and I accordingly parted with him, declaring that nothing should induce me to dismiss from the Council Three Gentlemen who had given *me* no Cause for Complaint; that, if necessary, I would rather throw myself on the good Sense of this Country as well as of the World, and abide the Result, whatever it might be.

On Mr. R. Baldwin leaving me I sent for Dr. Baldwin, who, although rather more ultra in his Theory of Reform, is a Gentleman of very large Property, who is respected for his moral Character, and who had also been recommended by my Predecessor for a Seat in the Legislative Council.

On consulting with Dr. Baldwin, and on proposing to him that he, Dr. Rolfe, and Mr. Dunn should join the Executive Council, he insisted on the same Demand as Mr. R. Baldwin; and we accordingly parted.

I felt so confident the Terms required of me were unjust, and that to all reasonable Men they would appear so, that I had fully determined on the Course I would

No. 5.
Sir F. B. Head
to
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23d Feb. 1836.

I would adopt. However, this Alternative was rendered unnecessary, by an Intimation I received that Mr. R. Baldwin felt disposed to reconsider my Proposal; and accordingly the following Day he called upon me to agree to join the Council without the Dismissal of the Three existing Councillors.

I accordingly appointed an Hour to receive Mr. R. Baldwin, Dr. Rolfe, and Mr. Dunn; and in their Presence I addressed the following Note to Mr. Baldwin, a Copy of which it was agreed should be given by him to Mr. Dunn and Dr. Rolfe.

"Dear Sir, Government House, 19th February 1836.

"I have great Pleasure in learning that you, Dr. Rolfe, and Mr. Dunn accept the Invitation I have made to you, by joining the Executive Council.

"The Confidence I shall repose in you will be implicit; and as I have no preliminary Conditions either to accede to or require from you, I shall rely on your giving me your unbiassed Opinion on all Subjects respecting which I may feel it advisable to require it.

"I remain, &c.

"R. Baldwin, Esq. (Signed) F. B. Head."

After my Interview with these Gentlemen, who were Yesterday sworn into Office and gazetted as "Members of the Executive Council until the King's Pleasure shall be known," I sent for Mr. Bidwell, and asked him whether he conceived that the House of Assembly would feel satisfied with the Addition I had made to the Executive Council.

Mr. Bidwell told me, that he thought these Appointments would give general Satisfaction; that he was of opinion the House of Assembly had Confidence in these Gentlemen, as well as in myself; and that it would be his Desire, as well, he believed, of those with whom he co-operated, to give me their Assistance, and in no way to offer me any factious Opposition.

He observed, however, that there were several Grievances which your Lordship's Instructions to me had overlooked, and that he expected these would shortly be brought before my Attention.

I must add, that Mr. Bidwell's Conversations with me have been satisfactory, and that I have no Cause whatever to complain of him, although I have not hesitated invariably to apprise him, that with his political Opinions I do not concur.

Having now informed your Lordship of the Individuals I have added to the Executive Council, with the Circumstances which have preceded their Appointment (which I trust may be confirmed), it only remains for me to state, that although Tranquillity in this Province is, I conceive, now momentarily established, I do not expect that the present House of Assembly will long discontinue their Agitations.

It shall be my Duty, however, to afford them no reasonable Cause for Complaint. To their Addresses, as well as to their Opinions, I will give every possible Attention, and will afford them ready Assistance to correct all real Grievances; but I am so convinced that every improper Concession will not only strengthen their Demands, but weaken my Influence in the Province, that I shall continue to resist, as I have hitherto done, any Demand that may at all tend to undermine the happy Constitution of this Province. as I believe that this Policy will eventually secure to the Lieutenant Governor of Upper Canada (whoever he may be) the Confidence and Support of the Community.

I have the Honour, &c.

Lord Glenelg, &c. &c. &c. F. B. Head.

I submit to your Lordship Copies of Two Addresses I received last Week from the House of Assembly, with my Answers, which explain the Reasons for which I declined to comply with their Requests.

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Sir F. B. Head
to
Lord Glenelg,
23d Feb. 1836.

Enclosure No. 1.

First Enclosure in No. 5.

UPPER CANADA GAZETTE EXTRAORDINARY.

Toronto, Saturday, 20th February 1836.

By Authority.

Government House, Toronto, 20th February 1836.

The Lieutenant Governor has been pleased to appoint the under-mentioned Gentlemen to be Members of the Executive Council of this Province until the King's Pleasure shall be known; viz.

John Henry Dunn,
Robert Baldwin, and
John Rolph, Esquires.

His Excellency has been further pleased to appoint John Simcoe Macaulay, Esquire, to act as Surveyor General of this Province until His Majesty's Pleasure shall be known.

Enclosure No. 2.

Second Enclosure in No. 5.

To His Excellency Sir Francis Bond Head Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly represent to your Excellency, that Thomas Splitlog, Thomas Clarke, Nicholas Laford, Matthias Splitlog, John B. White, Matthias Barnett, Joseph B. White, and Peter Roundhead, Chiefs and Warriors of the Huron or Wyandot Nation, have, by Memorial to this House, complained of George Ironside, the Indian Superintendent, and others, for that they had instigated the Government to divide among and concede to the half-breed Indians, not entitled thereto, a Tract of Land between Sandwich and Amherstburgh, containing about Seven Miles square, although the said Wyandot Nation had held and peaceably enjoyed the same from Time immemorial, and resided on the same, living after the Customs and Manners of their Fathers.

That Fighting Island belongs to them, but had been kept possession of by one Thomas Paxton, who had, they say, paid them no Rent since a Licence of Occupation was granted him by the Government.

That they had made several Applications to the Government for its Aid and Protection, which had been denied them.

That at the Sale made to the Government of the Lands in the Western District the Tract now attempted to be taken from the said Wyandot Indians was specially reserved for them, with a particular Request of the Indians of the Lake Confederacy that the King and his Officers would not disturb them in their Possession of the same.

They also pray this House to inquire into the Merits of their Case, and, if found deserving, to ask the Royal Interference on their Behalf, so that his Government here might be prevented from wresting their little Piece of Land away from them.

We humbly request that your Excellency would give Direction that there be laid before this House all such documentary and other Evidence in the Possession of the Government or its Officers relative to the said Huron Reserve, or to the Proceedings of the Government had thereon, as would enable this House to ascertain whether its further Interference on behalf of the Wyandot Indians is required.

MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly,
15th February 1836.

No. 5.
Sir F. B. Head
to
Lord Glenelg,
23d Feb. 1836.

Enclosure No. 3.

Third Enclosure in No. 5.

Gentlemen,

It is with great Reluctance I feel it necessary to state that, without Authority from the Secretary of State, I am unwilling to submit to the House of Assembly "the Documents and other Evidence in the Possession of the Government or its Officers relative to the Huron Reserve, or to the Proceedings of the Government had thereon, as would enable the House to ascertain whether its Interference on behalf of the Wyandot Indians is required."

My Objections on this Subject are those of Policy rather than of Law; and, without denying the constitutional Right of either of the Two Houses of the Legislature to enquire into any subject in which they may consider the Public Interests to be involved, I am of opinion that the Disclosure of "Documents and Evidence" of the Character alluded to would be attended with evil Consequences to those whom it is intended to benefit, by rendering the Indians doubtful of the all-sufficient and paternal Protection of His Majesty, on which they have hitherto solely relied.

Without reverting to the anomalous History of the Aborigines of this Land, I will merely observe, that in Upper Canada the Indians have hitherto been under the exclusive Care of His Majesty, the Territory they inhabit being Tracts of Crown Lands devoted to their sole Use as "His Allies."

Over these Lands His Majesty has never exercised his paramount Right, except at their Request, and for their manifest Advantage. Within their own Communities they have hitherto governed themselves by their own unwritten Laws and Customs; their Lands and Property have never been subject to Tax or Assessment, or themselves liable to personal Service.

As they are not subject to such Liabilities, neither do they yet possess the political Privileges of His Majesty's Subjects generally. The Superintendents, Missionaries, Schoolmasters, and others who reside among them for their Protection and Civilization are appointed and paid by the King; to his Representative all Appeals have until now been made, and with him has all Responsibility rested. In every respect they appear to be most constitutionally within the Jurisdiction and Prerogative of the Crown; and as I declare myself not only ready but desirous to attend to any Complaint they may offer me, I consider it would be highly impolitic (especially for the Object of redressing a trifling Grievance) to sanction the Adoption of a new Course for their internal Government.

To this general View of the Subject I have only to add, that as regards the particular Memorial submitted to the House of Assembly by Thomas Splitlog, Thomas Clarke, and Six others of the Huron or Wyandot Nation, a counter Petition, signed by Eleven Individuals of similar Tribe and Rank, has been presented to the House, stating, "We have the fullest Confidence in the Justice and fatherly Protection of our beloved Sovereign and his Representative the Lieutenant Governor."

Enclosure No. 4.

Fourth Enclosure in No. 5.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency would be pleased to lay before this House a Copy of so much of the Despatch from Sir John Colborne to the Lord Glenelg, dated Toronto, 16th September 1835, as has not been sent down to this House.

(Signed) Marshall S. Bidwell,
Speaker.

Commons House of Assembly,
17th February 1836.

No. 5.
Sir F. B. Head
to
Lord Glenelg,
23d Feb. 1836.

Enclosure No. 5.

Fifth Enclosure in No. 5.

Gentlemen,

I much regret that I cannot (without Authority from the Secretary of State) comply with the Request contained in your Address.

The numerous Copies of Despatches, &c. which accompanied my Message to the House of Assembly of the 15th Instant will, I trust, satisfy the House of my Desire to lay before it as much of the Correspondence between my Predecessor and His Majesty's Government as with any Propriety I could be expected to divulge.

I have already given to the House, according to its Request, the Names of Individuals whose Recommendation for Seats in the Legislative Council has not yet even received the Sanction of His Majesty's Government.

The only Part of His Excellency Sir John Colborne's Despatch of the 16th September 1835 which I have deliberately withheld is that in which he confidentially expresses to His Majesty's Government his high Estimation of the Character of the Individuals he proposes; and although, in the particular Case alluded to, no Objection whatever exists to the Publication of his Opinion, yet I conceive it would establish a bad Precedent were I to consent to make public Descriptions, which must unavoidably always be personal, and which might occasionally be painful to the Individuals, and consequently unjust towards them to disclose.

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Sir F. B. Head
to
Lord Glenelg,
29th Feb. 1836.

No. 6.

(No. 12.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Government House, Toronto, 29th February 1836.

I have the Honour to transmit herewith a Letter addressed to your Lordship by Mr. Radenhurst, Chief Clerk in the Surveyor General's Office, requesting that your Lordship would be pleased to lay at the Foot of the Throne his Petition, in which he prays to be exalted to the Station of Surveyor General of this Province.

In forwarding this Communication through me, Mr. Radenhurst begged I would add my Influence in his Favour to the numerous Signatures he has obtained; to which I replied (for Reasons which I will shortly explain to your Lordship), "that I could not recommend him to His Majesty's Government as a fit Person to occupy the high Station of Surveyor General of Crown Lands in this Province."

Before I enter on Mr. Radenhurst's Case I must explain to your Lordship some important Circumstances connected with the Surveyor General's Department, to which is entrusted, as your Lordship is aware, the Crown Lands.

Shortly after my Arrival here I found it quite impossible even to pretend to overlook the total Inefficiency of Surveyor General Captain Hurd, a Gentleman whose Honour was unimpeached, but he had latterly become unable to attend at his Office at all.

I found that his Incompetency was not only notorious, but that even his own Friends could not attempt to deny it; and I have only to refer your Lordship to Sir John Colborne's Despatches of the 16th September 1835 and 5th January 1836, to show that my Predecessor reported this Opinion, although, on account of Captain Hurd's large Family, he had refrained from any further Proceedings.

From similar Feelings I should have been too happy to have followed the same Course, but the Abuses which were daily proceeding from Mr. Hurd's Incompetency and Irresponsibility were so enormous, they were so disreputable to the Executive Government, and so hostile to the Interests of the Crown, that I felt I should disobey the Spirit as well as the Letter of my Instructions were I to neglect, from any Feelings of private Sympathy, the Performance of a most important but painful Duty.

I accordingly sent for Mr. Hurd, who is a very gentlemanlike as well as amiable

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amiable Person, and informed him it would be absolutely necessary that I should notice his Inefficiency, and that I left him to determine whether I should proceed to do so, or whether he would think it most advisable to avoid Inquiry by retiring from it.

Mr. Hurd prudently chose the latter Course; and by Documents forwarded herewith your Lordship will perceive that he asked for Six Months Leave of Absence, to return to England, with a view to Retirement; and that in granting this Request, I informed him "that I should feel it my Duty to apply to His Majesty's Government to appoint a Successor to his Office."

Mr. Hurd having thus retired, I had to determine to whom I should entrust, pro tempore, the Charge of a Department, the especial Duty of which is to watch over the immense Portion of this Province which is yet the Property of His Britannic Majesty.

The popular Desire, which in this Instance your Lordship must be sensible has an Interest diametrically opposite to that of the Crown, loudly recommended Mr. Radenhurst to my Notice; but, for Reasons which shall subsequently be explained, I felt it my paramount Duty to oppose this Appointment, and I had therefore to select some other Person who might hold the Situation pro tempore, until your Lordship's Pleasure could be known. Besides this, it was also my Desire to select some one whose local Knowledge, Education, and Station in this Province might enable me respectfully to recommend, that he might continue to perform the Duties of Surveyor General in preference to any Stranger who, unaccustomed to this Climate and Country, might be sent from England; for I can assure your Lordship that, next to the Situation I have the Honour to hold, there is no one on which the Integrity and Interests of the Crown are more dependant than upon the Surveyor General of this Province.

After giving the Subject the most serious Attention, I became of opinion that the Individual I could best select was Captain Macaulay of the Royal Engineers, from which Corps he was about to retire.

His Father came from England with General Simcoe in 1792, and resided in Canada to the Period of his Decease in 1821, since which Time his Brothers and Sisters have never left this Province. He was educated here, and having come into Possession of his paternal Residence in Toronto he married a Lady who was born in this Town.

For some Time he was employed as an Officer of Engineers on the trigonometrical Survey of England, and was subsequently appointed Professor of Fortification of the Royal Military Academy at Woolwich, where he wrote a Treatise on Field Fortification, which is still the Task Book of that Establishment. In the Corps of Engineers he is considered an impartial, scientific, hard-working, upright Man; which Character strongly assimilates with that of his Brother, who has long been a Judge of this Colony.

The only Objection which arose in my Mind to Captain Macaulay's Appointment was that he belonged to a Corps in which I myself had long served, and that his Selection might therefore appear partial. However I was resolved not to shrink from thisAccusation, inasmuch as I believe I may say I never spoke to Captain Macaulay in my Life, and certainly during the last Twenty-five Years have never either seen him or written to him.

I accordingly determined to place this Officer, pro tempore, in charge of the Department, and respectfully, but strongly, to recommend to your Lordship to confirm the Appointment. However, in the meanwhile Mr. Radenhurst had applied to several Members of both Houses of Parliament; and as soon as Captain Macaulay was gazetted, a simultaneous Feeling in favour of Mr. Radenhurst was so strongly evinced that Captain Macaulay forwarded to me his Resignation, as follows:—

"Sir, "Toronto, 22d February 1836.

"For Reasons which it is not requisite that I should give in Detail, but which, as a well-wisher of the Government, are with me paramount, I feel called on to resign the Commission of Surveyor General you were pleased to issue to me on the 20th Instant.

"I have the Honour, &c.

"Sir F. B. Head. J. S. Macaulay."

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To this Letter Captain Macaulay received from Mr. Joseph the following Reply:—

" Sir,

" In accepting your Resignation, which has just been received, the Lieutenant Governor feels it his Duty to state that his Opinion respecting your Fitness for the Situation of Surveyor General remains unchanged.

" The Lieutenant Governor conceives that the Individual who holds in Upper Canada this most important Station should be a Gentleman of Science and Ability, taken from that Rank in Society which would, without Jealousy to others, permit him to be eligible at any Time, if necessary, for a Seat in the Legislative or Executive Councils; that he should be a good practical Surveyor, accustomed to Business and hard Work. Taking all these Qualifications into Consideration, and knowing also that you possessed Property in this Province to a considerable Amount, the Lieutenant Governor became of opinion that you were a fit and proper Person for the Situation of Surveyor General, and accordingly he would have recommended you to His Majesty's Government for the same, had he not received your Resignation.

" I have the Honour, &c.

" John Simcoe Macaulay, Esq. (Signed) John Joseph."

If the Appointment of Surveyor General had rested with me I would not have hesitated for a Moment to have declined accepting Captain Macaulay's Resignation, but as it belonged to His Majesty's Government, I felt I had Difficulty enough in proving the Necessity of its being abandoned, without encountering a popular Feeling which I considered might appear to your Lordship as quite inexplicable.

I must, however, observe, that no Objection was raised here against Captain Macaulay himself, the Expression of popular Feeling being only in favour of Mr. Radenhurst; and I have now the painful as well as the important Duty of explaining to your Lordship why that popular Feeling ought to be regarded with Suspicion, and why that Gentleman is, in my Opinion, totally unfit for the Station for which he has been so strenuously recommended.

1. The Traffic in the Locations which, from Motives of Generosity, have been granted by His Majesty's Government to U. E. Loyalists, as well as to all their Sons and Daughters, is not only notorious, but it is also notorious that Members of the Provincial Parliament have especially been engaged in it. Indeed this is so little a Matter of Concealment, that a Member of the last Parliament (whose Name, if necessary, I can mention) lately acknowledged, in the Government Office, that he possessed 50,000 Acres which he had purchased from U. E. Loyalists. These Locations, as well as all others, are determined by the Surveyor General, and from the immense Difference in the Value of Land, according to its Locality, it is of course the Interest of the Locatees that the Interests of the Crown should be secondary to their own. I could say much more on this Subject, but I trust sufficient has been stated to explain that the Inhabitants of this Province are exactly the last People who should be allowed to name the Individual who is to guard this Property of the Crown, and consequently that their Recommendation should be regarded with some Degree of Suspicion.

2. It is perfectly notorious, and I believe no one in this Province can deny it, that the Clerks in the Land-granting Department have long been engaged as private Agents; and accordingly, in 1832, the Fact being brought before the Notice of the Lieutenant Governor, an Order in Council, dated 24th November, declared "that no Clerk in these Offices be permitted to transact Business connected with the granting of Land, or receiving Memorials respecting Locations on Land Patents."

That Mr. Radenhurst neglected to comply with this Order (which was lately repeated by the Council) will indisputably appear from the annexed Bill and Check, the latter actually indorsed by Mr. Radenhurst, which show that he received the Sum of Five Pounds from "an Agent for the Sale of Lands."

On the 16th of September 1835 Mr. Spragge, a Clerk in the Surveyor General's Office, addressed a very long Letter to Sir John Colborne's Civil Secretary, of which the following is an Extract.

" His Excellency is not, perhaps, aware, but still it is not the less true, that an extensive System of Agency is at this present Moment carrying on by Persons

sons holding Employments in the public Offices exceedingly injurious to the public Interests. Among the Parties engaged in this Business a perfect Union and Understanding appear to prevail, amounting to a Combination in point of fact; and so lucrative have they found this Occupation that it is not surprising that they exhibit a perpetual Enmity and Hostility to such as are opposed to their Views."

The foregoing Letter was forwarded by Sir J. Colborne to the Surveyor General, who addressed to Mr. Spragge, on the 19th of October, the following Queries, to which he made the following Replies:—

Query 1.—"What is the Nature of the Agency in the Third Paragraph of your Letter?"

Answer.—"Forwarding Claims for and making Locations, suing out the Patents, petitioning, prosecuting Claims under the Commission, &c."

Query 2.—"What is the Extent of that Agency?"

Answer.—"That it is extensively carried on is well known, but its actual and exact Extent cannot be easily ascertained."

Query 3.—"Who are the Persons carrying on an extensive System of Agency exceedingly injurious to the public Service?"

Answer.—"Agency is carried on in the Surveyor General's Office by Mr. J. Radenhurst and Mr. T. Caldwell. Several of the public Offices are at the present Moment greatly in Disrepute, which it is probable is chiefly the Result of permitting Persons in public Situations to forward the Business of particular Individuals for pecuniary Remuneration."

Query 6.—"What do you mean by these Agents having found their Agencies so extremely lucrative? And state how it is made so; bearing in recollection that the Fees of the Surveyor General's Office are regulated by Acts of Parliament and under Orders in Council, beyond which no public Officer ought to receive Remuneration for Matters connected with the public Service."

Answer.—"I supply myself with an Answer to this Query from being assured (and I can rely on my Informant) that One Gentleman alone, in the course of Two Years, took out One thousand Patents from the Secretary's Office, bearing a Charge, some of £3, others of £2; other Charges are, I believe, in proportion. There are private Agency Fees."

The above Charges having been forwarded to Mr. Radenhurst, he replied to the Surveyor General on the 11th of December 1835 as follows:—

"After giving it (Mr. Spragge's Letter) a careful Examination, it seems to me these Charges and Statements are vague and indefinite, at the same Time implicating several Departments under Government so generally that I do not feel myself called upon to answer it; indeed I must confess I should feel quite at a loss within what Bounds to circumscribe myself in such Statements I might think proper to make under the sweeping Charges contained in that Letter.

"If plain, straightforward, direct Charges are made against me, impugning my Conduct in the Surveyor General's Office, I will endeavour to answer them."

In reply to this Letter the Surveyor General wrote on the 23d of December to Mr. Radenhurst as follows:—

"As regards *direct* Charges I cannot but consider those made by Mr. Spragge quite sufficiently direct to call for some specific Reply, without falling back upon the whole Tenor of his Letter.

"Unless therefore some positive Denial is made touching the Charges alluded to, I must necessarily conclude that no Explanation can be afforded; and I await your Reply to this Letter, which I request may be as speedy as possible."

To this Communication Mr. Radenhurst replied in a long Letter, dated 26th of December 1835, as follows:—

"I at once proceed to state, that neither in the Surveyor General's Office nor elsewhere, *during Office Hours*, has any Business been transacted by me as Agent for another."

In consequence of the above Letter, the Surveyor General addressed Sir John Colborne, on the 29th December 1835, as follows:—

"The Opinion I have formed is as follows: That there is no Proof whatever of any Neglect of Duty, either by Mr. Radenhurst or Mr. Caldwell, or any thing involving their Characters as public Officers, excepting that there is no Denial on the Part of Mr. Radenhurst that he has transacted private Land

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Agency; which however I have Reason to believe has not been done in Office Hours, and may have been transacted out of Office Hours under an Error in Judgment.

"Under these Circumstances, I have admonished Mr. Radenhurst, that in future the Orders in Council must be obeyed to the Letter; and that any Persons belonging to the Department who should lay themselves open to such a Charge as that of carrying on private Agency in any Manner whatsoever will render themselves necessarily liable to immediate Suspension under my Orders."

The whole Subject of Mr. Spragge's Accusations, with the voluminous Documents which accompanied them, were referred by Sir John Colborne to the Executive Council, as follows: —

"The Lieutenant Governor requests that the Surveyor General may be examined relative to the Statements of Mr. Spragge, and that the Council will report whether there are sufficient Grounds for recommending the Dismissal from Office of the Individuals accused by him."

The Report of the Council was as follows: —

"In Council, 20th January 1836. The Council having by their Order of the 3d September 1835 shown their Confidence in Mr. Radenhurst by recommending him to be placed as the Surveyor General's Deputy in charge of the Office, were induced to do so from his long Services of Eighteen Years, and their Knowledge of his Zeal and Ability to carry on the Business of the Office. And considering his Character unimpeachable, they do not consider it expedient to investigate the Charges preferred against him by a junior Clerk of that Department, as they refer to Matters which properly come under the Control of the Surveyor General.

(Signed) "PETER ROBINSON, P.C."

I have no Comments whatever to make to your Lordship, either on the above Correspondence, or on the Decision of the Council, but I leave His Majesty's Government to judge for itself, whether I acted right or wrong in resisting the Clamour which would have placed the Crown Lands under the Protection of Mr. Radenhurst, and whether his Petition to the King to be appointed the Guardian of His Majesty's Property in this Province, ought or ought not to be granted.

In case your Lordship should decide against him, I have only to say that I am quite ready to withstand the Unpopularity of refusing his Request; and that if your Lordship should think fit to intrust me with the Appointment of his Successor, I believe I can firmly rely on Captain Macaulay's Integrity and Ability.

I have the Honour,
(Signed) F. B. HEAD.

The Lord Glenelg,
&c. &c. &c.

Enclosure No. 1.

First Enclosure in No. 6.

To the Cashier of the
BANK OF UPPER CANADA.

No. 73.

£5 0 0 Cur'cy.

York, Sept. 3, 1833,

Pay to JOHN RADENHURST, Esq., or Order, the Sum of Five Pounds.
J. ELMSLEY.

The Estate of the late Hon. Chief Justice ELMSLEY,

Dr to J. ELMSLEY, Esq., Agent for the Sale of Lands in U. C.

		£	s.	d.
1833. Sept. 3.	To paid J. RADENHURST, Esq., Clerk in S. G. O., for searching, &c. - - - - -	5	0	0

Received the above in full,
J. ELMSLEY.

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Sir F. B. Head
to
Lord Glenelg,
29th Feb. 1836.

Enclosure No. 2.

Second Enclosure in No. 6.

Sir, Toronto, 23d February 1836.

I have the Honour to transmit to you the accompanying Memorials, and Documents in support thereof, and I request you will be pleased to lay the same before His Excellency the Lieutenant Governor, with a humble Request from me that His Excellency will be pleased to forward the same, with his Recommendation, to His Majesty's Principal Secretary of State for the Colonies.

I have the Honour, &c.

John Joseph, Esq., Civil Secretary, &c. &c. &c.

(Signed) J. Radenhurst.

Enclosure No. 3.

Third Enclosure in No. 6.

Sir, Government House, 24th February 1836.

I have the Honour to acknowledge the Receipt of your Letter of this Date, enclosing a Memorial and certain Documents, which you desire me to lay before the Lieutenant Governor, with your Request that His Excellency would be pleased to forward them, with his Recommendation, to His Majesty's Principal Secretary of State.

I am commanded by the Lieutenant Governor to inform you, that your Memorial, with its accompanying Documents, shall be immediately transmitted to the Secretary of State; but I am at the same Time directed to add, that His Excellency cannot recommend you as a fit Person to fill the high Station of Surveyor General of Crown Lands in this Province.

I have, &c.

John Radenhurst, Esq.

J. Joseph.

Enclosure No. 4.

Fourth Enclosure in No. 6.

To the Right Honourable Lord Glenelg, His Majesty's Chief Secretary of State for the Colonies, &c. &c. &c.

The Memorial of John Radenhurst, of the City of Toronto, Esquire,

Humbly showeth,

That in consequence of the late Surveyor General, S. P. Hurd, Esquire, having obtained Six Months Leave of Absence, with an Intimation from His Excellency that it would be his Duty to cause him to be superseded, your Memorialist has taken the Liberty of transmitting herewith a Memorial to His Most Gracious Majesty, with the accompanying Documents, which I have to request your Lordship will be pleased to lay at the Foot of the Throne, and at the same Time most respectfully request your Lordship's favourable Consideration of my Case, upon viewing the Certificates and Recommendations I have taken the Liberty of forwarding.

And, as in Duty bound, your Memorialist will ever pray,

Toronto, 20th February 1836. J. Radenhurst.

Enclosure No. 5.

Fifth Enclosure in No. 6.

To His most Gracious Majesty William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith,

The humble Memorial of John Radenhurst of the City of Toronto in the Province of Upper Canada, Esquire,

Most respectfully showeth,

That the present Surveyor General, Captain Hurd, having obtained Six Months Leave of Absence, with the Intention of retiring at the Expiration

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of that Period, and His Excellency Sir Francis Bond Head, Lieutenant Governor, having been pleased to place so much Confidence in Your Majesty's Memorialist as to intrust him with the Charge of the Office, he most respectfully takes the Liberty of soliciting the Appointment to that Office, under the following, humbly conceived, strong Claims to Your Majesty's favourable Consideration.

That Your Majesty's Memorialist is a native of Canada, whose Father settled therein in the Year 1777, and whose Grandfather was an U. E. Loyalist.

That Your Majesty's Memorialist has had the Honour of serving the Crown Twenty-seven Years in a Military and Civil Capacity, the last Eighteen of which has been in different Situations, from Junior to Chief Clerk in the Surveyor General's Department, Seven of which has been as Chief Clerk, with nearly the whole Responsibility of that important and laborious Office devolving on him.

That Your Majesty's Memorialist, at the Age of Thirteen Years, was recommended by Sir J. H. Craig, then Captain General of the Provinces, for a Commission in His Majesty's, Your late revered Father's Service, as a Reward for having at that early Age apprehended a Deserter from the Canadian Fencible Regiment (the Circumstances relating to which, Your Majesty's Memorialist has been informed, are to be found in the Colonial or War Office). That Your Majesty's Memorialist was accordingly appointed to an Ensigncy in the Royal Newfoundland Fencibles in the Year 1809, and joined his Regiment in 1811, then in Quebec, having been allowed the intermediate Time Leave of Absence to enable him to qualify himself for the Service by prosecuting his Studies under the best Masters at that early Period to be procured; and in the Spring of 1812 was, with a Part of his Regiment, sent to the Upper Province, where he served during the whole of the late War with the United States (and was in nearly all the Engagements both on Land and in the Fleet on the Lakes). Your Majesty's Memorialist, with a Detachment of his Regiment, having been required to do Duty as Marines, he had the Honour of being on several Occasions named in General Orders, and particularly so for his Conduct during the Attack on Sacket's Harbour, and for the gallant Manner the Two American Shooners, Scorpion and Tigress, were carried by boarding on the Nights of the 3d and 6th of September 1814 on Lake Huron, on which Occasions Your Majesty's Memorialist commanded a Boat and Thirty Men of his Regiment, and was the first Person on board the former Schooner.

That Your Majesty's Memorialist was employed, whilst stationed at Michlimacinack, as acting Engineer, (and constructed the Fortifications at Fort George on that Island, much to the Satisfaction of the Officer of that Department who superseded Your Majesty's Memorialist,) and at the Close of the War was, at the Recommendation of several distinguished Officers under whom he had served, promoted to a Lieutenancy in His Majesty King George the Third's Eighth or King's Regiment of Foot, in which Corps he served at Windsor, Portsmouth, and in Ireland, till the Reduction of the Supernumerary Lieutenants in 1817, when he received Permission to return to his native Country, where he has since resided, having commuted his Half Pay.

That on a former Occasion, when in charge of the Surveyor General's Office, Your Majesty's Memorialist received the Thanks of the then Lieutenant Governor, Sir John Colborne, as will be seen by the accompanying Letter from His Excellency's Secretary.

In conclusion, Your Majesty's Memorialist most respectfully begs Leave to call the Attention of Your Majesty to the accompanying Testimonials, in the confident Hope that Your Majesty will be graciously pleased to take his Case into Your Royal Consideration.

And, as in Duty bound, Your Majesty's Memorialist will ever pray.

Toronto, U. C., 20th February 1836. J. Radenhurst.

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Lord Glenelg,
29th Feb. 1836.

Enclosure No. 6.

Sixth Enclosure in No. 6.

We, the undersigned Members of the Legislative Council and of the Commons House of Assembly, Magistrates, and other Inhabitants of the Province of Upper Canada, in consideration of the long and faithful Services of John Radenhurst, Esquire, Chief Clerk in the Office of the Surveyor General of this Province, most respectfully beg Leave to recommend him to the favourable Consideration of His Majesty as a fit and proper Person to be placed at the Head of that Department.

John Strachan, L. C., Archdeacon of York.
Chas. Jones, M. L. C.
W. Morris, M. L. C.
Jas. Crooks, M. L. C.
A. Baldwin, M. L. C.
Alex. M'Donell, L. C.
Thos. R. Stewart, M. L. C.
Jas. Gordon, M. L. C.
James Kerby, L. C.
W. Allan, L. C.
P. Adamson, L. C.
James King, Alderman and Barrister at Law.
C. J. Baldwin, J. P.
J. B. Lewis, M. P. P.
Jacob Shibley, M. P. P.
John P. Roblin, M. P.
J. Chessen, M. P. P.
Archd. M'Lean, M. P. P.
W. B. Robinson, M. P. P.
Jas. E. Small, M. P. P.
John A. Wilkinson, M. P. P.
N. Cornwall, M. P. P.
D. Æ. Mac Donell, M. P. P.
Allan N. Mac Nab, M. P. P.
R. G. Dunlop, M. P. P.
D. Macdonell, M. P. P.
A. M'Donell, M. P.
Chas. Richardson, M. P.
H. Norton, M. P.
Wm. Hamilton Merritt, M. P.
Geo. Rykut, M. P.
F. Caldwell, M. P.
Wm. M'Cray, M. P. P.
Thos. M'Kay, M. P. P.
Jacob Rymal, M. P. P.
James Durand, M. P. P.
F. S. Walsh, M. P. P.
Harmannus Smith, M. P. P.
Peter Perry, M. P. P.
Wm. B. Nely, M. P. P.
Peter Shacer, M. P. P.
John Cook, M. P. P.
Wm. Bruce, M. P. P.
Henry W. Ager, M. P.
Thomas Parke, M. P.
John M'Intosh, M. P.
Dennis Woolverton, M. P.
James Wilson, M. P.
Charles Duncombe, M. P.
Saml. Lount, M. P. P.
John Gilchrist, M. P. P.
Caleb Hopkins, M. P. P.
T. D. Morrison, M. P. P.
John Brown, M. P. P.
C. W. Boulton, M. P. P.
Gilbert M'Micking, M. P. P.
David Thorburn, M. P. P.
John Strange, M. P. P.
Wm. Proudfoot, J. P., Pres[t] Bank, U.C.
Thos. G. Ridout, J. P., Cashier Bank of U. Canada.
Chas. C. Small, Clerk of the Crown and Pleas.
Saml. Ridout, J. P.
C. Widmer, J. P.
John S. Baldwin.
James F. Smith, J. P.
J. Marks, J. P., Midland District, U. C.
Joseph D. Ridout.
J. R. Armstrong.
James Lesslie.
Pet. Paterson, J. P.
Geo. Perc. Ridout.
William J. Kerr.
Robt. Stanton, J. P.
John Beitriz.
Elijah Sward, J. P.
Thomas Baines, Secretary to the Clergy Corporation.
Jas. Henderson, J. P.
David Gibson, M. P. P.
Charles Waters, M. P. P.
A. Chisholm, M. P. P.

No. 6.
Sir F. B. Head
to
Lord Glenelg,
29th Feb. 1836.

Enclosure No. 7.

Seventh Enclosure in No. 7.

Sir, Surveyor General's Office, Toronto, 1st February 1836.

I have the Honour most respectfully to submit to your Excellency the accompanying Medical Certificate with extreme Regret. By it it will be perceived that it becomes necessary that I should request Leave of Absence for Six Months from the present laborious Duties of my Office.

At the End of that Period, should my Health still remain in the same State, I shall conceive it my Duty to be allowed Permission to retire, now having been absent from England nearly Eleven Years labouring under severe Exertion and Anxiety of Mind in the Execution of Two most difficult and onerous Situations.

I have the Honour to be, &c.
(Signed) S. P. Hurd, S. G.

To J. Joseph, Esquire,
Civil Secretary.

This is to certify that Captain Hurd has been under my Care for some Time afflicted with Hœmmorrhoid and Dyspepsia in such Degree as to induce much Debility. A few Days ago he was seized with a severe Attack of Acute Opthalmia. I am therefore of Opinion his Constitution is in that State to require Change of Climate and a Cessation from the laborious Duties of his Office.

J. M. Bartley, M.D.
Surgeon 15th Regiment.

Sir, Government House, Toronto, 10th February 1836.

I am commanded by the Lieutenant Governor to inform you, in reply to your Letter of the 1st instant, that His Excellency, in compliance with your Request, grants you Six Months Leave of Absence from your official Duties, the Time to be computed from the Date of this Letter.

I am directed, however, to state to you that the Lieutenant Governor will feel himself called upon to apply to the Home Government to appoint a Successor to your Office.

I have the Honour to be, &c.
(Signed) J. Joseph.

S. P. Hurd, Esquire,
Surveyor General.

Sir, Government House, Toronto, 16th April 1834.

In transmitting for your Perusal the accompanying Letter from the Surveyor General, in which he reports that he is able to resume his Duties, I am directed by the Lieutenant Governor to convey to you the Expression of His Excellency's Thanks for your Exertions in carrying on the Business of the Surveyor General's Department since you have had charge of the Office ; and to acquaint you that the Surveyor General will return to his Duty this Morning, and again take charge of the Department.

I am, Sir, &c.
W. Rowan.

J. Radenhurst, Esquire.

Surveyor General's Office, Toronto (Upper Canada),
Dear Sir, 13th February 1836.

His Excellency the Lieutenant Governor having been kindly pleased to accede to my Request for Six Months Leave of Absence from my official Duties in consequence of the State of my Health, with a view of Retirement should my Health continue bad, and His Excellency having been also pleased to nominate you to carry on the Duties of the Surveyor General's Department, I cannot

cannot give over the Charge of it to you without expressing the Sense I entertain of your personal Integrity, Efficiency, and Capabilities for Business, as well as of your Acquaintance with the Affairs of the Office, the Settlement of the Province, and the Facility with which you have carried forward the Transactions of the Office.

No. 6.
Sir F. B. Head
to
Lord Glenelg,
29th Feb. 1836.

I remain, Sir, &c.

J. Radenhurst, Esquire. S. P. Hurd, S. G.

No. 7.

No. 7.
Sir F. B. Head
to
Lord Glenelg,
21st March 1836.

(No. 15.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Government House, Toronto, 21st March 1836.

I have the Honour to inform your Lordship that on Saturday the 12th Instant the Six Members of the Executive Council suddenly and simultaneously resigned; that a Majority of Twenty-seven against Twenty-one of the House of Assembly very resolutely espoused their Cause; that all Business in the House was suspended until my Answer to their Address was received; that a public Meeting has been called on the Subject at Toronto; that similar Meetings will probably take place throughout the Country; and that the whole Province is, and for a short Time will be, in a State of very great Excitement.

All this will, I firmly believe, be productive of the most beneficial political Results; and I now proceed to submit to your Lordship a plain Statement of the whole Affair.

In my Despatch No. 9. I stated to your Lordship that almost immediately after my Arrival here the old Executive Council represented to me the Necessity of increasing their Number, which was not only barely sufficient to form a Quorum, and consequently in case of the Illness of any One Member would be powerless, but that the Commissioner of Crown Lands, from being One of the Members, was obliged to audit his own Accounts.

In my Despatch alluded to, which I beg your Lordship will be good enough to re-peruse, I detailed the Difficulty I had had in adding Three new Members to the Council, and the Attempt which had been made to insist on my forcing the unpopular old Members to retire.

As soon as this Addition to the Council was gazetted, which happened less than a Month ago, a universal Joy and Satisfaction was expressed by the Radical Party, and I received Addresses from various Places expressing in very strong Terms Approbation of the Addition I had made to the Council, and praying that the old Members might be dismissed.

In receiving these Addresses I could not but remark that not only were many of them expressed in exactly the same Terms, as if written by One Person, but that several were presented to me by the same Two Members of the Assembly; and from other ominous Circumstances I became fully convinced that an Attempt somewhere or other was making to promulgate an Error which had long been artfully inculcated in this Province, namely, that the Executive Council were responsible to the People for the Acts of the Lieutenant Governor.

The Object of this smoothfaced insidious Doctrine was at first to obtain for the Council merely Responsibility, and, when that Point was conceded, immediately to demand from the Crown the Power and Patronage which has hitherto been invested in the Lieutenant Governor.

As the Addresses proceeded from no Places of Importance I replied to the personal Congratulations on my Arrival, with which they commenced, without taking any Notice at all of the objectionable Clauses; at the same Time I was perfectly alive to the very great Danger that was brooding, and expecting that it would sooner or later be brought before my Notice by an Address from the House of Assembly, I determined that the Moment it assumed a tangible Form I would at once stand against it.

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Sir F. B. Head
to
Lord Glenelg,
21st March 1836.

While I was in this Suspense the Attack was made upon me from a Quarter from which I certainly did not expect it, namely, from the Executive Council itself; which in a Document signed by them all declared that the popular Doctrine was the Law of the Land; that the old Practice had been unconstitutional; and that in case I was of a different Opinion, my Council, sworn to Secrecy, humbly prayed that it might be permitted to communicate with the People.

I need hardly observe that by this Address the old unpopular Councillors at once impeached the Conduct and Practice of their whole Lives; however, on the Receipt of their Document, I immediately informed the Council that they could not retain such Principles and my Confidence, and that they must consequently abandon either the one or the other.

This Reply was what they did not at all expect; for the new Members, elated by the Success of the Intrigues which had been adopted, had fancied themselves to be so strongly supported by the People that they did not conceive I would venture to do any thing but accede to their Threat.

As soon as the Council received my Reply, Four of the Members, namely, Messrs. Robinson, Markland, Wells, and Dunn, at once surrendered at Discretion, offering to recant all they had written, and assuring me that they had again since the Receipt of my Answer changed their Minds; however, the other Two held out; and I therefore declared that the formal Document by which I had been attacked could only be cancelled by the same Council from which it had proceeded, and that unless it was retracted as formally as it had been made I must adhere to the Reply I had given to it.

I had Two Reasons for maintaining this Course; first, because had I dismissed only the Two popular Candidates, without explaining the Cause, I should have incurred the greatest Unpopularity, and should have been hampered by the Continuance in Office of the other Four; and, secondly, because, for the Reasons above stated, being persuaded that sooner or later it would be necessary I should stand against a Doctrine which was rapidly tending to upset the Prerogative of the Crown, I deemed it advisable to do so before it got too strong for me, particularly as I never could hope to attain a more advantageous Position for the Contest than that afforded me by the ill-written Document of my own Council.

Having now very briefly explained the Outline of the Affair, I beg to refer your Lordship to the Four following printed Papers, which will fully explain it in detail:—

1st. A Copy of the Address I received from the House of Assembly:
2d. My Reply thereto; enclosing
3d. The Communication I had received from the Executive Council; and
4th. My Reply thereto.

Having submitted to your Lordship the foregoing Documents, I beg Leave to repeat, as my humble Opinion, that the greatest possible Benefit will be derived from the Dispute I am having with this Province; for, if Truth be invincible, it will follow that the Effort which is making to oppose me must eventually be discomfited; and among the Description of People which I have to deal with such a Result will be highly important.

On the other hand, should I be defeated, I trust your Lordship will never regret that I did not hesitate to maintain the Rights and Prerogative of the Crown.

I enclose herewith to your Lordship an Address I have received from the Mayor, Aldermen, and Commonalty of the City of Toronto, with my Reply thereto.

I have the Honour, &c.

The Right Hon. the Lord Glenelg,
&c. &c. &c.

F. B. Head.

No. 7.
Sir F. B. Head
to
Lord Glenelg,
21st March 1836.

Enclosure No. 1.

First Enclosure in No. 7.

Address of the House of Assembly to His Excellency.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please Your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to inform your Excellency, that this House, considering the Appointment of a responsible Executive Council, to advise your Excellency on the Affairs of the Province, to be one of the most happy and wise Features in the Constitution, and essential to the Form of our Government, and one of the strongest Securities for a just and equitable Administration, and eminently calculated to insure the full Enjoyment of our civil and religious Rights and Privileges, has lately learned, with no small Degree of Surprise and Anxiety, that the Executive Council so recently formed for the Purpose above stated, (as we presume,) consisting of Six Members, did, on Saturday the 12th instant, unanimously tender to your Excellency their Resignations, and that your Excellency was pleased to accept the same; and humbly to request your Excellency to inform this House, without Delay, whether such are the Facts, and also to communicate to this House full Information relative to the Cause of Disagreement between your Excellency and your said late Executive Council, as far as lies in your Excellency's Power to make known; as also to furnish this House with Copies of all Communications between your Excellency and your said late Council, or any of them, on the Subject of such Disagreement and subsequent Tender of Resignation.

(Signed) Marshall S. Bidwell, Speaker.

Commons House of Assembly, 14th March 1836.

Enclosure No. 2.

Second Enclosure in No. 7.

His Excellency's Reply.

Gentlemen,

Nothing can appear more reasonable to my Mind than the Surprise and Anxiety which the House of Assembly express to me at the Intelligence they have received of the sudden Resignation of the Six Members of the Executive Council, for with both these Feelings I was myself deeply impressed, when, firmly relying on the Advice, Assistance, and cordial Co-operation of my Council, I unexpectedly received from them the embarrassing Document which, with my Reply thereto, I now, at the Request of the House of Assembly, willingly present to you.

With every Desire to consult my Council, I was preparing for their Consideration important remedial Measures, which I conceived it would be advisable to adopt; and had they but afforded me those few Moments for Reflection which, from my sudden Arrival among you, I fancied I might fairly have claimed as my Due, the Question which so unnecessarily they have agitated would have proved practically to be useless.

Had they chosen to have verbally submitted to me in Council that the Responsibility, and consequently the Power and Patronage, of the Lieutenant Governor ought henceforward to be transferred from him to them,—had they even, in the unusual Form of a written Petition, recommended to my Attention, as a new Theory, that the Council, instead of the Governor, was to be responsible to the People, I should have raised no Objection whatever to the Proceeding, however in Opinion I might have opposed it; but when they simultaneously declared, not that such *ought* to be, but that such actually was the Law of the Land, and concluded their Statement by praying that a Council sworn in Secrecy to assist me might be permitted, in case I disapproved of their Opinion, to communicate with the Public, I felt it my Duty, calmly, and with due Courtesy, to inform them, that they could not retain such Principles together with my Confidence; and to this Opinion I continue stedfastly to adhere.

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to
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I feel confident that the House of Assembly will be sensible that the Power entrusted to me by our Gracious Sovereign is a Subject of painful Anxiety—that from the Patronage of this Province I can derive no Advantage—and that I can have no Object in retaining undivided Responsibility, except that which proceeds from a just Desire to be constitutionally answerable to His Majesty in case I should neglect the Interests of his Subjects in this Province.

With these Sentiments I transmit to the House of Assembly the Documents they have requested, feeling confident that I can give them no surer Proof of my Desire to preserve *their* Privileges inviolate than by proving to them that I am equally determined to maintain the Rights and Prerogatives of the Crown, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

For *their* Acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because being sworn to Silence, they are deprived by this Fact, as well as by the Constitution, of all Power to defend themselves.

Enclosure No. 3.

Third Enclosure in No. 7.

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

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

May it please your Excellency,

The Executive Council, impressed with the Oath they have taken to discharge the Duties necessarily resulting from their Appointment "to advise the "King and His Representative in the Government of this Province," in the Terms of the Constitutional Act, "upon the Affairs of the Province," deem it incumbent upon them most respectfully to submit the following Representation:—

. The Executive Council recognize the Truth of the Opinion expressed by Lord Glenelg, that "the present is an Era of more Difficulty and Importance "than any which has hitherto occurred in the History of this Part of His "Majesty's Dominions." This unhappy Condition they ascribe, in a very great Degree, to the hitherto unconstitutional Abridgment of the Duties of the Executive Council. It appears from the Proceedings of the House of Assembly, and from the Reiteration of established Opinion in the Country, that neither will public Expectation be satisfied, nor Contentment be restored, until the System of Local Government is altered and conducted according to the true Spirit and Meaning of the Constitutional Act. The Delay of this just and indispensable Course has already excited in the great Mass of the People, a lamentable Jealousy and Distrust, and has also induced the Discussion of Constitutional Changes, the Desire for which, unless speedily arrested, by affording the unrestricted Operation of the 31st George 3, Chapter 31, will not only become more fixed, but rapidly increase to a greater and irretrievable Extent.

The Policy and Measures which have led to the present Condition seldom passed under the Review of the Executive Council, or were submitted for their Advice. Nevertheless, its Members have been undeservedly subjected to the heaviest Reproach throughout the Country, from a prevalent Belief that they have been called upon to fulfil the Duty imposed upon them by the Constitution, as Advisers upon Public Affairs. But amidst the Obloquy thus thrown upon them, they have studiously avoided any Attempt at Exculpation by disavowing, in their Defence, any Participation in the Conduct of the Affairs which they were erroneously supposed to have approved. The Consequence of this silent Endurance of political Odium has been the Perpetuation of the Misbelief that the Executive Council are conversant with the Affairs of the Province, upon which they are appointed to advise; and although an opposite Practice has generally prevailed between former Lieutenant Governors and their Council, yet it has ever been notoriously contrary to the State of Things presumed by the Community to exist.

Public Opinion respecting the Executive Council and their Duties, has been founded upon the Terms of the 31st George 3, Chapter 31, to which Statute the People used to express a firm Attachment, an Attachment which the Council

cil believe never would have been impaired had the Constitution been administered either according to its Letter or its Spirit.

In several Clauses of 31st George 3, Chapter 31, the Executive Council is mentioned in general Terms. In the 34th Clause the Terms are "together "with such Executive Council as shall be appointed by His Majesty for the "Affairs of such Province," and not, as it would otherwise have been expressed, "together with such Executive Council as shall be appointed by His Majesty "for that Purpose." In the 38th Clause the Terms are "with the Advice of "such Executive Council as shall have been appointed by His Majesty, His "Heirs or Successors, within such Province for the Affairs thereof," and not, as it would otherwise have been expressed, "with the Advice of such Execu-"tive Council as shall have been appointed by His Majesty, His Heirs or "Successors, within the Province for that Purpose."

The same may be said of similar Terms used in the latter Part of the Seventh Clause.

With respect to which Clauses it may be further remarked, that had it been contemplated that the Executive Council were to act only in the Matters therein specified, the Words "on the Affairs of such Province" might have been omitted, without in the least impairing the legal Effect. In the Construction, therefore, of this Statute, the above Expression cannot be treated as Surplusage, but must be taken to impose the Duty which it imports.

From the Language of this Statute, therefore, it appears:

Firstly, That there is an Executive Council.

Secondly, That they are appointed by the King.

Thirdly, That they are appointed to advise the King and His Representative upon "*the Affairs of the Province.*" No particular Affairs are specified; no Limitation to any particular Time or Subject.

As the Constitutional Act prescribes to the Council the Latitude of "the Affairs of the Province," it requires an equal Authority of Law to narrow those Limits, or relieve the Council from a co-extensive Duty.

Every Representative of the King, upon arriving from England to assume the Government of this Country, is necessarily a Stranger to it; and the Law has provided for a Local Council as a Source of Advice, which when given, is followed or not, according to his Discretion.

In certain Cases specified in the 38th Clause of the 31 Geo. 3, Chap. 31, the Concurrence of the Council is required to give Effect to certain Executive Acts. But these Exceptions prove the general Rule; viz. that while the Advice is to be given upon the Affairs of the Province generally, it is only in the particular Cases that it must harmonize with the Pleasure of the Crown to give that Pleasure Effect. Indeed if the Law could be construed to limit the Advice to the particular Cases, it would follow that the Council could not legally and constitutionally advise upon any others; a Proposition which, besides its manifest Repugnance to the Terms of the Act, is contrary to received Opinion and Usage.

But while the Constitution has assigned to the Council this Duty, it is only to a very subordinate and limited Extent that they have heretofore had Opportunity afforded them to perform it. It is submitted that the Exigency of the Statute can only be answered by allowing the Affairs of the Province to pass under their Review for such Advice as their Consciences may suggest, preparatory to the final and discretionary Action of the King's Representative upon those Affairs.

The Council meeting once a Week upon Land Matters, while the Affairs of the Country are withheld from their Consideration and Advice, is as imperfect a Fulfilment of the Constitutional Act as if the Provincial Parliament were summoned once a Year to meet the Letter of the Law, and immediately prorogued upon answering the Speech from the Throne. In both Cases the true Meaning and Spirit of the Constitutional Act require that the Parliament should have a general and practicable Opportunity to legislate, and the Executive Council to advise, upon the Affairs of the Country. In the former Case, the Representative of the King can withhold the Royal Assent from Bills, and in the latter, reject the Advice offered; but their respective Proceedings cannot be constitutionally circumscribed or denied because they need the Expression of the Royal Pleasure thereon for their Consummation.

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to
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21st March 1836.

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The Extent and Importance of the Affairs of the Country have necessarily increased with its Population, Wealth, and Commerce, and the Constitution has anticipated the Difficulty by a Division of Labour and Responsibility, from the active Attention of the Executive Council to their Duties. With the Exception of those Matters of so weighty or general a Character as not properly to fall under any particular Department, and therefore fitted for the Deliberation of the Council collectively, it is recommended that the Affairs of the Province be distributed into Departments, to the Heads of which shall be referred such Matters as obviously appertain to them respectively. Upon this Principle (recognized by the existing Constitution of this Province and of the Mother Country) the People have long and anxiously sought for the Administration of their Government under the Representative of the King; and the Council most respectfully, but at the same Time earnestly represent, that public Opinion upon the Subject is so fixed, and becoming so impatient, as to preclude the Possibility of denying or delaying the Measure, without increasing public Dissatisfaction, and leading to the final Adoption of other Views, as already too universally manifested, uncongenial to the Genius of the Constitution, and most dangerous to the Connexion with the Parent State.

The Remedy, it is feared, is now proposed too late for all the Advantages desired; but the longer it is withheld, the more alienated and irreconcileable will the public Mind become. The present comparative Calm and Thankfulness arise from a Belief that the Council will second this Exigency, in establishing a System of Government according to the Principles recognized by the Charter of the Liberties of the Country, an Expectation which the Council are most anxious to realize.

Should such a Course not be deemed wise or admissible by the Lieutenant Governor, the Council most respectfully pray that they may be allowed to disabuse the Public from a Misapprehension of the Nature and Extent of the Duties confided to them.

(Signed) Peter Robinson.
George H. Markland.
Joseph Wells.
John H. Dunn.
Robert Baldwin.
John Rolph.

Enclosure No. 4.

Fourth Enclosure in No. 7.

His Excellency's Reply.

F. B. Head.

The Lieutenant Governor transmits to the Executive Council the following Observations, in reply to the Document which in Council they Yesterday addressed to him.

The Constitution of a British Colony resembles but is not identical with the Constitution of the Mother Country, for in England, besides the House of Commons which represents the People, there exists a hereditary Nobility, the Honours and Wealth of which, as well as the Interests of the Established Church, are represented by a House of Lords, while the Sovereign (who by Law can do no wrong) is surrounded by a Ministry, upon whom devolves the entire Responsibility of the Measures they suggest, and who are consequently removable at pleasure. But in the Colonial Portion of the British Empire, which, however rising, is generally speaking thinly inhabited, the People are represented by their House of Assembly, which is gifted not only with the same Command over the Supplies as in England but which possesses within the Colony most of the Powers of the British House of Commons. The Legislative Council is intended, as far as the Circumstances of a young Colony can permit, to resemble the British House of Lords, and if the Lieutenant Governor stood in the Place of the Sovereign, and if like His Majesty he could do no wrong, it would evidently be necessary that a Ministry, Executive Council, or some other Body of Men should be appointed, who might be responsible to the Country for their Conduct.

This,

This, however, is not the Case; His Majesty delegates his Sovereign Protection of His Colonies to no one, but He appoints a Lieutenant Governor, who is responsible to Him for his Behaviour, who is subject to Impeachment for neglecting the Interests of the People, and who is liable, like the English Ministry, to immediate Removal; and the History of the British Colonies clearly shows that there is no Class or Individual of His Majesty's Subjects to whose Representation, Prayer, or Petition the King is not most willing to attend.

The Lieutenant Governor is therefore the responsible Minister of the Colony, and as not only his Character but his Continuance in Office depend on his attending to the real Interests of the People, it would be evidently as unjust towards him that he should be liable to Impeachment for any Acts but his own, as it would be unjust towards the People that a Responsibility so highly important to their Interests should be intangible and divided. It is true his Knowledge of the Country is not equal to that of many intelligent Individuals within it, but in Government Impartiality is better than Knowledge, and it must be evident to every well constituted Mind that in an infant State of Society it would be impossible practically to secure a sufficient Number of impartial Persons to effect a Change of Ministry as often as it might be necessary for the Interests of the People to do so.

This Difference between the Constitution of the Mother Country and that of its Colony is highly advantageous to the latter; for, as in all small Communities private Interests and party Feelings must unavoidably be conflicting, it is better as well as safer that the People should be enabled to appeal in Person or by Petition to the Lieutenant Governor himself, whose Duty it is to redress their Complaints, and who is liable to Dismissal if he neglects them, than that they should appeal to a Series of Provincial Ministries, composed of various Individuals.

To enable the Lieutenant Governor to perform the arduous Duties of his Office the Constitution has wisely provided him with an Executive Council, competent to supply him with that local Knowledge in which he may be deficient, and to whom he may apply for Counsel and Advice.

Before he entrusts himself to these Gentlemen, they are by Order of His Majesty required solemnly to swear, not only to give to the Lieutenant Governor their best Counsel and Advice, but they are also sworn to Secrecy.

Their individual Opinions can never be divulged, *even to the King;* and as a Proof that His Majesty does not hold them responsible for the Acts of His Lieutenant Governor they can retain and often do retain their Office of sworn Advisers, although Governor after Governor may have been dismissed.

The Advantage of such a Council to a Lieutenant Governor is so self-evident that he must be weak and self-sufficient indeed who does not continually have Recourse to it; but although it strengthens his Judgment and confers Dignity on his Proccedings, yet in no Way does it shield him from Disgrace, should his Acts be found contrary to the Interests of the People. In such a Case it would be vain, as well as unconstitutional, for a Lieutenant Governor to attempt to shield himself from Responsibility, by throwing it upon his Council; for by his Oath he cannot even divulge which of his Advisers may have misled him. Supposing, for instance, that with the concurrent Advice of his Council he was illegally to eject by military Force an Individual from his Land, the Lieutenant Governor would be liable to Arraignment, and whether he had acted by the Opinion of the Law Officers of the Crown, by the Advice of his Council, by Information derived from Books, or from his own erring Judgment, it has been wisely decreed that the injured Subject shall look to him, and him alone, for Retribution, and that he, and he alone, is answerable to his Sovereign for the Act of Injustice which has been committed.

Being therefore subject both to Punishment and Disgrace, it is absolutely necessary, as well as just, that the Lieutenant Governor of a Colony should have full Liberty to act (though at his Peril) in every Case as he may think best for the Interests of the People, according to the Commands of His Majesty and of His Majesty's Ministers. To consult his Council on the innumerable Subjects upon which he has daily to decide would be as utterly impossible as for any one but himself to decide upon what Points his Mind required or needed not the Advice of his Council. Upon their sterling-Fund he must therefore constitutionally draw whenever Embarrassment requires it; and on their Part,

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if they faithfully honour his Bills, however often he may present them, they conscientiously fulfil to their Sovereign, to him, to their Country, and to their Oath, the important Duty which they have sworn in Secrecy to perform.

Having concluded the above Outline of the relative Responsibility of the Lieutenant Governor and his Executive Council, as it regards His Majesty's Colonies in general, it may be observed with respect to this Province in particular, that when His Majesty, by Conquest, first obtained Possession of the Canadas, the Government thereof devolved upon the military Commander, until by an Act passed in the Fourteenth Year of George III. a Council was appointed "for the Affairs of the Province of Quebec, to consist of such Persons resident "therein (not exceeding Twenty-three nor less than Seventeen) as His Ma-"jesty, His Heirs and Successors, shall be pleased to appoint, which Council so "appointed and nominated, or the major Part thereof, shall have Power and "Authority to make Ordinances for the Peace, Welfare, and good Government "of the said Province, *with the Consent of His Majesty's Governor.*"

This Power of the Council was further restricted by certain important Limitations, specified in Clauses 13, 14, 15, 16, and 17 of the said Act; however, in the Year 1791, a new Act was passed, commonly called the Constitutional Act, because it settled the Constitution of the Canadas, which were then divided into the Upper and Lower Provinces.

By this Act the military Domination of the General and his Council was changed for a new and better System; and as evidently both could not exist together, the very first Clause in the Act declared, "That so much of the late Act "(14th Geo. 3.) as in any Manner relates to the Appointment of a Council for the "Affairs of the said Province of Quebec, or to the Power given by the said Act "to the said Council, or to the major Part of them, to make Ordinances for the "Peace, Welfare, and good Government of the said Province, with the Consent "of His Majesty's Governor, Lieutenant Governor, or Commander-in-Chief "for the Time being, *shall be and the same is* REPEALED."

The Act then proceeds to state, "That there shall be within each of the "said Provinces respectively a Legislative Council and an Assembly," the Duties and Privileges of which are minutely declared in Thirty-three consecutive Clauses; but in no Part of the said Act is an Executive Council directly or indirectly created; nevertheless, a Vestige of the ancient one is, for the Purpose of a Court of Appeal (vide Clause 34), recognized, with an Expression which seemed to intimate that an efficient Executive Council would very shortly be created.

For instance, in Section 38 the Governor is, by Authority of His Majesty's Government and with the Advice of the Executive Council, "empowered to "erect Parsonages and Rectories;" but in Section 39 no Mention whatever is made of the Executive Council, but on the contrary it is declared, that the Governor or Lieutenant Governor, or Person administering the Government, should present the Incumbent "to every such Parsonage or Rectory."

In the Fifty Clauses of this Act in question the Executive Council, which in Section 34 is merely described as "such Executive Council as *shall be* appointed "by His Majesty," is scarcely mentioned; and as regards even its Existence, the most liberal Construction which can possibly be put upon the said Act only amounts to this,—that as an Executive Council was evidently intended to exist, the Remnant of the old one ought not to be deemed totally extinct until its Successor was appointed.

However, this latent Intention of His Majesty to create a Council for each of the Provinces of His Canadian Dominions, was soon clearly divulged in a most important Document, commonly called "*The King's Instructions*," in which an Executive Council was regularly constituted and declared as follows:—

"Whereas we have thought fit that there should be an Executive Council "for assisting you, or the Lieutenant Governor, or Person administering the "Government of the said Province of Upper Canada for the Time being; we "do by these Presents nominate and appoint the under-mentioned Persons to "be of the Executive Council of our said Province of Upper Canada," &c. &c. &c.

In subsequent Clauses it was equally precisely defined upon what Affairs of the Province the Lieutenant Governor was to act, "*with the Advice of the* "*Executive Council;*" but with the view distinctly to prevent the new Council being what the old one had been (which indeed under the new Constitution was utterly

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utterly impossible), in short, to set that Question at rest for ever, it was declared in Section 8, "that to the end that our said Executive Council may be assisting "to you in all Affairs relating to our Service, you are to communicate to them "*such* and *so many* of our Instructions *wherein their Advice is mentioned to be* "*requisite*, and likewise all such others from Time to Time as you SHALL "FIND CONVENIENT for our Service to be imparted to them."

The Lieutenant Governor having now transmitted to the Executive Council his Opinion of their Duties, in contradistinction to that contained in their Communication of Yesterday's Date, will not express the Feelings of Regret with which, under a heavy Pressure of Business, he unexpectedly received a Document of so unusual a Nature from Gentlemen upon whom he had only recently placed his implicit and unqualified Reliance.

But he feels it incumbent upon him frankly and explicitly to state that to the Opinions they have expressed he can never subscribe; on the contrary, that so long as he shall continue to be Lieutenant Governor of this Province he will never allow his Executive Council officially to assume that heavy Responsibility which he owes to his Sovereign, as well as to the People of this Province, to whom he has solemnly pledged himself "*to maintain the happy Constitution* "*of this Country inviolate, but cautiously yet effectually to correct all real* "*Grievances.*"

The Lieutenant Governor maintains that the Responsibility to the People (who are already represented by their House of Assembly) which the Council assume is unconstitutional,—that it is the Duty of the Council to serve *him*, not *them*, and that if upon so vital a Principle they persist in a contrary Opinion he foresees Embarrassments of a most serious Nature; for as Power and Responsibility must, in common Justice, be inseparably connected with each other, it is evident to the Lieutenant Governor that if the Council were once to be permitted to assume the *latter* they would immediately as their Right demand the *former;* in which Case, if the Interests of the People should be neglected to whom could they look for Redress? For in the Confusion between the Governor and an Oligarchy composed of a few dominant Families, shielded by Secrecy, would not all tangible Responsibility have vanished?

The Council cannot have forgotten, that previous to their first Meeting in the Council Chamber, which happened only a few Weeks ago, the Lieutenant Governor had assured them in a Note (which was even publicly read in the House of Assembly) that although he had no preliminary Conditions to accede to, or to require, it was his Intention to treat them with implicit Confidence; and the Council must also remember how willingly they approved of the very first Suggestion he made to them, namely, that no important Business should be commenced in Council until they as well as the Lieutenant Governor himself had become mutually acquainted with their respective Duties.

The Lieutenant Governor assures the Council that his Estimation of their Talents and Integrity, as well as his personal Regard for them, remain unshaken, and that he is not insensible of the Difficulties to which he will be exposed should they deem it necessary to leave him. At the same Time, should they be of opinion that the Oath they have taken requires them to retire from his Confidence rather than from the Principles they have avowed, he begs that on his Account they will not for a Moment hesitate to do so.

Government House, Toronto,
5th March 1836.

(Copy)

Fifth Enclosure in No. 7.

Enclosure No. 5

To His Excellency Sir Francis B. Head, Knight of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Mayor, Aldermen, and Commonalty of the City of Toronto, most respectfully beg Leave to represent, that at the present most difficult and important Era in the History of this Province, when the Council had fondly hoped that the Appointment of your

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Sir F. B. Head
to
Lord Glenelg,
21st March 1836.

Enclosure No. 5.

Excellency to the Government of this Country, with the Accession to the Executive Council appointed for the Affairs thereof of Gentlemen of Talent known to possess liberal constitutional Principles, would have ensured to its Inhabitants that wise, just, and liberal Policy so imperiously demanded to strengthen the Bonds of Union between the Mother Country and this Colony, this Council have with extreme Regret and Surprise witnessed these just Anticipations destroyed by the Dissolution of the late Executive Council, and the Appointment of another in their Stead, composed of Gentlemen who, however worthy in their individual private Capacity, are incapable, from their well known political Views, of giving Satisfaction to the People; and that this Council, as the Representatives of the Inhabitants of the Capital of Upper Canada, (from these as well as other Causes not necessary to be here explained on account of their general Notoriety,) have no Confidence whatever in the present Provincial Administration, not deeming them competent to advise with the Representative of our most Gracious Sovereign upon the Peace, Welfare, and Prosperity of the Province.

We therefore most humbly pray your Excellency to be pleased to dismiss your present Advisers, and call to your Council Gentlemen possessing the public Confidence, as the only Measure, in the Opinion of this Council, calculated to ensure the Tranquillity of the Province at the present Crisis.

By Order of the Council,
(Signed) T. D. Morison,
Mayor.

City Council Chamber, 18th March 1836.

Enclosure No. 6.

Sixth Enclosure in No. 7.

Mr. Mayor and Gentlemen,

The particular Interest which I take in the Welfare of this Capital, of which I am myself an Inhabitant, induces me to reply at some Length to the Address I have just received from you, in which you state,—

1st. That you have no Confidence in what you term "the present *Provincial Administration;*" and

2dly. That you beg Leave to name for me other Individuals for that Station.

With respect to a "Provincial Administration," although no such Power exists in this or any other Colony of the British Empire, I may remark, that very shortly after the late Addition to the Executive Council I observed that great Efforts were making to delude and persuade the public Mind that the new Council were entitled to claim the Responsibility, Power, and Patronage of the Lieutenant Governor, and that such an Arrangement would be highly advantageous to the People.

Finding that this new Theory was rapidly gaining Ground, I resolved to offer it no secret Opposition, nor in any Way to exert my Influence to oppose it; but I determined, the very first Time it should come well within my Reach, that I would drag it into Daylight, in order that it might be openly, fairly, and constitutionally discussed.

From several Places I subsequently received Addresses on the Subject, which I did not deem it advisable to notice; but, to my Astonishment, there suddenly appeared from a Quarter from which I certainly least expected it, namely from the Executive Council itself, a Document (a Copy of which had been inscribed in the Minutes of the Council, signed by all the Six Councillors,) openly declaring that what had secretly been promulgated respecting the Powers of the Executive Council was actually the Law of the Land.

The Question being fairly before me, I deliberately opposed it, accepted the Resignation of the Six Councillors, and at the Request of the Assembly I laid before that House the Communication I had received from the Council, with my Reply. The Subject was thus formally brought before the Public, and having performed this Duty I felt comparatively indifferent as to the Result; for if the Power and Patronage of this Province, which have hitherto been invested in the Lieutenant Governor, really belong to his Council, I consider that, without Reluctance, they ought at once to be secured to them.

The

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to
Lord Glenelg,
21st March 1836.

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The House of Assembly, however, cannot alter the Constitutional Act of this Province, neither can I; and, as regards popular Meetings, I need hardly observe, that if the Inhabitants of the whole Province were simultaneously to petition me to alter a single Letter of that solemn Act, I have neither Power nor Inclination to do so.

If it should prove that the Practice which has hitherto been pursued is erroneous, I will not for a Moment hesitate to acknowledge it; and in that Case I should feel it my Duty at once to recall to my Council the Six Members who have resigned; but I cannot be blind to the Fact that the Constitutional Act does not create any Executive Council at all.

The Members of the late Council argue that the Claims they demand rest on the following Grounds:

1st. That the Resposibility they assume, being a popular Opinion which is daily increasing, is consequently the Law of the Land; and

2dly. That though these Powers are not expressed in the Constitutional Act they were evidently intended to have been inserted.

I conceive that these Arguments do not even require to be refuted; and with respect to what General Simcoe or any other Governor may have declared, I will only observe that the Rights, Liberties, and Property of the Inhabitants of this Province would be insecure indeed if they rested on any such Assertions.

The Constitution of this Province is the sacred Charter of the Land; and it is no less my Duty than the Interest of its Inhabitants that I should firmly maintain it, as I ever will, inviolate.

If that Charter constitutes a "Provincial Ministry," it need only be shown to me, to be secured; but I deliberately repeat that it contains no such Power. And, in my Opinion, were it to be now created, it would be productive of the most vicious Effects; for if the Power and Patronage of the Crown were to be delivered over to a Council sworn to Secrecy, they would very soon fall into the Hands of a few metropolitan Families, who might possibly promote their own Interests to the Seclusion of the Interests of the distant Counties; whereas while these Powers continue invested in the Individual appointed by His Majesty to be the Lieutenant Governor of this Province, he can have neither Interest nor Inducement to abuse them.

No one can be more anxious than I am that this plain constitutional Question should be gravely and calmly discussed; for it will be impossible for me to attempt to correct the Grievances of the Country until I can prevail upon the Legislature to follow me cheerfully in the noble Object we have in view; and I certainly do feel most deeply that, for the Sake of the People, the Country should determine to lay aside private Feelings, that it should forgive and forget all political Animosity, and allow His Majesty's Wishes and my Instructions to be promptly executed.

With respect to the Want of Confidence you express in the Council I have just selected, I will only observe, that in my Judgment they appear to be sensible steady Men of Business, of high moral Worth; and I cannot but recollect that one of these Gentlemen was only a few Weeks ago actually the Mayor of your own City, selected by yourselves as being peculiarly entitled to that public Confidence which you now declare is denied to him; and with this Moral before your Minds, you surely cannot but admit what a political Storm would continually exist, were the Power and Patronage of this immense Province to be transferred from the Lieutenant Governor into the Hands of a "Provincial Ministry" at Toronto.

No. 8.

No. 8.
Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

(No 24.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 6th April 1836.

As I propose to prorogue the Parliament on the 20th instant I feel that it might be convenient to your Lordship that I should shortly recapitulate the principal Events of this Session.

No. 8.
Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

Your Lordship is aware that for some Years the House of Assembly of Upper Canada, following the Example of the Lower Province, complained of the Existence of what they termed their "Grievances," and that at the End of last Session these Complaints, which had been referred to a "Committee of Grievances," were by Order of the Assembly printed in a large Octavo Volume of 504 Pages, which was forwarded to His Majesty's Government as the Sum Total of the Complaints of the People of this Province.

His Majesty's Government having determined that these Grievances should be corrected, Instructions to that Effect were drawn out by your Lordship, in which each Subject of Complaint was separately considered, and an effectual Remedy ordered; and I have only to refer to those Instructions to prove the Generosity with which His Majesty's Government overlooked the abusive Language contained in the Report, and the Liberality with which they at once proceeded to administer impartial Justice to this Province.

Your Lordship having done me the Honour to communicate to me by a special Messenger the Desire of the Government (to almost every Member of which, as well as to your Lordship, I was a total Stranger,) that I should be selected to carry these remedial Measures into effect, I waited upon your Lordship, and respectfully begged Leave to decline the Duty, truly urging as my Reason, that I had dedicated my whole Mind to the humble but important Service in which, under the Poor Law Commissioners, I was engaged, and that it was more congenial to my Disposition to remain among the Poor of my own Country than assume the Station of Lieutenant Governor in Upper Canada.

Your Lordship having been pleased to repeat your Request, I felt it impossible not to accede to your Wishes; and, having received the Instructions which had been framed, and having been verbally commanded by our Gracious Sovereign Himself, as well as by your Lordship, to do Justice to the People of this Province, I arrived here with a firm Determination to carry the remedial Measures with which I was intrusted into full Effect.

I reached this Capital (Toronto) on the 23d of January, and on the 5th February I addressed a Despatch to your Lordship, of which the following is an Extract:

"On Sir John Colborne's Departure I endeavoured to make myself acquainted with the Outline of public Feeling in the Province by conversing calmly with the Men of most Ability of all Parties.

"I had several Interviews with the Chief Justice and the Officers of the Crown, Two long Conversations with Mr. M'Kenzie, Member for York, Two Interviews with Mr. Bidwell the Speaker of the House of Assembly, and with others.

"As far as I am capable of judging, it appears to me that in general Terms a good Feeling pervades a Majority of the People of this Province, who, intently occupied in their various Locations, are naturally desirous to be tranquil, and equally disposed to be loyal.

"That Party Feeling, however, and Struggle for Office, which have existed so strongly in the Mother Country, have produced similar Excitements in this Province; added to which, strong Republican Principles have leaked into the Country from the United States.

"These various Elements have long been conflicting together in the House of Assembly, which I firmly believe misrepresents the general Feeling and Interests of the Inhabitants, who, as I have before stated, desire Peace, Tranquillity, and a Continuance of Exemption from Taxation; but, from the peculiar State of this infant Society, all that is good and estimable remains at the Bottom, while the Surface is agitated by factious Discussions.

"As far as I have been able to judge, I should say that the Republican Party are implacable, and no Concession whatever would satisfy them, their self-interested Object being to posses themselves of the Government of this Province for the Sake of Lucre and Emolument.

"Under these Circumstances, I considered that the great Danger I had to avoid was the slightest Attempt to conciliate any Party, and that the only Course for me to adopt was to act fearlessly, undisguisedly, and straightforwardly for the Interests of the Country; to throw myself on the good Sense and good Feeling of the People, and abide a Result which I firmly believe will eventually be triumphant.

"Whatever

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" Whatever it may be, I shall steadily and straightly proceed in the Course of Policy I have adopted. I shall neither avoid nor rest upon any Party; but, after attentively listening to all Opinions, I will to the best of my Judgment do what I think honest and right; firmly believing that the Stability of the Throne, the Interests of this Province, and the Confidence of the People, can now only be secured by such a Course."

On the 27th January I delivered to the Two Houses of the Legislature the following Speech :—

" Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

" As the Lieutenant Governor of this Province I am commanded by the King to lay before you the Answer His Majesty has been pleased to give to the several Addresses and Representations which proceeded from the Two Branches of the Legislature during your last Session.

" This Communication I shall submit to you in a Message, which will at once inform you of the difficult and most important Duties about to devolve upon me as well as upon yourselves.

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

The Effect produced upon the House of Assembly by this Speech showed too clearly how insincerely they participated in the remedial Duties I had to perform; for it was instantly moved, seconded, carried, and referred by the House of Assembly to a Committee to determine whether I had not committed a Breach of Privilege by making upon my Arrival any Speech at all.

Notwithstanding this Reception I made every possible Effort to assure People of all Parties that I was not only ready but desirous to reform all existing Abuses; and, impressed with these Feelings, I might have expected that the House of Assembly would at once have urged me on rather more rapidly than I wished to remedy the Grievances of which they had so loudly complained. However, I had soon Reason to suspect that that was the very last Object they had in view; and that, far from desiring to remove these Grievances, the Republican Members deemed them the Fulcrum for subverting the Government, and for destroying the constitutional Liberties of the Province.

Although I took several Opportunities of assuring the Speaker of the Assembly, and others of his Party, of my sincere Desire to do Justice to the People of this Country, according to my Instructions, yet no Inclination whatever was evinced by the House to assist me in carrying the Instructions of His Majesty's Government into effect; but on the contrary, I received various querulous Addresses asking for Papers and Information, the sole and evident Object of which was to excite useless Discussion.

On the 5th of February I received from the House a very long Address of this Nature, moved by Mr. Mackenzie, to which, in a conciliatory Tone, I replied at great Length by a Message, a Copy of which I transmitted to your Lordship, and being now determined to urge, and if possible to lead the House onwards to Reform, I concluded my Address in the following Words :—

" The Lieutenant Governor takes this Opportunity of appealing to the
" Liberality and good Sense of the House of Assembly for Consideration, that,
" as a Stranger to this Province, totally unconnected with the political Differ-
" ences which have existed in the Mother Country, he has lately arrived here,
" entrusted by Our most Gracious Sovereign with Instructions, the undisguised
" Object of which is firmly to maintain the happy Constitution of this Country
" inviolate, but to correct cautiously yet effectually all real Grievances.

" The House of Assembly is deeply interested in the Importance and Mag-
" nitude of the Task he has to perform; and he is confident it will, on Reflection,
" be of opinion that the Lieutenant Governor of this Province had better look
" steadily forwards to its *future* Prosperity and Improvement,—that he had better
" attract into Upper Canada the superabundant Capital and Population of the
" Mother Country, by encouraging internal Peace and Tranquillity, than to be
" observed occupying himself solely in reconsidering the Occurrences of the past.

" The Lieutenant Governor does not assert that the latter Occupation is
" totally useless, but he maintains that the former is by far the most useful, and
" that to attend to both is impossible."

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Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

This Appeal to the Assembly produced no Effect at all, and every Hour it became more evident to me, that Agitation, not Reform, was the Object of the Republican Party; that the Grievance Report was a Fiction they did not wish to destroy; that they were afraid to investigate it with me, and that their real Policy was to irritate instead of appease the public Mind.

Pursuing this Course, they next, deserting entirely their own alleged Grievances, addressed me on behalf of Eight Individuals of the Wyandot Indians; a new Region of Agitation into which they had no Right whatever to enter, and that they had no *Cause* for doing so will be evident from the Fact that Eleven Members of the same Tribe forwarded to the House of Assembly a Counter-petition, in which they declared that they "*had the fullest Confidence* "*in the Justice and fatherly Protection of Our beloved Sovereign, and His* "*Representative the Lieutenant Governor.*"

Having declined to discuss this Subject with the Assembly, another new Set of Grievances were now agitated by the House in the Form of an Address to His Majesty on Trade and Commerce, which I forwarded to your Lordship, and to which I beg to refer.

During all these Discussions I purposely refrained from having almost any Communication with the old Supporters of the Government, because I wished to show the Reformers that I had come to them unbiassed and unprejudiced; and wishing to give them a still further Proof that I would go any reasonable Length to give fair Power to their Party, I consulted Mr. Bidwell the Speaker of the House of Assembly, and with his unqualified Approbation I added Three Gentlemen to the Executive Council, all of whom were known Reformers, Two of whom were particular Favourites of Mr. Bidwell's Principles, one being especially odious to the Constitutional Party.

The whole of the Story relating to these Appointments I have had the Honour to lay before your Lordship; but I will here briefly remark, that no sooner was the new Council appointed than I observed that a mysterious Excitement was raised among the People to induce them to wrest from me my Responsibility, Power, and Patronage, and to transfer the same to these new-born Members of the Executive Council.

Many of the Addresses I received on this Subject had evidently proceeded from the same Pen; and had the Influence which was thus exerted continued to be secret, it would shortly have produced such powerful Effects that I might have found it almost impossible to have opposed it; but very fortunately the Power exerted against me was too eager for its Object, and the Battery was unmasked before the Enemy was sufficiently organized to man it.

My Executive Councillors themselves suddenly claimed the Responsibility which had hitherto rested with the Lieutenant Governor; and on my requiring them to resign, an Excitement suddenly burst out in the House of Assembly beyond all Description. The Republican Party fancying that their Object was attained, and that I was caught in the Net which had been so insidiously drawn around me, were exasperated at seeing me suddenly extricate myself from it; and the House, addressing me on the Subject, instantly suspended all Business until it had received my Reply.

The whole Correspondence on the Subject, some of which has already been forwarded to your Lordship, I here annex, in a printed Form: it contains—

Enclosures No. 1. to No. 6. Vide Sir F. B. Head's Despatch, No. 15. 21st March 1836.

1. The Address of the House of Assembly.
2. My Reply thereto.
3. The Communication addressed to me by the Executive Council.
4. My Reply thereto.
5. An Address from the Mayor and Common Council of the City of Toronto.
6. My Reply.
7. An Address, signed by the Mayor, from a public Meeting held in the City Hall.
8. My Reply.
9. An Address from the House of Assembly.
10. My Reply.

I trust that the Tone of my Answers to the above Communications will sufficiently prove to your Lordship how desirous I was to offer all possible Explanation, and to do every thing in my Power to govern and to be governed by Truth and Reason.

At

No. 8.
Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

At the Time I conducted this Correspondence, I was perfectly sensible that I was friendless; for the Republican Party had proved themselves to be implacable, and the Constitutional Party I had refused to join; however, seeing that the Moment had now arrived for resolutely assuming my Position, I awaited the Result of the Conflict with a perfect Confidence proceeding from the Justice of my Cause.

The Success of these Measures has, I can faithfully assure your Lordship, equalled my most sanguine Expectations.

Every Newspaper in the Upper as well as the Lower Province, excepting Mr. Mackenzie's Advocate, and One other, have in the most unequivocal Terms supported me in the Doctrine I have maintained. The Constitutional Party have joined me to a Man; and in the numerous Addresses I have received are the Names of many influential Individuals who have hitherto been opposing the Government. Indeed, I can truly declare, that the intelligent Classes of every Denomination are rallying round me in a Manner which fully corroborates the Statement I first made to you on arriving in this Province; namely, "that "all that is good and estimable remains at the Bottom, while the Surface is "agitated by factious Discussions."

A very striking Example of this Fact occurred on Saturday last.

As soon as the late Executive Council resigned, Mr. Mackenzie and his Party, at an immense Expense, forwarded to every Part of the Province printed Copies of the annexed Circular, almost all of which were franked by Members of the Assembly. This Document, as your Lordship will observe, ended by a printed Petition to the House of Assembly, which only required the Insertion of the Name of the Township, and of the Subscribers. As soon as this Firebrand was supposed to have caused sufficient Excitement, the Four Members of the Metropolitan County of York, namely, Mr. Mackenzie, Dr. Morrison, Mr. Macintosh, and Mr. Gibson, issued another Notice (which I also annex), dated "House of Assembly," calling a public Meeting to be held Ten Miles from Toronto on Saturday last.

Enclosures Nos. 11, 12.

Enclosure No. 13.

As this County has been supposed to be under the complete Influence of Mr. Mackenzie and its other Members, it was agreed upon by the Constitutional Party that as they might be overpowered by Numbers they would not attend, and accordingly it was expected that the Radicals would completely carry the Day; however, the Reply I had written to the industrious Classes of Toronto had been much read, and when the Meeting assembled on Saturday an unexpected Result took place.

Mr. Mackenzie totally failed in gaining Attention. Another Member, Dr. Morrison, who is Mayor of Toronto, was collared and severely shaken, and the whole Affair was so completely stifled by the Indignation of the People that the Meeting was dissolved without the passing of a single Resolution.

Mr. Mackenzie and his Party afterwards assembled, and then went through the Form of carrying their ready-concocted Resolutions.

The Effect which this unexpected Defeat will produce throughout the Province will, I am perfectly convinced, eventually break up the Radical Faction; and as soon as I have an Opportunity of visiting, as I propose to do if I remain here, every County in this Province, and of meeting and conversing with the Inhabitants, I feel quite confident that a Burst of Loyalty will resound from one End of the Province to the other; for a more honest well-meaning Yeomanry and Peasantry cannot exist than His Majesty's Subjects in this noble Province.

It is out of my Power to describe to your Lordship, without the Appearance of Exaggeration, the Joy and Gladness expressed to me by all Parties at the Constitutional Resistance I have made; but I will not conceal from your Lordship that there is one Question at this Moment in almost every body's Mouth, namely, "*Will the Lieutenant Governor be supported by the Home Government?*" "*He never will!*" say the Radicals. "*We fear he will not!*" say the Constitutionalists.

Your Lordship has to settle this Question; and, in my humble Opinion, upon your Decision rests our Possession of the Canadas.

I have the Honour, &c.

The Right Hon. the Lord Glenelg,
&c. &c. &c.

F. B. Head.

No. 8.
Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

Enclosure No. 7.

Seventh Enclosure in No. 8.

Address from a public Meeting held in the City Hall.

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Inhabitants of the City of Toronto, assembled under the Authority of the Mayor of the City, beg respectfully to submit to your Excellency this our Address, containing the Expression of our Sentiments and Feelings in reference to the late Changes in the Executive Council, and of the Opinions which have been expressed by your Excellency as to the Nature of the Constitution of this Province.

That Colonel Simcoe, the first as well as the ablest and most enlightened Lieutenant Governor of this Province, who was a Member of the Parliament of Great Britain when the Statute 31 Geo. 3. Chap. 31, commonly called the Constitutional Act, was passed, was the Bearer of that Act to this Colony, and was authorized undoubtedly by His Majesty's Government to declare to His faithful Subjects in this Province the Nature of the Constitution then about to be put into operation for their Benefit, and who assured the People of this Province from the Throne, on the Opening of the First Session of the Provincial Parliament, that the said Act had "established the *British Constitution*, and all the Forms which secure and maintain it, in this distant Country," and "that the Wisdom and Beneficence of our most Gracious Sovereign and the British Parliament has been eminently proved, not only in imparting to us the same Form of Government, but also in securing the Benefits of it by the many Provisions that guard that memorable Act, so that the Blessings of an invaluable Constitution, thus protected and amplified, they might hope would be extended to the remotest Posterity;" and that the same Governor, upon closing that Session, specially enjoined upon the Members of the Legislature from the Throne to explain to the People of the Country, "that this Province was singularly blest, not with a mutilated Constitution, but with a Constitution which has stood the Test of Experience, and was the very Image and Transcript of that of Great Britain."

That it is an essential and inalienable Feature of the British Constitution thus assured to us, that the King shall be assisted in all the Affairs of Government by the Advice of known and responsible Councillors and Officers who possess the Confidence of the People, and of the Majority of their Representatives, and that our Fellow Subjects in the United Kingdom would indignantly resent any Attempt to deprive them of this Part of their Constitution, as an Infringement upon their most sacred Rights and Liberties, and a Step taken to degrade them to the Condition of Slaves.

That the recent Appointment by your Excellency of the Honourable John Rolph, Robert Baldwin, and John Henry Dunn, as Executive Councillors, gave universal Gladness and Satisfaction throughout the Province, those Gentlemen having been long known, beloved, and respected for the Talents, Acquirements, and Virtues which adorn their Characters, the liberal and patriotic Principles that they entertain, and the important Services which they have respectively rendered to the People of this Province, and that the Selection of them by your Excellency as your Advisers disposed His Majesty's Subjects to hope that a new and happy Era had at length arrived in the History of this Province.

That we have learned with Surprise and Sorrow that those Gentlemen, together with the former Members of your Excellency's Council, have found themselves under the Necessity of resigning their Seats, and that your Excellency appears to us to have taken Offence for no other Reason than the respectful Expression of an Opinion in favour of the Government being conducted on the acknowledged Principles of the British Constitution,—an Opinion supported by unanswerable Arguments, and which they were bound by every Obligation of Honour and Duty as faithful Councillors to express to your Excellency.

That our most sincere Respect and Gratitude are due to those Gentlemen, and their late Colleagues in your Excellency's Council, for the noble Efforts which they made in the honourable and upright Discharge of their Duties, to secure to the People of this Province the practical Benefit and faithful Application

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tion of constitutional Principles of the highest Importance to their Liberty and Prosperity; and that we are solemnly called upon at such a Crisis to declare our firm and unalterable Determination to resist every Attempt to *mutilate* and deform our Constitution by the Denial of those Principles, or the Refusal of the full Benefit and practical Operation of them, and that the People of this Province will never, in our humble Opinion, be content with a System that is only a Mockery of a free and *responsible* Government.

That we feel it our bounden Duty to declare to your Excellency that the Gentlemen whom your Excellency has called to your Council, since the Resignation of your late Council, do not in any degree possess the Confidence of the People of Upper Canada.

We further humbly express our Disappointment and Regret at the Remarks which your Excellency has, by evil and unknown Advisers, been induced to animadvert upon the Circumstances under which your Excellency caused your late Council to resign; and that Respect which it is equally our Duty and Inclination to pay to the Representative of our most Gracious Sovereign forbids our declaring, on this painful Occasion, any other Feeling than that of an earnest Hope that the Persons, whoever they may be, who have been guilty of such an Abuse of your Excellency's Confidence may be for ever discarded by your Excellency.

In conclusion, we beg leave to state to your Excellency, that as Subjects of the British Empire we claim all the Rights and Privileges of the British Constitution, and as Subjects of a British Colony possessing the Powers of Self-government given to it by the Parent State we claim our Right that the Representative of the Crown shall be advised in all our Affairs by Men known to and possessing the Confidence of the People; and as the true Friends of His Majesty's Government and to the Permanency of our Connexion with the Parent State we earnestly entreat your Excellency to regard our Opinions and Remonstrances (firmly though we hope respectfully expressed), and to adopt Measures to calm the present extraordinary State of public Excitement, aggravated by the high Hopes created in the public Mind by the Removal of Sir John Colborne, and the Appointment of your Excellency to the Head of the Administration.

By Order of the Meeting,
(Signed) T. D. Morrison, Mayor,
Chairman.

James Lesslie,
Secretary.

Toronto, 25th March 1836.

Eighth Enclosure in No. 8.

Enclosure No. 8.

His Excellency's Reply.

Gentlemen.—Having Reason to believe that the Meeting from which you are a Deputation was composed principally of the industrious Classes, and being persuaded that the liberal Principle of the British Government, in whatever Climate it may exist, is the Welfare and Happiness of the People, I shall make it my Duty to reply to your Address with as much Attention as if it had proceeded from either of the Branches of the Legislature, although I shall express myself in plainer and more homely Language.

1st, I have no Wish to deny "that Colonel Simcoe was the first as well as the ablest and most enlightened Governor of this Province; that he was a Member of Parliament when the Statute 31st Geo. 3. Chap. 31., commonly called the Constitutional Act, was passed; and that he was the Bearer of that Act to this Colony;" but I ask you, can this possibly alter the solemn Act itself? for surely your own plain good Sense will tell you that Colonel Simcoe had no more Power, either during his Voyage or on his Arrival here, to alter the Charter committed to his Charge, than I had Power to alter the Instructions which I lately delivered from His Majesty to both Houses of your Legislature; and so, if Colonel Simcoe, instead of saying that the Constitution of this

No. 8.
Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

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Province " was the very Image and Transcript of that of Great Britain," had thought proper to compare it to the arbitrary Governments of Russia or Constantinople, it would in no way have injured your Liberties, or have altered one single Letter of the written Charter of your Land.

2d, I have no Wish to deny " that in the British Constitution the King is assisted in all the Affairs of Government by the Advice of known and responsible Councillors, and Officers who possess the Confidence of the People," and who form His Majesty's Cabinet; but Colonel Simcoe, who you yourselves state " was authorized undoubtedly by His Majesty's Government to declare to His faithful Subjects in this Province the Nature of the Constitution," created no such Cabinet, nor any Cabinet at all; and from this Day, down to the present Hour, there has never existed any Ministry in the Colony, except the Governor, who is himself the responsible Minister of the Crown.

Supposing it were to be argued that Four Fifths of the Members of your House of Assembly ought immediately to be dismissed, because, in proportion to the Population of Great Britain and Ireland, there exist Five Times as many Members here as in the English House of Commons, would you not think it very irrational that this noble but thinly-peopled Colony should be made " the exact Image and Transcript " of the British Constitution merely because Colonel Simcoe happened to use these Words? Would you not immediately appeal to your Constitutional Act on the Subject?

Would you deem it just that a young rising Province like this should be afflicted with the same expensive Machinery requisite for the Government of the Mother Country, 4,000 Miles off?

Would you not very fairly argue, that as the whole Population of this immense Country exceeds only by One Third that of the single Parish of St. Marylebone in London, and as the whole of its Revenue does not equal the private Fortune of many an English Commoner, it would be unreasonable to expect that the People of this Province should be ruined in vainly attempting to be the " exact Image and Transcript " of the British Constitution.

But the Constitution which His Britannic Majesty George the Third granted to this Province ordained no such Absurdities, and you have only to read that Constitution to see quite clearly the Truth of this Assertion.

The Yeomen and industrious Classes of Upper Canada should never allow a single Letter to be subtracted from or added to this great Charter of their Liberties; for if once they permit it to be mutilated, or what may be termed improved, they and their Children become instantly liable to find themselves suddenly deprived of their Property, and, what is better than all Property, of their Freedom and Independence.

By this Act you are of course aware that a House of Assembly, a Legislative Council, and a Lieutenant Governor, are appointed, but it creates no Executive Council; and if People tell you that it does, read the Act, and you will see the contrary.

Now, as regards the House of Assembly, you must know, that being your Representatives, they are of course answerable to you for their Conduct; and as regards the Lieutenant Governor, I publicly declare to you that I am liable to Dismissal in case I should neglect your Interests.

But, contrary to the Practice which has existed in this or any other British Colony, contrary to Colonel Simcoe's Practice, or to the Practice of any other Lieutenant Governor who has ever been stationed in this Province, it has suddenly been demanded of me that the Executive Council are to be responsible for my Acts; and because I have refused, at a Moment's Warning, to surrender that Responsibility which I owe to the People,—whose real Interests I will never abandon,—I find that every possible political Effort is now making to blind the public Mind, and to irritate its most violent Passions.

But I calmly ask, what can be the secret Reason of all this? Is it usual for one Person to insist on bearing another Person's Blame? or for a Body of Men to insist on receiving the Punishment incurred by an Individual superior to them in Station? Why therefore should my Council, whose valuable Advice,

vice, if it were not to be forced upon me, I should be most anxious to receive, be required to demand from me my Responsibility? What Reason can exist for attempting to deprive me of the only Consolation which supports any honest Man in an arduous Duty,—namely, the Reflection that he is ready to atone for every Error he commits, and that he is subject to Arraignment if he offends? Why should it be declared that Responsibility would be more perfect with my Council than with me? Are they purer from Party Feelings, or less entangled with their Family Connexions, than I am? How can Gentlemen who have sworn to be dumb be responsible to the Yeomanry and People of this rising Province? How could they possibly undertake to administer this Government, with Mouths sealed by an Oath which forbids them to disclose to any one the valuable Advice they may conscientiously impart to me?

The Answer to these Questions is very short. The political Party which demand Responsibility for my Council know perfectly well that the Power and Patronage of the Crown are attached to it; and it is too evident, that if they could but obtain this Marrow, the empty Bone of Contention, namely, Responsibility to the People, they would soon be too happy to throw away; and from that fatal Moment would all those who nobly appreciate Liberty, who have Property to lose, and who have Children to think of, deeply lament that they had listened to Sophistry, had been frightened by Clamour, and had deserted the Representative of our Gracious Sovereign, to seek British Justice from his mute but confidential Advisers. This Supposition, however, I will not permit to be realized; for never will I surrender the serious Responsibility I owe to the People of this Province; and I have that Reliance in their Honesty,—I have lived so intimately with the Yeomanry and industrious Classes of our revered Mother Country,—that I well know the more I am assailed by Faction the stronger will be their loyal Support,—and that, if Intimidation be continued, it will soon be made to recoil upon those who shall presume to have recourse to it.

The Grievances of this Province MUST be corrected—impartial Justice MUST be administered: The People have asked for it—their Sovereign has ordained it—I am here to execute his gracious Commands—Delay will only increase Impatience. Those, however, who have long lived upon Agitation already too clearly see their Danger, and, with surprising Alacrity, they are now taking every possible Measure to prevent me from rooting up the Tree of Abuse, because they have built and feathered their Nests in its Branches. They asked, however, for the Operation, and to Amputation they must very shortly submit; for "what's worth doing should always be done well."

I have come here for the avowed Purpose of Reform, but I am not an Agitator; and, by Command of our Gracious Sovereign, I will maintain the Constitutional Liberties of his Subjects in this Province, and at the same Time encourage, to the utmost of my Power, internal Wealth, Agriculture, Commerce, Peace, and Tranquillity.

With respect to my late Council I regret quite as much as you can do their Resignation; but before they took the Oath of Secrecy (which appears to my Judgment to be an Oath of Non-responsibility to the People,) I addressed to them a Note which clearly forewarned them, as follows: "*I shall rely on your giving me your unbiassed Opinion on all Subjects respecting which I may feel it advisable to require it.*"

Three Weeks after they had joined the Council they altogether, in a Body, disputed this Arrangement; and accordingly we parted on a Matter of dry Law.

No one can deny that my View of the Subject agrees with the Practice of Colonel Simcoe, and of all the succeeding Governors of this Province down to the Day of Sir John Colborne's Departure; but that is no Proof whatever that the Practice has been right, and if you would prefer to form your own Opinion of the Law read the Constitutional Act.

With respect to my new Council, whose high moral Character I cannot but respect, I shall consult them as unreservedly as I had promised to consult those who have just resigned; and if any competent Tribunal shall pronounce

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Enclosure No. 8.

that they are responsible for my Conduct, no one will be agreater Gainer than myself by the Decision.

In the meanwhile I shall deal openly and mildly with all Parties, and I trust that I can give you no better Proof of my own Intention to be governed by Reason than the Explanation I have just offered to yourselves, the Citizens and industrious Classes who attended the Toronto Meeting.

Enclosure No. 9.

Ninth Enclosure in No. 8.

ADDRESS of the HOUSE of ASSEMBLY on the new APPOINTMENTS to the EXECUTIVE COUNCIL.

To His Excellency Sir Francis Bond Head, K. C. H., &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to inform your Excellency, that we have with deep Regret learned that your Excellency has been induced to cause the late Executive Council to tender their Resignations to Seats in the Council under Circumstances which still enabled your Excellency to declare that your Estimation of their Talents and Integrity, as well as your personal Regard for them, remained unchanged, and that under the present excited State of public Feeling in this Colony, occasioned by the recent Proceedings between your Excellency and the late Executive Council, and the Appointment of a new Council (as appears by the Gazette Extraordinary of Monday 14th March instant,) composed of Robert B. Sullivan, John Elmsley, Augustus Baldwin, and William Allan, Esquires, this House feel it to be a Duty they owe alike to His most Gracious Majesty and to the People of this Colony, whose Representatives they are, to avail themselves of the first Opportunity to declare at once to your Excellency the entire Want of Confidence of this House in the last-mentioned Appointments, and deep Regret that your Excellency consented to accept the Tender of Resignation of the late Council, and humbly request your Excellency to take immediate Steps to remove the present Council from such their Situation.

(Signed) MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly,
March 26th 1836.

Enclosure No. 10.

Tenth Enclosure in No. 8.

HIS EXCELLENCY'S REPLY.

Gentlemen,

In reply to your Address I assure you that I very sincerely regret that the House of Assembly should entertain a Want of Confidence in the Council I appointed on the 14th instant, as I faithfully declare that under the Circumstances in which I was placed I made every Exertion to select Gentlemen that I thought would be most acceptable to the House and to the People.

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

With respect to the Request " that I should take immediate Steps to remove the present Council from such their Situation," I might say that I had hoped the House would have refrained from any such decided Expression of its Opinion on the Subject until it had received the Report of the Committee to whom the Subject was referred, and for whom the Government Office is now occupied in furnishing the documentary Evidence they desire; but I am unwilling to discuss that Question.

With

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With respect to the "present excited State of public Feeling in this Colony, occasioned by the recent Proceedings," I feel guiltless of being its Cause, inasmuch as to the House of Assembly, as well as to People of all Classes who have addressed me on the Subject, I have done every thing in my Power to assure them of my Desire that the Question should be calmly settled, according to the Spirit of the Constitution, and consequently according to the Interests of the People.

I can assure the House, that far from entertaining any Determination to maintain my Opinion merely because I have uttered it, I should at this Moment be happy to abandon it if the Duty I owed to my Sovereign and to the People could permit me. My Mind invites rather than repels Conviction; and hoping that the House will, on a Subject which must surely occupy the Attention of the whole Country, meet me with a Desire to be governed by Reason and Truth, I will concisely once again submit to it my View of the Case.

From the Time of General Simcoe to the Departure of Sir John Colborne the Practice of every Lieutenant Governor of this Province has been to consider their Executive Councillors as Advisers sworn not to respond, or, in other Words, not to be responsible to the People.

On my Arrival here, finding this had been the Practice, I also pursued it, but on preparing to add Three popular Members to the Council, one of them, Mr. R. Baldwin, with the Sincerity which forms his Character, tells me he thinks my Council, in spite of their Oath, *should* respond to the People.

To this Project I refuse to accede; a long Argument ensues, and at last I write to Mr. R. Baldwin a Note, of which the following is an Extract:—

"I shall rely on your giving me your unbiassed Opinion on all Subjects "respecting which I may feel it advisable to require it."

After receiving this distinct Statement of my Intention *not* to alter the old Practice Mr. R. Baldwin sends a Copy of the same to Dr. Rolph and Mr. Dunn, and they then, knowing my Sentiments, all Three join my Council.

After sitting in the Council Three Weeks, Mr. Baldwin's conscientious Opinion again appears, convinces the other Members, old as well as new, and the Subject in a more formal Manner is officially brought before me, with a Request that if I disapprove of the Opinion the Council may be allowed to address the People. On referring to the Constitutional Act I am unable to comprehend their Reasoning, and we consequently part on the same good Terms on which we met, I retaining my unaltered Opinion, while at least Four of the Council have (since my Arrival) changed theirs.

The whole Correspondence I forward to the House of Assembly with an earnest Desire that, regardless of my Opinion, the Question may be fairly discussed.

In the Station I hold I form One Branch, out of Three, of the Legislature, and I claim for myself Freedom of Thought as firmly as I wish that the other Two Branches should retain the same Privilege.

If I should see myself in the Wrong I will at once acknowledge my Error, but if I should feel it my Duty to maintain my Opinion, the House must know that there exists a constitutional Tribunal competent to award its Decision, and to that Tribunal I am ever ready most respectfully to bow.

To appeal to the People is unconstitutional as well as unwise; to appeal to their Passions is wrong; but on the good Sense of the House of Assembly I have ever shown a Disposition to rely, and to their good Sense I still confidently appeal.

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Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

Enclosure No. 10*a*.

Tenth Enclosure (*a*) in No. 8.

CIRCULAR.

Sir, Toronto, 21st March 1836.

The late Executive Council having been permitted to remove the Veil which concealed for upwards of Forty Years an important Part of the Machinery of the Government of this Colony, there is a strong Disposition in the Members of the House of Assembly, and the People of this City, to uphold the late Council in the constitutional Stand which its Members have thus taken. In order the better to enable the Assembly to exert with Effect its Powers on behalf of the People whose Interests its Members have been elected to promote, the Sense of the several Villages, Towns, Townships, and Places throughout Upper Canada will have to be speedily taken, by means of public Meetings, either of Neighbourhoods, Townships, or such other Localities as it may be found most convenient to assemble together on a short Notice. The grand Object is TO STOP THE SUPPLIES until we obtain the practical Operation of the Constitution; for if this Step is not now taken it is evident that henceforth, as heretofore, all important Business, all Appointments to and Dismissals from Office, will be proceeded in by the Lieutenant Governor, on the Recommendation of some Courtier or Favourite unknown to the Country, and very probably unworthy of its Confidence.

The Reform Society of Toronto respectfully submit for the Consideration of your Neighbourhood the Form of a Petition to the House of Assembly, which has been approved of here, and which may be altered, changed, agreed to, or thrown aside, according as it may suit the Persons petitioning.

Those who are favourable to the Principles and Opinions contained in the Draft hereto attached should lose no Time in getting as many Signatures as possible, and the Petitions may then be returned, by Mail, addressed to the undersigned; or if the Members for the Part of the Country from which any Petition shall be sent are well known and tried Reformers, it could be more properly addressed to One of them.

I beg to recommend that you use the utmost Exertion and Dispatch in this Matter.

And remain your faithful Servant,

W. L. MACKENZIE,
Secretary.

HEADS OF THE PETITION AND PRAYER.

Declares the Approbation of the Petitioners of the Conduct of Messrs. Rolph, Baldwin, Dunn, Robinson, Wells, and Markland.

Is opposed to Sir F. B. Head carrying on the Government without responsible Advisers.

Regrets the Opposition given by the Legislative Council to the Bills sent up by the Assembly, and is in favour of an Elective Council.

Prays that the Supplies may be withheld; the King and Parliament memorialized; and that the Assembly would elect its own Officers, and stand by the Principles avowed by the late Executive Council, in which Course Petitioners pledge themselves to stand by the Members of the Assembly in case of a Dissolution.

Enclosure No. 10*b*.

Tenth Enclosure (*b*) in No. 8.

To the Honourable the House of Assembly.

The humble Petition of the undersigned Inhabitants of the

Respectfully showeth,

That it is with Feelings of Sorrow and Regret that your Petitioners have witnessed the organized Opposition offered by the Legislative Council, and by successive Lieutenant Governors, to the noble and spirited Efforts made in the last and present Sessions of the Legislature by your Honourable House,

" to

" to maintain as well as to amend the Laws and Institutions of the Country," in accordance with the Advice of our revered Sovereign.

That the People of Upper Canada deserve kinder Treatment than they have hitherto met with at the Hand of the Agents of the British Government. They have fought, suffered, and bled to maintain its Supremacy in this distant Land; they have manifested their Love for the Constitution under the very worst of Colonial Administrations; and have for many Years been engaged in a peaceful Struggle to obtain a practical Recognition of their Rights as British Subjects; yet it appears that no Confidence is placed in them.

That the Correspondence between His Excellency Sir Francis Bond Head and the Members of the Executive Council that was chosen by him on his Accession to the Government has revealed to the People, that it is His Excellency's Determination, not only to retain in his own Hands the Power delegated to him by his Sovereign, of dismissing the Executive Council, dissolving the Legislature, and appealing to the Sense of the People, as often as he may think it expedient so to do, but also to be *the* only responsible Minister of the Colony; he declares that neither the House of Assembly nor the People who elect its Members have the Right to call him to account for his public Acts, whether they be good or evil; that Society here is in " an infant State;" that he will be answerable for his Proceedings only in England; and that he considers it absolutely necessary that he should have full Liberty to act in every Case as he may think best, according to the Commands of the King and the Colonial Office, 4,000 Miles distant, and where the Wants and Wishes of this Community are but little known.

That His Excellency has declared, that to the Opinion of the late Executive Council in favour of a responsible local Government, and asking that the Advice of a Council possessed at once of the Confidence of the Sovereign and the People's Representatives should be adhered to in the Administration of public Affairs, he can never subscribe. On the contrary, he did not feel himself bound to consult the Executive Council on the Affairs of the Country.

That while His Excellency has thus resolved to hold the Powers intrusted to him by his Sovereign to reduce British Subjects to a State of abject Vassalage, and deny them the Advantages of the Constitution and the Forms which secure and maintain it, the public Lands, made valuable by their Industry, are being sold or given away to Favourites, and the Proceeds of Land Sales expended without the Authority of Law; large Sums are annually raised in a Variety of Forms from the People, and expended without their Consent, and seldom to their Advantage; Dissension is kept up by the Payment of particular Priesthoods out of the public Revenue; the Clergy Reserves are being alienated, and the Proceeds sent to England, instead of being applied to educational Purposes; the speedy and satisfactory Administration of Justice, declared by His Majesty to be " the first and most sacred Duty of a Sovereign," is in a great measure neglected, and the Nomination of Justices of the Peace left in the Hands of whoever may happen to be the favourite Courtier at the Government House for the Time being.

That the public Debt, and the Interest thereon, has been of late Years greatly augmented; that the financial Condition of the Colony is becoming daily more and more embarrassing; and that your Honourable House deserves the Gratitude of the Country for your unwearied Industry in inquiring into and endeavouring to remove Abuses, in passing useful and salutary Laws, and in addressing His Majesty, calling His Attention to and praying for the Removal of those Grievances from which the Country has long and ineffectually sought Relief. That the very great Expense of each legislative Session is chiefly caused by the Want of a cordial Co-operation with your Honourable House on the Part of successive Lieutenant Governors, and by the systematic Rejection by the Legislative Council of those Bills and Measures generally and most earnestly desired for the public Benefit. The Experience of nearly Half a Century enables us to declare our entire Concurrence in the Opinions you have expressed during the present Session, " that the Legislative Council, as at " present constituted, has utterly failed, and never can be made to answer the " Ends for which it was created." So great are the Objections of that honourable Body to promote the public Welfare, that even the Bill of last Session for the Destruction of the Wolves which infest and injure many Parts of the Province was not allowed to pass into a Law.

No. 8.
Sir F. B. Head
to
Lord Glenelg,
6th April 1836.

Enclosure No. 10 *b*.

We beg to remind your Honourable House of the inclement Season of the Year at which the late County Elections were held; the many Miles travelled through the worst of Roads by the Reformers to effect the Return of your Members; the Sacrifices of a pecuniary and personal Nature by some, and the uncommon Exertions made by others of your Constituents, who reasonably expected thereby to secure cheap and honest Government, an impartial Administration of Justice, the Education of their Children, and the Improvement of their Roads and Bridges; in all which they have been most lamentably disappointed by means of our Lieutenant Governors and their Legislative Councils, to whose ruinous Proceedings you have not hitherto offered that constitutional Resistance the Country had a Right to expect.

Under these Circumstances, we humbly, yet earnestly, entreat your Honourable House to hasten to address His Majesty for the Removal of Advisers of the Crown in this Colony; to request the Attention of the Commons of the United Kingdom to the State of public Affairs; and to take the only effectual and constitutional Step which is left you to check arbitrary Power, and for maintaining the Rights of your injured Constituents, by withholding all Supplies of the public Money from a Government which openly declares its Determination to subvert and nullify those ancient fundamental Laws and Usages so agreeable to Nature and Reason, for the Protection of which the Faith and Honour of the British Nation stand solemnly pledged to the Colonists.

Successive Houses of Assembly have declared that to your Honourable House it of right belongs to choose your own Officers and confidential Servants; and it appears from the Despatch of Lord Glenelg of the 15th of December last, that the King does not dissent from these Views. We pray that this Right may be so exercised that the Records of your House and the Petitions of the People may not be intrusted to those who are the avowed Enemies of free Institutions.

And, as a speedy Return to your Constituents may possibly be the Result of your Firmness in the Defence of Liberty, we pledge ourselves to stand by you at the Hour of Trial with our Voices and Influence; and in order that there may be less Cause given for controverted Elections, we pray you to hasten to give effect to a Bill for the better Regulation of the Election Laws, which are at present defective in some very important Features.

We further pray you, as the great Council of the Province, to address the Lieutenant Governor, requesting him to remove, as being unworthy of Trust, the Members of the Executive Council whose Names have lately been gazetted, and to appoint as his Councillors and principal Officers Persons possessing the Confidence of your Honourable House and of the Country.

NAMES.	NAMES.

Tenth Enclosure (*c*) in No. 8.

Enclosure No. 10 *c*.

The Constitution in Danger ! ! !

"*In Government, Impartiality is better than Knowledge.*"

F. B. HEAD, Lt. Governor.

COUNTY MEETING.

TO THE ELECTORS OF THE COUNTY OF YORK.

Gentlemen,

Anxious to receive your Instructions, and to consult with you for the Benefit of our common Country in the present important Crisis in its political Affairs, we respectfully invite the Freeholders and other Inhabitants of this great County to meet together at Davis's (on Yonge Street, 10 Miles North of this City) at Eleven o'Clock in the Forenoon of Saturday the 2d of April next, to take into consideration the State of the Colony, and to adopt Measures as may appear to be best calculated to promote its Peace, Welfare, and good Government.

T. D. MORRISON, 3d Riding. JOHN M'INTOSH, 4th Riding
DAVID GIBSON, 1st Riding. W. L. MACKENZIE, 2d Riding.

House of Assembly, 25th March 1836.

No. 9.

(No. 26.)

EXTRACT of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG; dated Toronto, 21st April 1836.

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

18th April.

I HAVE the Honour to transmit to your Lordship an Address from the House of Assembly to His Majesty, as also Copy of One to the House of Commons, reprobating, in unusual Language, my Conduct as Lieutenant Governor of this Province. I have also to inform your Lordship that the House of Assembly have deemed it their Duty to stop the Supplies; that in consequence of this Proceeding I have reserved all their Money Bills for the Consideration of His Majesty, and that I have declined to grant their Contingencies.

I also enclose to your Lordship a Copy of my Speech on proroguing the Provincial Parliament.

Under these Circumstances, I feel it incumbent to submit to your Lordship a plain Statement of the whole Affair.

In my Despatch, No. 3., to your Lordship, dated 5th February, I stated as follows:

"As far as I have been able to judge, I should say, that the Republican Party are implacable; that no Concession whatever would satisfy them, their self-interested Object being to possess themselves of the Government of this Province, for the Sake of Lucre and Emolument."

In my Despatch, No. 9., dated 22d of February, I stated to your Lordship as follows:

"Having now informed your Lordship of the Individuals I have added to the Executive Council, with the Circumstances which have preceded their Appointments (which, I trust, may be confirmed), it only remains for me to state, that, although Tranquillity in this Province is, I conceive, now momentarily established, I do not expect that the present House of Assembly will discontinue their Agitations.

"It shall be my Duty, however, to afford them no reasonable Cause of Complaint to their Addresses, as well as to their Opinions; I shall give every possible Attention, and will afford them every Assistance to correct all real Grievances; but I am so convinced that every improper Concession will not only strengthen their Demands, but weaken my Influence in the Province, that I shall continue to resist, as I have hitherto done, any Demand that may at all tend to undermine the happy Constitution of the Province, as I believe that this Policy will eventually secure to the Lieutenant Governor of Upper Canada (whoever it may be) the Confidence and the Support of the Community."

To the foregoing Opinions expressed to your Lordship I firmly continue to adhere; and I refer to them for the Object of proving that the political State this Province requires no deep Experience, but that its moral was evident to me before I had been a Month in this Capital.

The Speech I Yesterday delivered, on proroguing the Provincial Legislature, will sufficiently explain the Attempts I have made to carry into effect the remedial Measures with which I was entrusted. I will, therefore, only shortly observe, that the Grievance Report remains unopened; that not one of the Remedies your Lordship prescribed has been carried, into effect; that, in fact, this Grievance Report was nothing but a revolutionary Ignis fatuus, purposely created to deceive the British Government; and that, as I stated in my Despatch, No. 24., dated 6th of April, "far from desiring to remove these Grievances, the Republican Members deem them the Fulcrum for subverting the Government, and for destroying the Constitutional Liberties of the Province."

The decided Measures which your Lordship took promptly to correct the alleged Grievances which were brought before you have had the happy Effect of breaking up the Faction which, from Want of Firmness, has long been undermining the Constitution of this Province. Its Enemies are now unmasked,

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

disarmed, and discomfited, and the Inhabitants of this Country are now indignantly exclaiming, as Cromwell said, "You, who are deputed here by the People to get their Grievances redressed, are yourselves become their greatest Grievance."

If the Sentiments contained in these Petitions from the House of Assembly were really the Sentiments of their Constituents, this Province might justly be said to be in a State of Revolt, whereas the Fact is, as I stated it to your Lordship in my last Despatch, No. 24., that a Burst "of Loyalty will very shortly resound from one End of the Province to the other, as a more honest, well-meaning Peasantry cannot exist than His Majesty's Subjects in this noble Province;" and, as a Proof of this Assertion, I refer your Lordship to the enclosed Addresses I have already received.

14.

Your Lordship cannot but remark, that for the first Time in the History of this Province the Supplies have been stopped; that the whole Country has been thus thrown into Confusion; and that the Period selected for this Violence has been my Arrival with your Lordship's Instructions to correct all the Grievances of the Country. Had the Object of those who have stated themselves Reformers been Reform, your Lordship's Instructions would have been hailed with Joy, instead of which they have been repudiated by the Republicans, as the Enemy of their Hopes.

The Case is fortunately so clear that no one, even in England, can now fail to understand it.

"Why," it will be asked, "have the Supplies in Upper Canada been stopped?" The Answer is, because the Complaints of the Republicans were ordered to be corrected, and being thus driven off their Grievance Ground, they were forced by your Lordship to unveil the real Object, which has been neither more nor less than to seize upon the Power and Patronage of the Crown.

"And how," it will be asked, "have they attempted to do this?" I reply, by demanding that the Executive Council be henceforward responsible to the People, or, in other Words, to themselves, for the Acts of the Lieutenant Governor.

And is this all? No; they further demand that the Legislative Council shall be elective, or, in other Words, that it shall also be nominated by themselves. And if this does not betray their real Object — if this does not prove to People in England the traitorous, democratic Intentions of the Half Dozen Republicans who have been allowed to agitate this noble Province, Facts are useless and Argument is powerless.

If the Duty of the Lieutenant Governor of this Province merely consisted only in his being One Branch out of Three of the Colonial Legislature, even in that Case there would be no more Reason why he should be governed by an Executive Council than that such a Body should be created to govern the House of Assembly or the Legislative Council. But besides the Lieutenant Governor's Station in the Provincial Legislature he has to guard the Lands and Property of the Crown; in short, he is the only Individual in the Colony competent to consider the Interest of the British Empire, of which the Colony is but an Atom.

The Executive Council are his Privy Council, to give him sworn Advice when he wants it, and not to "encumber him with Help" when he does not require it.

If I had been governed by my late Council, the Constitution of this Province would at this Moment be subverted, for it will be evident to your Lordship that the unanimous Demand they made upon me was contrary to Law.

This Doctrine was in 1834 clearly explained by Mr. Stanley, who, in Reply to Mr. Roebuck's Motion, "that a Select Committee be appointed to inquire into the political State of the Canadas," declared as follows:—

"The first Point to which the Honourable Member referred was the Constitution of the Executive Council. It may, perhaps, be necessary for me to inform the House, that the Executive Council is a Body acting in the Nature of the Privy Council in this Country, advising the Governor, but not responsible to him, and forming a Council, against whose Opinion, as well as with it, he may act."

My Lord, I solemnly offer, as my most deliberate Opinion, that if this Doctrine be ever subverted, Democracy, in the worst possible Form, will prevail in our Colonies.

Colonies. The Two Branches of the Legislature have their respective Interests to attend to, which too often are made subservient to their private Views, but the Lieutenant Governor is the King's Sentinel, and if he be disarmed of the Power he has received from the Imperial Parliament, and be fettered by his Provincial Council, the Republicans will move Heaven and Earth to become the Individuals to govern him.

If the Power of the Lieutenant Governor is to be surrendered, I respectfully recommend that the Deed be done openly and in broad Daylight, for to hamper him by the Number of his Councillors, or to oblige him to consult them when he does not need their Advice, would most surely produce the same Effect, in a weak, discreditable Manner.

As the Subject is of vast Importance, and as I believe our Colonial Possessions now hang upon your Lordship's Decision, I will proceed to show with what Artifice the Republicans of the House of Assembly of this Province have endeavoured, in their Petitions against me, to attain this Object.

The House of Assembly, in their own Grievance Report of last Session, actually undertake to prove to His Majesty's Government the Non-responsibility of the Executive Council of this Province, by the following Evidence of the Councillors themselves:

Honourable George Markland examined. (See Grievance Report, p. 77.)

Question. Is the Lieutenant Governor obliged, in Matters of State Policy, to ask your Advice as an Executive Councillor?—*Answer.* In some Cases the Law directs that he shall consult his Council, but not in others.

The Honourable P. Robinson examined. (See Grievance Report, p. 91.)

Question. Is the Lieutenant Governor obliged, in Matters of State Policy, to ask your Advice as an Executive Councillor?—*Answer.* Only in Cases where the 31st of the King requires that he shall act with the Advice of the Executive Council.

The following is an Extract of Sir John Colborne's Evidence on the same Subject, transmitted in a Message to the House of Assembly, and ordered by them to be printed in the Grievance Report (see p. 301):

"The Lieutenant Governor is requested by the same Address to give whatever Information it may seem to him proper to communicate in respect to the Powers, Duties, and Responsibilities of the Executive Council, how far that Body is responsible for the Acts of the Executive Government, and how far the Lieutenant Governor is authorized to act with or against their Advice.

"Upon this Request of the House of Assembly, the Lieutenant Governor acquaints the House, that in respect to the Powers of the Executive Council, in no Case, he believes, are Powers committed to them except by the express Provisions of British or Colonial Statutes which are known to the House of Assembly. In respect to the Duties of the Executive Council, in addition to those which are imposed by Statutes, it is necessary that the Executive Council should concur with the Lieutenant Governor in deciding upon Applications for Lands, pursuant to His Majesty's Instructions, and in making Resolutions relative to that Department of the Government.

"It is also the Duty of the Executive Council to afford their Advice to the Lieutenant Governor upon all public Matters referred to them for their Consideration."

The Grievance Committee, having obtained the foregoing Evidence, submitted it to the House of Assembly (by whom it was ordered to be printed), with the following deliberate Opinion (see Grievance Report, p. 303):

"It appears that it is the Duty of the Lieutenant Governor to take the Opinion of the Executive Council only in such Cases as he shall be required to do so by his Instructions from the Imperial Government, and in such Cases as he may think fit.

"It appears by the following Transaction that the Lieutenant Governors only communicate to their Councils so much of the private Despatches they receive from the Colonial Office as they think fit, unless in Cases where they are otherwise especially instructed."

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to
Lord Glenelg,
21st April 1836.

The House of Assembly, having thus, in the Session of 1835, complained to His Majesty's Government of the Non-responsibility of the Executive Council in this Province, suddenly veer round in 1836, stop the Supplies, and petition His Majesty and the House of Commons against me as follows:

In their Petition to the King, which I herewith transmit, they state,—

"We have now to pray Your Majesty's patient and impartial Attention to the History of our Complaint against a sudden, abrupt, and most ungracious Denial by His Excellency of those indispensable Constitutional Principles in our local Government, the just Preservation of which is above all Things calculated to endear Your Majesty to Your Canadian People, and to strengthen the Bond of Union between this loyal and valuable Portion of Your Empire and the Parent State.

In their Petition against me to the House of Commons, they thus state their Meaning more explicitly:

"The Country had already supposed that the Executive Council of the Province from Time to Time appointed by His Majesty, under the 31st G. 3. c. 31, to advise His Majesty and his Representatives upon the Affairs of the Province, actually discharged the important Duties assigned to them by the Constitution; in consequence whereof all public Odium of the Mismanagement of our Affairs has been heretofore vested in the Executive Council, while every Lieutenant Governor has been acquitted, upon the Presumption of his being, as pleaded to us by Sir F. B. Head, a Stranger lately arrived among us, and therefore unintentionally misled by corrupt Advisers; but it has now come to light that the Executive Council has been almost limited in their Duties to a Land Board and Board of Audit, while the Affairs of the Province, so unsatisfactorily managed, seldom passed under their Review, or were submitted for their Advice."

The Petition of the House of Assembly to His Majesty and the House of Commons against me, respecting the Executive Council, are, I conceive, so completely refuted by the Evidence of their own Grievance Report, that I will merely conclude this Subject by the following Observation, written many Years ago by an American:

"A Council to a Magistrate, who is himself responsible for what he does, are generally nothing better than a Clog upon his good Intentions, are often the Instrument and Accomplices of his bad, and are almost always a Cloak to his Faults."

The Assembly, in their Petition to the House of Commons, make their Second Complaint against me as follows: "2. Upon the Formation of this Council, although R. B. Sullivan, Esq., was sworn in, and appeared to the Public as Senior Councillor upon whom, in the Event of the Death or Absence of His Excellency, might devolve the Administration of the Government, yet a secret Agreement was entered into, written in the Council Chamber by His Excellency himself, by which was to be defeated the apparent Succession of the Senior Councillor to the Administration of the Government. This Arrangement was denied by His Excellency to us, in his Answer to our Address on the Subject; while, on the other hand, the Facts so denied are proved by the Testimony of R. B. Sullivan, Esq., and the Hon. Captain Baldwin, both of whom are still retained by His Excellency in the Council. For other Instances of his Deviation from Candour and Truth, as well as of his utter Unacquaintance with the Nature of our Constitution, and the Mode in which it should be administered, we refer to the appended Documents."

If the above Statement had been made to your Lordship, I should not feel it necessary to notice it; but as it is addressed to the House of Commons, and is intended to conceal the Weakness of their own Case by calumniating me, I will, as briefly as possible, show your Lordship the wilful Misrepresentation it contains.

The Day after my late Executive Council resigned I gazetted Messrs. Sullivan Allan, Baldwin, and Elmsley, in their Stead, and appointed a Day on which they were to be sworn in. On the Morning of this Day Mr. Sullivan called upon me, and said, that he wished to retain the Place in which his Name had appeared in the Gazette, yet he wished it should be clearly understood, that

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in case of my Death it was his Intention to resign. My Answer to him was, "When I am dead you may all do what you like."

On assembling in the Ante-chamber of the Council to be sworn in, Mr. Sullivan repeated his Request, and begged that his Intention might be committed to Writing before they were sworn in, and proposed that some Person should be procured to write a Memorandum of his Wishes. I replied, "Surely any one can write that;" and I accordingly took up a Pen and wrote what he desired, which was signed in Presence of the other Councillors, and delivered to Mr. Allan, before any of them were sworn in. As soon as it was signed I said, "This had better not be secret; it had better be made public;" and accordingly the following Day Captain Baldwin stood up in the Legislative Council and made public the whole Arrangement.

About Ten Days afterwards the House of Assembly, at the Request of the Committee to whom had been referred my Correspondence with my late Executive Council, forwarded to me an Address, requesting that I would lay before their House, "Copies of any Bond or Agreement between your Excellency and any of your present Executive Council, or between any Two or more of the said Council, by which it is stipulated in what Manner the Government shall be administered, or who shall administer the Government of this Province, in case of the above-named Occurrence."

As I have stated to your Lordship, the Paper which was signed in the Ante-chamber of the Council, and there delivered to Mr. Allan, without any Minute in Council being made respecting it, did not stipulate "in what Manner the Government should be administered" in case of my Death, nor did it stipulate who, in that Event, "should administer the Government of this Province;" it merely stated Mr. Sullivan's Whim or Intention to resign; and as that had been made public in the Way I have stated, I knew quite well that the Address of the House of Assembly, asking for my "Bond," was merely intended to insult me.

I accordingly replied to the Address as follows: —

"Gentlemen,
"I have entered into no Bond or Agreement of any Sort with my present Executive Council; and I do not possess, nor does there exist in Council, any Document of such a Nature between Two or more of the said Council."

This was strictly correct, for I myself had entered into no Bond, nor did there exist in Council any Document of the Nature applied for.

It was by the Advice of the Council, who read the Assembly's Address to me as well as my Reply before it was sent, that the above Answer was given; and after it was transmitted I gave Mr. Sullivan Permission to go before the Committee (which he did), and explain to them exactly what had taken place, which he did in the following plain honest Evidence on the subject: —

Q. 1. Are you the senior Member and presiding Councillor of the Executive Council?—*A.* Yes.

2. Is there any written Agreement existing between yourself and any of the other Members of the Executive Council by which it is stipulated on your Part in what Way the Government of the Province should be administered in the event of the Death, or Removal from the Province, of the Lieutenant Governor?—There is no Agreement in existence by which it is stipulated how the Government of the Province shall be administered in the Event mentioned in the Question. At the Time the Council were about to be sworn in I expressed a Wish that it might be understood that, in either of the Events mentioned, it was my Intention to resign my Place as Executive Councillor, as it was not my Desire, in any Event, to fill the Situation of Administrator of the Government. At my Request this Intention was expressed in Writing, and I signed it.

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3. Is the Instrument you mention under Seal or witnessed?—It is neither under Seal nor witnessed.

4. Into whose Hands did you deliver the Document?—Into the Hands of the Hon. William Allan.

5 Did any other Person know of the Existence of the Document?—Yes; it was not intended that my Intention should be secret; His Excellency the Lieutenant Governor was present when it was read and delivered to Mr. Allan.

6. Did His Excellency the Lieutenant Governor write the Document, or was it written by His Excellency's Order?—I proposed that my Intention should be expressed in Writing, and I wished that the Writing should be drawn up by some Person other than myself; upon which His Excellency, being present, was kind enough to draw it up.

7. Was the Writing intended to be legally binding upon you?—Certainly not.

8. What was the Object or Intention of the Paper in question, if it was not intended to be legally binding?—It was intended for my own Satisfaction, that it might not be said that I had it in view to fill the Situation of Administrator of the Government.

9. Do you think you could constitutionally resign, in case of either of the above Events, and give place to another who could administer the Government?—I could transmit my Resignation to His Majesty's Government, and decline taking upon myself the Office of Administrator of the Goverment; I think it is the constitutional Right of any Individual to decline taking Office upon himself; and as to giving place to another, that is not the Act of the Person declining Office, but of the Law.

10. Do you not think that in either of the above Events taking place you would be the Administrator of the Government, without being appointed in any Way?—The senior Executive Councillor would, upon taking the Oaths of Office, be invested with the Administration of the Government, without any further Appointment.

11. Do you think upon your Resignation, as above stated, the Administration of the Government could be assumed by any other Member of the Council?—I think it could, either upon my Resignation or upon my Refusal to take the Oath of Office.

With this Explanation before your Lordship, I must beg you to refer to the artful and incorrect Statements made by the Assembly in their Petition to the House of Commons: —

1st. They say that "a secret Arrangement was entered into," although it had been, as I have stated, publicly proclaimed to the whole Country by one of the Members of the new Executive Council in his Place in the Legislative Council. 2d. They say that this Arrangement was denied "by His Excellency to us in his Answer to our Address," although I denied no such Thing, but stated that I had entered into no Bond or Agreement, and that I did not possess, nor did there exist in Council, any Document of such a Nature.

It could not matter to me One Straw whether, when I was dead, Mr. Sullivan resigned, or whether all the Councillors resigned. I could have no Object that Mr. Sullivan's Intention to resign should be secret; if I had I should not have recommended it to be made public, and should not have told Mr. Sullivan to go before the Committee and explain his own Story.

But the Republicans in the House of Assembly were unable to answer the Correspondence which I had held with my late Executive Council, and feeling that they were dead beaten they caught at this Straw, and petitioned the House of Commons, which they of course knew were totally ignorant of the whole Subject, against what they have termed my "Deviation from Candour and Truth."

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But it is perhaps well they should have done so, as it will explain to the House of Commons, as well as to your Lordship, what Sort of People the Revolutionists of Upper Canada are, and will prove the absolute Necessity of not ordering the Lieutenant Governor to be governed by his Executive Council, which might be composed of such Men. In this Event what would become of the Property of the Crown? what would become of the Rights of the People?

I have now submitted to your Lordship Facts which are incontrovertible, and have replied to the Accusations which have been made against me by the House of Assembly by merely contrasting them with their own Declarations.

I must now proceed alone upon my own Testimony, to which I trust your Lordship will give that Weight which is due to the Station I hold.

I have stated to your Lordship that the Instructions you gave me to correct the Grievances of this Country have had the Effect of breaking to pieces the Republican Party. The loyal Feeling which is now rising up to support me in all Directions is greater than I dare describe; as a single Proof of which I will inform you that a Scene took place on my proroguing the Provincial Legislature which is unprecedented in the History of this Country.

Although Toronto is, and always has been, the Head Quarters of the Reformers, and though this Capital will suffer more than any other Part of the Province by the Stoppage of the Supplies, yet never before was the Parliament House so crowded, inside and out, as when I went there to deliver my Speech.

As soon as it was ended, contrary to all Custom, a Burst of Acclamation resounded; Cheers were several Times repeated, and a Crowd of most respectable People of all Parties actually endeavoured to take the Horses from my Carriage, to draw me to Government House.

On the Speech being read again by the Speaker in the House of Assembly, the Gallery and Floor were equally crowded, and as soon as Mr. Speaker Bidwell had concluded Three Cheers were given in the House, although never before had such a Demonstration of public Feeling been evinced.

I am perfectly confident that the whole Country is disposed to rise up to support me, and I can assure your Lordship that I foresee no Difficulty whatever in crushing the Republican Party and in establishing Loyalty, except a general Fear which prevails throughout the Country that the Home Government will be afraid to support me.

I tell your Lordship the Truth, for it is proper you should know that the Reception which was given in England to Mr. Mackenzie has had the Effect of cowing the Loyalists and of giving a false Courage to the Republicans.

One Word of Firmness from the British Government will now settle the Question for ever; but if you hesitate to support me,—if in your Lordship's reply to this Despatch you encourage, by a single Word, the Republicans,—they will instantly be reanimated, and will again utter their old Cry against "the weak trembling Government of Great Britain."

That they have mistaken British Generosity for Fear no one is more persuaded than myself; but I earnestly entreat your Lordship to put Confidence in me, for I pledge my Character to the Result. I solemnly declare to your Lordship that I have no Difficulties to contend with here that I have not already overcome; the Game is won; the Battle is gained as far relates to this Country; and I cannot give your Lordship a more practical Proof of it than by saying I want no Assistance excepting the negative Advantage of not being undermined at home.

I am not myself in the least afraid of your Lordship shrinking from supporting me; but if you knew the Feeling of this Country you would pardon my

 telling

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to
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telling you that the Loyalists, being incapable of understanding the generous liberal Policy under which the Home Government have intended to act, mistrust it, and that the Republicans firmly look to it for Support.

In the present House of Assembly, which is composed of Sixty Members, Five of whom only are English, Five Irish, and Nine Scotch, there are Thirteen American Members, many of whom have not only a Distaste for a Monarchical Government, and who are avowed Advocates for the Election of Magistrates, Legislative Councillors, &c., but who are desirous to upset the Constitution of this Province for the sake of reigning in its Stead (for which see their incorrect Accusations against me).

Many of these Individuals attained their Places by the Encouragement which was given to Mr. Mackenzie in England; and now that I have succeeded in turning the Tide, they will I hope sink for ever, and will be replaced by intelligent loyal British Subjects, if your Lordship will firmly support me.

Whether I may continue here or be replaced is a Subject I will not now discuss; but as long as I do remain here, and just at the present Moment, it is of vital Importance that I should retain the Victory which has been won.

Your Lordship is aware I have had some Experience in ascertaining the Opinions of the lower Classes in the Mother Country, and I have no Hesitation in declaring that in no Part of Great Britain does there exist so loyal a Disposition as will be displayed in this Province, if we will only act towards it with Firmness and Decision.

I shall never regret the generous Policy which attempted to produce here Tranquillity by Conciliation, for I at present owe to it my Success; but my Speech to the Legislature will prove to your Lordship that we can carry that Policy no further; that to Republicans the more we concede the more they demand; that while they are pushing at the Constitution every Inch of Ground they gain redoubles their Exertions; and that on the contrary if Resistance be sternly offered to them they give up the Attempt and run away.

I fully expect that before a Month has elapsed the Country will petition me to dissolve the present House of Assembly, but until the Feeling is quite ripe I shall not attend to it. I would therefore request your Lordship to send me no Orders on the Subject, but to allow me to let the Thing work by itself; for it now requires no Argument, as the stopping of the Supplies of the Road Money, and all other Money Bills, will soon speak for themselves in a Provincial Dialect which everybody will understand.

The Language contained in the 92 Resolutions from Lower Canada, as well as in the Resolutions they have lately forwarded to the Government, the Language contained in the Grievance Report of this Province, in the Petitions now forwarded by the House of Assembly of Upper Canada against me, and in Mr. Speaker Papineau's Letter to Mr. Speaker Bidwell, are in my humble Judgment subversive of all Discipline, and totally irreconcileable with the Allegiance due from its Colonies to the British Empire.

I feel quite confident that if such Language be received by His Majesty's Government without a stern Rebuke it will be aggravated, and I therefore earnestly express my Hope that your Lordship will deem it proper to reprobate the Reception which, as the Bearer of your remedial Measures, I have met with by the House of Assembly, and that you will by your Expressions firmly support me in the Course I have pursued.

First Enclosure in No. 9.

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to
Lord Glenelg,
21st April 1836.

Enclosure No. 1.

Petition from the House of Assembly to the King.

PETITION of the HOUSE of ASSEMBLY of UPPER CANADA.

To the King's most Excellent Majesty.

Most Gracious Sovereign,

WE, Your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly approach Your Majesty with our renewed Assurances of Loyalty and Attachment to Your Majesty's Person and Government.

It is with Pain we acknowledge how seldom it is we have to address Your Majesty in the unmixed Language of Gratitude and Thankfulness, and we have noticed the Difficulties, at this Distance from Your Majesty's immediate Care, which attend the Fulfilment of the most benevolent Intentions.

We have now to pray Your Majesty's patient and impartial Attention to the History of our Complaint against a sudden, abrupt, and most ungracious Denial by His Excellency of those indispensable constitutional Principles in our local Government, the just Preservation of which is, above all Things, calculated to endear Your Majesty to Your Canadian People, and to strengthen the Bond of Union between this loyal and valuable Portion of Your Empire and the Parent State.

The Report of a Select Committee of Your Majesty's faithful Canadian Commons, which has, after mature Consideration, been adopted by this House, (and accompanies this Address,) will amply inform Your Majesty upon all Particulars; and we regret it should necessarily contain Disclosures to Your Majesty equally injurious to the Interests and Confidence of the People, and to the Character of the Royal Station in this Province. Under Feelings of Solicitude lest Your Majesty's Royal Ear should be prepossessed against us by those who have easier and secret Access to Your Majesty and Your Majesty's Ministers, we have prayed the Aid of Your Majesty's Imperial House of Commons, as will appear from the accompanying Copy of our Memorial, in the Hope that they will aid Your Majesty in extending to us speedy and effectual Measures for the Redress of our Wrongs, and for the Maintenance of the Honour and Dignity of the Crown.

Commons House of Assembly, 18th April 1836. (Signed) MARSHALL S. BIDWELL, Speaker.

PETITION of the HOUSE of ASSEMBLY of UPPER CANADA.

Petition from the House of Assembly to the House of Commons.

To the Honourable the Knights, Citizens, and Burgesses of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

May it please your Honourable House,

WE, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, after unavailing Struggles for a Series of Years to obtain such an Administration of our local Affairs as would secure to the People of this Province, possessing "the very Image and Transcript of the British Constitution," the Blessings of good Government, are at length driven to appeal to the Wisdom, Justice, and Magnanimity of your Honourable House, in the Hope that your powerful Intercession with His Majesty may yet redeem us from a Condition every Day becoming more ruinous and alarming. We are not unacquainted with the overwhelming Influence of Station and Weight of Authority which will be brought to bear against our Exertions to procure Redress; and without the Interposition of your Honourable House we entertain a Fear, grounded on the Experience of the past, that His Majesty's Ear will be so abused by secret Despatches and personal Detractions as almost to set at Defiance the best directed Intentions of His Majesty to arrive at the Truth. And we desire to add, as a further Difficulty, an inveterate Disposition to

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Enclosure No. 1.

Petition from the House of Assembly to the House of Commons.

adhere to what is called the Colonial System, under which our present Condition has been produced, instead of accommodating it, as both Wisdom and Justice require, to the changing State and increasing Wealth and Population of the Country.

In answer to the Address of this House to His most Gracious Majesty, in the late Session, upon the Subject of our Grievances, we received as our new Lieutenant Governor His present Excellency Sir Francis Bond Head, who by Message communicated to this House the Instructions he had received from His Majesty's Government for his Guidance. But these Instructions leave us under the same unsatisfactory and injurious System that has heretofore prevailed; and we practically feel that the Institutions of the Country are so directed, their Operations so abridged, and public Functionaries so protected in Misgovernment by their Distance from their Superiors, as to render illusive and abortive the most promising Schemes framed in England for our Amelioration. Upon the Arrival of Sir Francis Bond Head to represent His most Gracious Majesty among the constitutional Authorities of the Province, we were disposed to entertain the happiest Expectations, and when His Excellency from the Throne invited us to render him "that loyal, constitutional, unbiassed, and "fearless Assistance which your King expects, and which the rising Interests of "your Country require;" and when we saw our often repeated Dissatisfaction with the Executive Council removed, and the highest public Confidence secured by the Addition of the Hon. John Henry Dunn, Robert Baldwin, and John Rolph, Esquires, we fully believed that we were about to enjoy under His Excellency the full Benefit of our Charter, by a wise, impartial, and constitutional Administration of our Affairs. The Reign of universal Thankfulness and Tranquillity under this Change of Things was, we lament to state, of short Duration. The Country had always supposed that the Executive Council of the Province, from Time to Time appointed by His Majesty under the 31st Geo. 3. c. 31. to advise His Majesty and His Representative upon the Affairs of the Province, actually discharged the important Duties assigned to them by the Constitution, in consequence whereof all public Odium of the Mismanagement of our Affairs has been heretofore visited on the Executive Council, while every Lieutenant Governor has been acquitted upon the Presumption of his being, as pleaded to us by Sir F. B. Head, "a Stranger lately arrived among us," and therefore unintentionally misled by corrupt Advisers. But it has now come to light that the Executive Council have been almost limited in their Duties to a Land Board and Board of Audit, while the Affairs of the Province, so unsatisfactorily managed, seldom pass under their Review or were submitted for their Advice. It appears from the Appendix to this Memorial, to which we refer your Honourable House, and to which we earnestly pray a patient, candid, and impartial Regard, that the late Executive Council, composed of the whole Council with the aforesaid Additions, after remaining Three Weeks in Office under the old but concealed System of withholding from their Advice the Affairs of the Province, addressed to His Excellency Sir F. B. Head the confidential Representation hereto annexed, praying either that the Affairs of the Province might be systematically submitted for their Advice, preparatory to His Excellency's final and discretionary Action thereon, or that they might be allowed to disabuse the Public respecting the Nature and Extent of the Duties confided to them. And the Need of this Request must have been injuriously felt, from the Fact notorious to us and to the Country, that every Act of His Excellency's Administration proved either that the late Council had betrayed public Confidence, or that His Excellency followed the Advice of uncertain, unsworn, and irresponsible Persons, neither possessing nor entitled to political Confidence.

In the above constitutional, just, and reasonable Representation made to His Excellency in official Confidence under Oath His Excellency made the Reply also appended hereto, and concludes, after denying the constitutional Origin and Duties of the Council, with the Assurance to his Council, "that his Estimation of their Talents and Integrity as well as his personal Regard for them remain unshaken, and that he is not insensible of the Difficulties to which he will be exposed should they deem it necessary to leave him. At the same Time, should they be of opinion that the Oath they have taken requires them to retire from his Confidence rather than from the Principles they have avowed,

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Enclosure No

Petition from the House of Assembly to the House of Commons.

he begs that on his Account they will not for a Moment hesitate to do so." Under these Circumstances, the Council, feeling themselves under the Alternative of abandoning either their Principles or their Place, honourably chose the latter. The aforesaid Representation and Reply, His Excellency's Answer to us accompanying the same, and various other popular Explanations given by His Excellency to the Public, with the public Proceedings on the same, together with various other Documents connected with the Subject, and the adopted Report of a Select Committee thereon, are all appended hereto for the more full Information of your Honourable House and the more ample Communication of our Wants and Views. It is with Pain, Disappointment, and Humiliation we notice the reiterated Declaration of His Excellency to conduct our Affairs without the Advice of the Executive Council, according to his own Will and Pleasure, which his public Acts have already proved to be arbitrary and vindictive. And this View of his own sole ministerial Power and Authority, with a nominal Responsibility to Downing Street, he has sustained before the Public by Mis-statements and Misrepresentations so palpably opposed to Candour and Truth as to destroy all Hopes of further Justice from his Government; all which is more fully set forth in the Documents appended hereto. Since the Resignation of the late Council His Excellency has formed another, composed of Robert Baldwin Sullivan, Esq., and the Hon. William Allen, Augustus Baldwin, and John Elmsley; neither enjoying nor entitled to the political Confidence of the People or their Representatives. Upon the Formation of this Council, although R. B. Sullivan, Esq., was sworn in and appeared to the Public as Senior Councillor, upon whom, in the Event of the Death or Absence of His Excellency, might devolve the Administration of the Government, yet a secret Agreement was entered into, written in the Council Chamber by His Excellency himself, by which was to be defeated the apparent Succession of the Senior Councillor to the Administration of the Government. This Arrangement was denied by His Excellency to us in his Answer to our Address on the Subject; while on the other hand, the Facts so denied are proved by the Testimony of R. B. Sullivan, Esq., and the Hon. Captain Baldwin, both of whom are still retained by His Excellency in the Council. For other Instances of his Deviation from Candour and Truth, as well as of his utter Unacquaintance with the Nature of our Constitution and the Mode in which it should be administered, we refer to the appended Documents, wherein are also detailed other Grievances of an urgent and serious Nature, to all of which we humbly pray the serious, speedy, and impartial Attention of your Honourable House. Being denied the beneficial and constitutional Operation of our local Institutions for the Management of our local Affairs; being threatened with the Exercise of the unadvised, arbitrary Government of His Excellency, virtually irresponsible, and being satisfied that nothing but an open, entire, and honourable Abandonment of this Policy, equally unconstitutional and pernicious, will ever restore our Peace, Welfare, and good Government, we have, in Justice to the People, whose Civil and Religious Interests we are solemnly bound fearlessly to vindicate, been obliged, as a last Resort, to stop (most reluctantly) the Supplies; and for the Attainment of Redress in these and other Matters contained in the appended Report we pray the Aid of your Honourable House.

And, as by Inclination and by Duty we are led and bound to do, we shall ever pray.

Commons House of Assembly, 18th April 1836. } (Signed) MARSHALL S. BIDWELL, Speaker.

Letter from Captain Baldwin to the Lieutenant Governor.

Copy of a Letter from Capt. A. Baldwin to Lieut. Governor Sir F. B. Head, intended to correct an Error with reference to his Evidence before the Select Committee of the House of Assembly, into which the Committee appear to have fallen in taking down his Words relative to the Executive Council.

Sir, Russell Hill, 26th April 1836.

ON looking over the Correspondent and Advocate Newspaper of the 21st April, I observed a Statement of my Evidence before a Committee of the

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 1.

Letter from Captain Baldwin to the Lieutenant Governor.

House of Assembly on the late Change in the Executive Council, as appended to the Report of that Committee, and seeing that the Committee must have misunderstood my Answers in some Points, and that they are not stated correctly, I beg leave to address your Excellency on the Subject, lest any Misunderstanding should arise with regard to the Facts as they actually happened.

To the Question put to me, " At whose Suggestion was the Paper drawn up ?" I said, " I believed at Mr. Elmsley's," and not, as stated, " At Mr. Elmsley's."

I did not state that the Paper was drawn up " in the Executive Council Chamber," but that " it was written in the Office of the Clerk ;" for we did not go to the Council Chamber till we were called in one by one to be sworn.

I have, &c.

(Signed) A. Baldwin.

Addresses from the House of Assembly to the Lieutenant Governor.

Four Addresses of the House of Assembly of Upper Canada to the Lieut. Governor for Money on account of the Contingencies of the Session of 1836.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency would be pleased to issue your Warrant on the Receiver General in favour of the Speaker of this House for 1,000*l.*, in part to defray the contingent Expenses of this House, which Sum we will make good during the present Session.

Commons House of Assembly, 10th Feb. 1836. (Signed) Marshall S. Bidwell, Speaker.

Gentlemen,

I shall have Pleasure in complying with the Request contained in your Address of this Day.

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency would be pleased to issue your Warrant on the Receiver General in favour of the Speaker of this House for 1,000*l.*, in part to defray the further contingent Expenses of this House, which Sum we will make good during the present Session.

Commons House of Assembly, 10th March 1836. (Signed) Marshall S. Bidwell, Speaker.

Gentlemen,

I shall be happy to comply with the Request contained in your Address.

To

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 1.

Addresses from the House of Assembly to the Lieutenant Governor.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to issue your Warrant on the Receiver General in favour of the Speaker of the House of Assembly for the Sum of 2,000*l.*, to defray in part the further contingent Expenses of the present Session, which Sum we will make good during the same.

Commons House of Assembly, 14th April 1836. } (Signed) Marshall S. Bidwell, Speaker.

Gentlemen,

As the Legislature is to be prorogued on Wednesday next, I regret exceedingly that I cannot deem it advisable to comply with the Request contained in this Address.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request your Excellency will be pleased to issue your Warrants to the Receiver General of this Province in favour of Grant Powell, Esq., Clerk to the Honourable the Legislative Council, for the Sum of 1,740*l.*

Of Stephen Jarvis, Esq., Gentleman Usher of the Black Rod, for certain contingent Expenses of the Honourable the Legislative Council during the present Session, for the Sum of 329*l.* 5*s.*

Of James Fitzgibbon, Esq., Clerk of the House of Assembly, for the Sum of 5,864*l.* 1*s.* 8½*d.*, to pay the contingent Expenses of his Office for the present Session and late Recess.

Of David A. M'Nab, Esq., Serjeant-at-Arms, for the Sum of 561*l.* 14*s.* 11*d.*, to enable him to pay certain contingent Expenses of the House of Assembly for the present Session.

Which Sums His Majesty's faithful Commons will make good during the next Session of Parliament.

Commons House of Assembly, 20th April 1836. } (Signed) Marshall S. Bidwell, Speaker.

Contingencies - - - - £8,496 1*s.* 7*d.*

Item.—Of the above Contingencies asked for, 2,700*l.* were, I have been informed, intended to pay Mr. O'Grady, the Editor of the "Correspondent and Advocate," and other Presses patronized by the House, for the Dissemination of 5,000 Copies of their Report, and for similar Purposes.

Gentlemen,

I regret that the Course taken by the House of Assembly, in refusing to entrust me with the Money for the Province for the Purpose of carrying on the ordinary Affairs of Government for the current Year, forbids such a Confidence on my Part as your Request involves.

No. 9.
Sir. F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 2.

Lieut. Governor's Speech on closing the Session.

Second Enclosure in No. 9.

Copy of Lieutenant Governor Sir F. B. Head's Speech on closing the Session of the Legislature of Upper Canada on the 20th of April 1836.

Honourable Gentlemen of the Legislative Council; and
Gentlemen of the House of the Assembly:

Before I release you from the Legislative Duties in which you have been respectively engaged, I consider it necessary to recapitulate the principal Events of this Session.

You are perfectly aware that for many Years the House of Assembly of Upper Canada have loudly complained of what they term their "Grievances," and that at the End of your last Session these Complaints, having been referred to a "Committee of Grievances," were, by the Assembly, "ordered to be printed in Pamphlet Form." In pursuance of this Order a Volume, containing 570 Pages, was forwarded to and received by His Majesty's Government, as containing the Sum Total of the Complaints of the People of this Province.

Whether the mere Order for printing this Report of the Committee could be legally considered as sanctioning it with their Opinions I have no Desire to discuss, because no sooner did the said Report reach His Majesty's Government than it was determined that the Grievances it detailed should immediately be effectually corrected; and, accordingly, Instructions were drawn out by His Majesty's Secretary of State for the Colonies, in which each Subject of Complaint was separately considered, and a Remedy ordered for its Correction; and I have only to refer to those Instructions to prove the Generosity with which His Majesty overlooked certain Language contained in the Report, and the Liberality with which He was graciously pleased to direct that impartial Justice should be administered to His Subjects in this Province.

His Majesty's Government having determined that I should be selected to carry these remedial Measures into effect, I waited upon the Colonial Secretary of State, (to whom, as well as to almost every other Member of the Government, I was a total Stranger,) and respectfully begged leave to decline the Duty, truly urging as my Reason, that having dedicated my whole Mind to a humble but important Service, in which I was intently engaged, it was more congenial to my Disposition to remain among the Yeomanry and labouring Classes of my own Country than to be appointed to the Station of Lieutenant Governor of Upper Canada. His Majesty's Government having been pleased to repeat their Request, I felt it impossible not to accede to it; and I accordingly received the Instructions which had been framed; and having had the Honour of an Interview with His Majesty, during which, in an impressive Manner which I can never forget, He imposed upon me His Royal Commands to do strict Justice to His Subjects in this Province, I left England with a firm Determination to carry the remedial Measures with which I was intrusted into full Effect.

I arrived at this Capital on the 23d of January last, and on the 27th I delivered a Speech, in which I informed you I would submit in a Message the Answer which His Majesty had been pleased to give to the several Addresses and Representations which proceeded from the Two Branches of the Legislature during the last Session. I added, that as regarded myself I had nothing either to promise or profess, but that I trusted I should not call in vain upon you for that Assistance which your King expected, and which the rising Interests of your Country required.

In thus officially coming before the Legislature of this Country from our Gracious Sovereign, with a full Measure of Reform, I had expected that my Appearance would have been hailed and welcomed by both Houses of the Legislature, more especially by that from which had proceeded the Grievance Report; and I must own I never anticipated it could seriously be argued for a Moment that I was intruding upon the Privileges of either House.

Having made myself acquainted with the Outline of Public Feeling in this Province, by conversing calmly with the Men of most Ability of all Parties, I communicated the Result to Lord Glenelg, in Despatches, dated the 5th of February, of which the following are Extracts:

"Under these Circumstances, I consider that the great Danger I have to avoid is the slightest Attempt to conciliate any Party; that the only Course for me

me to adopt is, to act fearlessly, undisguisedly, and straightforwardly for the Interest of the Country; to throw myself on the good Sense and good Feeling of the People, and abide a Result which I firmly believe will eventually be triumphant."

"Whatever may be the Result, I shall steadily and straightly proceed in the Course of Policy I have adopted; I shall neither avoid nor rest upon any Party; but, after attentively listening to all Opinions, I will, to the best of my Judgment, do what I think honest and right, firmly believing that the Stability of the Throne, the Interests of this Province, and the Confidence of the People, can now only be secured by such a Course."

To the Speakers of both Houses, as well as to many intelligent Individuals with whom I conversed, I declared my sincere Determination to do Justice to the People of this Province. It was however with deep Regret I observed, that from the House of Assembly I did not immediately obtain the Assistance I expected in carrying the Instructions of His Majesty's Government into effect, for I received various Addresses requesting Papers and Information which I feared might excite troublesome and bygone Discussion.

On the 5th of February I received an Address of this Nature, to which, in as conciliatory a Tone as possible, I replied at considerable Length; and being now determined to urge, and, if possible, to lead the House of Assembly on towards Reform, I concluded my Reply in the following Words:

"The Lieutenant Governor takes this Opportunity of appealing to the Liberality and good Sense of the House of Assembly for Consideration, that as a Stranger to this Province, totally unconnected with the political Differences which have existed in the Mother Country, he has lately arrived here, intrusted by our most Gracious Sovereign with Instructions, the undisguised Object of which is, firmly to maintain the happy Constitution of this Country inviolate, but to correct cautiously, yet effectually, all real Grievances.

"The House of Assembly is deeply interested in the Importance and Magnitude of the Task he has to perform; and he is confident it will, on Reflection, be of opinion that the Lieutenant Governor of this Province had better look steadily forward to its future Prosperity and Improvement—that he had better attract into Upper Canada the superabundant Capital and Population of the Mother Country, by encouraging internal Peace and Tranquillity,—than be observed occupying himself solely in reconsidering the Occurrences of the past.

"The Lieutenant Governor does not assert that the latter Occupation is totally useless, but he maintains that the former is by far the more useful; and that to attend to both is impossible."

This Appeal did not produce the Effect I had anticipated; but I received another Address from the House of Assembly, in behalf of Eight Indians of the Wyandot Tribe; and I had scarcely entered this new and questionable Ground when a counter Petition was forwarded by Eleven Members of the same Tribe, in which they spontaneously declared, "We have the fullest Confidence in the Justice and fatherly Protection of our beloved Sovereign and his Representative the Lieutenant Governor."

Another new Set of Grievances was now brought forward by the House of Assembly, in the Form of an Address to the King, on Trade and Commerce, which I immediately forwarded to His Majesty's Government, although the principal Complaints in the Grievance Report still remained unnoticed and unredressed.

During these Discussions I purposely refrained from having much Communication with the old Supporters of the Government, because I was desirous to show those who termed themselves Reformers, that I continued, as I had arrived, unbiassed and unprejudiced; and, desiring to give them a still further Proof that I would go any reasonable Length to give fair Power to their Party, I added Three Gentlemen to the Executive Council, all of whom were avowed Reformers.

With the Assistance of these Gentlemen, with His Majesty's Instructions before us, and with my own Determination to do Justice to the Inhabitants of this Country, I certainly considered that the Triumph of the Reform which had been solicited was now about to be established, and that the Grievances under which the People of this Province were said to labour would consecutively be

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considered and redressed. But, to my utter Astonishment, these Gentlemen, instead of assisting me in Reform, before they were a Fortnight in my Service officially combined together in an unprecedented Endeavour to assume the Responsibility I owed to the People of Upper Canada as well as to our Sovereign; and they concluded a formal Document which they addressed to me on this Subject, by a Request, that if I deemed such a Course not wise or admissible, they, who had been sworn before me to Secrecy, might be allowed to address the People!—and I must own, that the Instant this Demand reached me I was startled, and felt it quite impossible to assent to the Introduction of new Principles, which, to my Judgment, appeared calculated to shake the Fabric of the Constitution, and to lead to Revolution instead of Reform.

Without discussing the Arguments of the Council, I will simply observe, that had I felt ever so much disposed to surrender to them my Station of Lieutenant Governor, and to act subserviently to their Advice; had I felt ever so willing obediently to dismiss from Office whomsoever they should condemn, and to heap Patronage and Preferment upon whomsoever they might recommend; had I felt it advisable to place the Crown Lands at their Disposal, and to refer the Petitions and personal Applications of the Inhabitants of the remote Counties to their Decision, I possessed neither Power nor Authority to do so. In fact, I was no more able to divest myself of Responsibility than a Criminal has Power to divert from himself upon another the Sentence of the Law; and though, under the Pretence of adhering to what is called "the Image and Transcript" of the British Constitution in this Province, it was declared that the Executive Council must be regarded as a *Cabinet*, I had no more Power to invest that Body with the Attributes of a Cabinet than I had Power to create myself King of the Province,—than I had Power to convert the Legislative Council into an hereditary Nobility,—or than I had Power to decree that this *Colony* of the British Empire should henceforward be a Kingdom.

From total Inability, therefore, as well as from other Reasons, I explained to my Council, in courteous Language, that I could not accede to their Views; and it being evidently necessary for the Public Service that we should separate, I felt it was for them rather than for me to retire. I received their Resignations with Regret; and that I entertained no vindictive Feelings will be proved by the Fact, that I immediately wrote to Lord Glenelg, begging his Lordship most earnestly not to dismiss from their Offices any of these Individuals on account of the Embarrassment they had caused to me.

On the Day the Council left me I appointed in their Stead Four Gentlemen of high Character, entitled by their Integrity and Abilities to my implicit Confidence; and with their Assistance I once again determined to carry promptly into effect those remedial Measures of His Majesty's Government which had been solicited by the Grievance Report.

However, a new and unexpected Embarrassment was now offered to me by the House of Assembly, who, to my Astonishment, not only requested to be informed of the Reasons why my Executive Council had resigned, but who, I have learned, actually suspended all Business until my Reply was received!

As the Lieutenant Governor of this Province is authorized by His Majesty, in case of Death or Resignation, to name, pro tempore, the Individuals he may think most proper to appoint to his Council, I might constitutionally and perhaps ought to have declined to submit to either Branch of the Legislature my Reasons for exercising this Prerogative; but actuated by the earnest Desire, which I had uniformly evinced, to comply with the Wishes of the House of Assembly, I transmitted to them the Correspondence they desired, with a conciliatory Message, which ended as follows:

"With these Sentiments, I transmit to the House of Assembly the Documents they have requested, feeling confident that I can give them no surer Proof of my Desire to preserve their Privileges inviolate than by proving to them that I am equally determined to maintain the Rights and Prerogatives of the Crown, one of the most prominent of which is, that which I have just assumed, of naming those Councillors in whom I conscientiously believe I can confide.

"For their Acts I deliberately declare myself to be responsible, but they are not responsible for mine, and cannot be, because, being sworn to Silence, they

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are deprived by this Fact, as well as by the Constitution, of all Power to defend themselves."

The House of Assembly referred the whole Subject to a Committee, which, contrary to customary Form, made its Existence known to me by applying directly to me, instead of through the House, for other Documents and Informations, which I immediately forwarded, without objecting to the Irregularity of the Application ; and the House, to my great Surprise, prematurely passed its Sentence upon the Subject in an Address, in which it declared to me its "deep Regret that I had consented to accept the Tender of Resignation of the late Council."

The following Extract from my Reply to this unexpected Decision will sufficiently explain the amicable Desire I still entertained to afford all reasonable Satisfaction.

"The whole Correspondence I forward to the House of Assembly, with an earnest Desire that, regardless of my Opinion, the Question may be fairly discussed.

"In the Station I hold I form One Branch out of Three of the Legislature ; and I claim for myself Freedom of Thought as firmly as I wish that the other Two Branches should retain the same Privilege.

"If I should see myself in the wrong I will at once acknowledge my Error ; but if I should feel it my Duty to maintain my Opinion, the House must know that there exists a constitutional Tribunal competent to award its Decision, and to that Tribunal I am ever ready most respectfully to bow.

"To appeal to the People is unconstitutional as well as unwise ; to appeal to their Passions is wrong ; but on the good Sense of the House of Assembly I have ever shown a Disposition to rely, and to their good Sense I still confidently appeal."

Having thus thrown myself upon the Integrity of the House of Assembly, I might reasonably have expected that a favourable Construction would have been placed upon my Words and Acts, and that the Disposition which I had evinced to afford the most ample Information, and to meet, as far as my Duty would admit, the Expectations and Desires of the Assembly, would have been duly appreciated ; the Events however which soon after transpired, and the Addresses which were presented to me in this City and from other Places in the Vicinity, conveyed to me the unwelcome Information that Efforts were being made, under the Pretence of "the Constitution being in Danger," to mislead the Public Mind, and to induce a Belief that I, as Lieutenant Governor, had declared an Opinion in favour of an arbitrary and irresponsible Government ; that I had shown an entire Disregard of the Sentiments and Feelings of the People whom I had been sent to govern ; and that therefore the Inhabitants of this Country could never be contented or prosperous under my Administration. Several Petitions, purporting to be addressed to the House of Assembly, and apparently forwarded by Members of that House to Individuals in the Country, with a view to obtain Signatures, having been returned to the Government Office, I had ample Opportunities of becoming acquainted with the Fact that there existed an Intention to embarrass the Government by withholding the Supplies, and that even the Terms had been prescribed to the People of the Province in which they were expected to address their Representatives for that Object.

Now it will scarcely be credited, that while I was thus assailed, while Placards declared that the Constitution was in Danger, merely because I had maintained that the Lieutenant Governor, and not his Executive Council, was responsible for his Conduct, there existed in the Grievance Report the following Explanation of the relative Duties of the Lieutenant Governor and of his Executive Council.

"It appears," says the Grievance Committee, "that it is the Duty of the Lieutenant Governor to take the Opinion of the Executive Council only in such Cases as he shall be required to do so by his Instructions from the Imperial Government, and in such other Cases as he may think fit. It appears by the following Transactions that the Lieutenant Governors only communicate to the Council so much of the private Despatches they receive from the Colonial

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Lieut. Governor's Speech on closing the Session.

Office as they may think fit, unless in Cases where they are otherwise specially instructed."

Gentlemen of the House of Assembly:

Having at your Request transmitted to you the Correspondence which passed between my late Executive Council and myself, and having reminded you that there existed "a constitutional Tribunal competent to award its Decision, and that to that Tribunal I was ever ready most respectfully to bow," it is with Surprise I learn that you have deemed it necessary to stop the Supplies.

In the History of Upper Canada this Measure has, I believe, never before been resorted to; and as I was the Bearer of His Majesty's especial Instructions to examine, and, wherever necessary, to correct the "Grievances" detailed in your Report of last Session, I own I did not expect to receive this Embarrassment from your House.

The Effect of your deliberate Decision will be severely felt by all People in the Public Offices, by the Cessation of Improvement in your Roads, by the Delay of Compensation to Sufferers in the late War, and by the Check of Emigration.

In the Complaints you have made to His Majesty against me (in which you declare that my "Ear is credulous," my "Mind poisoned," my "Feelings bitter;" that I am "despotic," "tyrannical," "unjust," "deceitful;" that my Conduct has been "derogatory to the Honour of the King," and "demoralizing to the Community;" and that I have treated the People of this Province as being "little better than a Country of Rogues and Fools,") you have availed yourselves of a high legislative Privilege intrusted to you by your Constituents, to the Exercise of which I have consequently no constitutional Objection to urge; but, for the Honour of this Province, in which I, though unconnected with the Country, am as deeply interested as its Inhabitants, I cannot but regret, that while I was receiving from all Directions the most loyal Addresses, you, in your legislative Capacity, should have characterized His Majesty's Government, which has lately acted towards Upper Canada so nobly and disinterestedly, by the Expression of "Downing Street Law."

Honourable Gentlemen, and Gentlemen:

Having now concluded an Outline of the principal Events which have occurred during the present Session, I confess that I feel disappointed in having totally failed in the beneficent Object of my Mission.

I had made up my Mind to stand against the Enemies of Reform, but I have unexpectedly been disconcerted by its professed Friends. No liberal Mind can deny that I have been unnecessarily embarrassed; no one can deny that I have been unjustly accused; no one can deny that I have evinced an Anxiety to remedy all real Grievances; that I have protected the Constitution of the Province, and that by refusing to surrender at Discretion the Patronage of the Crown to irresponsible Individuals I have conferred a Service on the Backwoodsman, and on every noble-minded Englishman, Irishman, Scotchman, and U. E. Loyalist, who, I well know, prefer British Freedom and the British Sovereign to the Family Domination of an irresponsible Cabinet.

It now only remains for me frankly and explicitly to declare the Course of Policy I shall continue to adopt as long as I may remain the Lieutenant Governor of this Province, which is as follows:

I will continue to hold in my own Hands, for the Benefit of the People, the Power and Patronage of the Crown, as imparted to the Lieutenant Governor of this Province by the King's Instructions. I will continue to consult my Executive Council upon all Subjects on which, either by the Constitutional Act or by the King's Instructions, I am ordered so to do, as well as upon all other Matters in which I require their Assistance. I will continue to hold myself responsible to all Authorities in this Country, as well as to all private Individuals, for whatever Acts I commit, either by Advice of my Council or otherwise, and will continue calmly and readily to afford to all People every reasonable Satisfaction in my Power. I will use my utmost Endeavours to explain to the People of this Province, that they want only Wealth and Population to become one of the finest and noblest People on the Globe; that Union is Strength, and that Party Spirit produces Weakness; that they should consequently forgive and forget political as well as religious Animosity, and consider

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as their Enemies only those who insidiously promote either; that, widely scattered as they are over the Surface of this extensive Country, they should recollect with Pride the brilliant History of "the old Country," from which they sprung, and, like their Ancestors, they should firmly support the British Standard, which will ever afford them Freedom and disinterested Protection; that by thus tranquillizing the Province the redundant Wealth of the Mother Country will irrigate their Land, and that her Population will convert the Wilderness which surrounds them into Green Fields; that an Infusion of Wealth would establish Markets in all Directions, as well as good Roads, the Arteries of Agriculture and Commerce; that plain, practical Education should be provided for the rising Generation, as also the Blessings of the Christian Religion, which inculcates "Glory to God in the highest, and on Earth Peace, Goodwill towards Men."

Taking every Opportunity of offering these Recommendations to the Inhabitants of this Province, I shall in no Way attempt to enforce them; on the contrary, I shall plainly promulgate, that if the Yeomanry and Farmers of Upper Canada are not yet sufficiently tired of Agitation, if they do not yet clearly see what a Curse it has been to them, it will be out of my Power to assist them; that if they insist on turning away the redundant Wealth as well as the Labourers of the Mother Country to the United States, I shall be unable to prevent them; in short, that if they actually would rather remain as they are than become wealthy, as they might be, my Anxiety to enrich them must prove fruitless.

On the other Side, whenever they shall be disposed to join Heart and Hand with me in loyally promoting the Peace and Prosperity of the Province, they shall find me faithfully devoted to their Service. In the meanwhile I will carefully guard the Constitution of the Country, and they may firmly rely that I will put down promptly, as I have already done, the slightest Attempt to invade it.

With inward Pleasure I have received Evidence of the invincible Re-action that is hourly taking place in the Public Mind, and for the sake of the Province rather than for my own I hail the manly British Feeling which in every Direction I see, as it were, rising out of the Ground, determined to shield me from Insult, and to cheer and accompany me in my Progress towards Reform.

I have detained you longer than is customary, but the unprecedented Events of the Session have made it necessary to do so.

Third Enclosure in No. 9.

Enclosure No. 3.

UPPER CANADA.

ADDRESSES from different Parts of the Province to Lieutenant Governor Sir FRANCIS BOND HEAD, K.C.H., referred to in the accompanying Despatch.

Addresses from the Provinces to Lieut. Governor.

		Signatures.
1.	City of Toronto	1,640
2.	County of Hastings	716
3.	District of Niagara	754
4.	District of Prince Edward	864
5.	Kingston and Vicinity	570
6.	Newmarket and Vicinity	114
7.	Town of Niagara	96
8.	Yonge Street	155
9.	Township of Ancaster	147
10.	Township of Stamford	192
11.	Bytown, Two Addresses	281
12.	Township of Georgina	60
13.	Township of Guelph	167
14.	Peterboro' and Vicinity	1,026
	Total	6,782

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Sir. F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 3.

Addresses from the Provinces to Lieut. Governor.

(No. 1.)

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c., Lieutenant Governor of Upper Canada, &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the City of Toronto and its immediate Vicinity, beg leave to express to your Excellency our deep Regret at the Difficulties which have recently arisen on the Subject of the constitutional Duties of the Executive Council of this Province.

We view with the strongest Feelings of Disapprobation and Indignation the Efforts which have recently been made and are now making to take Advantage of these Difficulties for the Purpose of embarrassing your Excellency in the Administration of the Government of this Province, and for the Purpose of creating an Excitement and Disturbance in the Colony which is calculated to produce the most injurious and fatal Effects, and to be subversive of the Peace, Welfare, and good Government of the Country.

We feel the highest Satisfaction at the Sentiments expressed by His Majesty's Government on the Affairs of the Colony, as contained in the Royal Instructions to your Excellency which were laid before the Legislature immediately after your Arrival in this City.

We have the highest Confidence in the Talents and Integrity of your Excellency, and in the Sincerity of your repeatedly declared Desire to carry into effect the liberal Intentions of His Majesty's Government towards the People of this Province; and we view with unqualified Admiration the Candour, the conciliatory Manner, and the manly Firmness with which your Excellency has met the Demonstrations which have recently been made to embarrass your Excellency in the Administration of your Government, and to create an Excitement and Disturbance in this prosperous and highly favoured Country.

Ardently attached to the Government and Institutions of the great Empire of which these Colonies have the Advantage of being an integral Part, we are determined by all lawful Means in our Power to preserve and perpetuate the Connexion, and to oppose and counteract every Effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that Connexion, and to introduce into the Institutions of this Province Changes which are incompatible with the Principles of the British Form of Government.

Convinced that the Prerogatives of the Crown are only a sacred Trust for the Protection of the Rights and Liberties of the People, and that by sustaining the one we are taking the most effectual Means of securing the other, we beg to assure your Excellency that we shall make use of all lawful and constitutional Exertions to uphold your Excellency in the Administration of the Government of this Province, and to support you in your Determination to carry into effect the liberal Intentions of His Majesty's Government towards the People of this Colony.

Number of Signatures attached to this Address, 1,640.

(No. 2.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, the Inhabitants of the County of Hastings, have seen the Correspondence lately published between the late Executive Council and your Excellency, and have read with Pleasure your Excellency's determined, talented, and firm Arguments in that Correspondence relative to the Charter of our Liberties, our Constitutional Act, and cannot but express our Regret at the premature and hasty Resignation of said Councillors, particularly at a Moment when your Excellency was preparing for their Consideration Measures of Reform for the better Administration of good Government in this Province, and would beg your Excellency still to continue in the same Resolution of upholding and supporting

supporting the best Interests of our Agriculturists, and advancing the Prosperity of our Province.

Number of Signatures attached to this Address, 716.

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 3.

Addresses from the Provinces to Lieut. Governor.

(No. 3.)

To His Excellency Sir Francis Bond Head, Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the District of Niagara, who profess Loyalty to our Sovereign, deem it our Duty to come forward at the present Crisis of Affairs in this Province, and declare our Attachment to the Constitution of the Country, and Approval of the Conduct of the Representative of our King.

We have read the Document signed by the late Executive Council to your Excellency, and your Excellency's Reply. We have also read the Petition of the Council of the City of Toronto to your Excellency, and your Excellency's Answer thereto. We now do most willingly and cheerfully come forward to record our Approbation of the Firmness of Character exhibited by your Excellency; and we are pleased to hear that your Excellency will "maintain the happy Constitution of the Country inviolate," and will "cautiously, yet effectually, correct all real Grievances." We are also pleased to find that your Excellency consults the "Interests of the Farmer," in preventing the Patronage of the Province passing into the Hands (which it would do) "of a few Families, which might possibly promote their own Views to the Rejection of the Interests of the distant Counties."

We regret that any Differences should have arisen between your Excellency and the Executive Council at this Time; but we hesitate not to declare that we approve of the Conduct of your Excellency; and we believe that if those invested with Power would lay aside all private Feelings, and "forgive and forget" all political Animosity, that His Majesty's Wishes, as expressed in your Instructions, would be promptly executed.

Number of Signatures attached to the Address, 754.

(No. 4.)

To His Excellency Sir Francis Bond Head, K. C. H., Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, His Majesty's loyal and devoted Subjects, the Inhabitants of the District of Prince Edward, in approaching your Excellency beg leave to express in the most unequivocal Manner our firm Attachment to the King and Constitution, and to the Continuance of our Connexion with the Mother Country, a Connexion which has raised this Province to its present prosperous and flourishing Condition.

We fully coincide with your Excellency in your Interpretation of the Constitutional Act, and are convinced had you yielded to the Demands of your late Executive Council, and transferred to them the Power and Responsibility which are invested in yourself, your thus consenting to place the Patronage of the Crown in the Hands of a few leading Individuals would bring about a Change injurious to the best Interests of both Crown and People.

Impressed with these Sentiments, we rejoice to know that your Excellency has expressed your firm Determination to maintain inviolate the Constitution of this Province, and, at the same Time, to proceed in the Reformation of any Abuse that may exist; and fully relying on this your Excellency's Determination,

We have the Honour to be, &c.

Number of Signatures attached to this Address, 864.

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 3.

Addresses from the Provinces to Lieut. Governor.

(No. 5.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Guelphic Order of Hanover, and of the Prussian Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, His Majesty's faithful and loyal Subjects, Inhabitants of the Town and Township of Kingston in the Midland District, most respectively crave leave to address your Excellency at this Time of political Agitation.

Assembled in General Meeting duly convened, we beg to assure your Excellency that we view the Increase and Prosperity of this Province as mainly attributable to its Connexion with the Parent State, and that our Duty as well as our Interests require that such Connexion should be defended at all Hazards.

That we owe Allegiance to His Majesty, and Obedience to those Prerogatives with which the Constitution has invested Him for the Good of the People.

That while Upper Canada continues to be a British Colony, the Lieutenant Governor, as the Representative of and responsible to His Majesty, is by the Act of 31 Geo. 3. made wholly and solely responsible for the Acts of his Government, and that it was never contemplated by that Act to invest an Executive Council with such Responsibility.

That while we perceive with Regret the Differences which have occurred between your Excellency and the late Executive Council, we cannot but rejoice at your Determination to uphold the present Constitution, assured that while you preserve the Prerogatives of the Crown you will maintain inviolate the Rights and Liberties of the People.

That during the short Period since your Excellency's Accession to the Government of this Province, your upright, manly, and uncompromising Conduct has been such as to call forth the Respect of all Classes of His Majesty's Subjects in this Province, and to assure them that your Excellency is eminently qualified and manifestly desirous to promote the true Interests of this rapidly rising Portion of His Majesty's Empire.

May your Excellency long continue to rule over us with the Candour and Honesty, the Firmness and Dignity, which has already characterised your Administration of the Government of this Province.

Kingston, 30th March 1836.

Number of Signatures attached to this Address, 570.

(No. 6.)

To His Excellency Sir Francis Bond Head, K. C. H., &c. &c. &c., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Village of Newmarket and the adjacent Country, beg leave to express to your Excellency our deep Regret at the Difficulties which have recently arisen on the Subject of the Constitutional Duties of the Executive Council of this Province.

We view with the strongest Feelings of Disapprobation and Indignation the factious Efforts which have recently been made and are now making to take Advantage of those Difficulties for the Purpose of embarrassing your Excellency in the Administration of the Government of this Province, and for the Purpose of creating an Excitement and Disturbance in the Colony, which is calculated to produce the most injurious Effects, and to be subversive of the Peace, Welfare, and good Government of the Country.

We feel the highest Satisfaction at the Sentiments expressed by His Majesty's Government on the Affairs of this Colony, as contained in the Royal Instructions to your Excellency which were laid before the Legislature immediately after your Arrival in the City of Toronto.

We have the highest Confidence in the Talents and Integrity of your Excellency, and in the Sincerity of your repeatedly declared Desire to carry into effect the liberal Intentions of His Majesty's Government towards the People of this Province; and we view with unqualified Admiration the Candour, the conciliatory Manner, and the manly Firmness with which your Excellency has

met

Addresses from the Provinces to Lieut. Governor.

met the factious Demonstrations which have recently been made to embarrass your Excellency in the Administration of your Government, and to create an Excitement and Disturbance in this prosperous and highly favoured Country.

Ardently attached to the Government and Institutions of the great Empire of which these Colonies have the Advantage of being an integral Part, we are determined, by all lawful Means in our Power, to preserve and perpetuate that Connexion, and to oppose and counteract every Effort which may now be making, or which hereafter may be made, either openly or insidiously, to dissolve or weaken that Connexion, and to introduce into the Institutions of this Province Changes which are incompatible with the Principles of the British Form of Government.

Convinced that the Prerogatives of the Crown are only a sacred Trust for the Protection of the Rights and Liberties of the People, and that by sustaining the one we are taking the most effectual Means of securing the other, we beg to assure your Excellency that we shall make use of all lawful and constitutional Exertions to uphold your Excellency in your Administration of the Government of this Province, and to support you in your Determination to carry into effect the liberal Intentions of His Majesty's Government towards the People of this Colony.

Number of Signatures attached to this Address, 114.

(No. 7.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Inhabitants of the Town of Niagara, Subjects firmly attached to the Parent Empire, and appreciating the Blessings of the British Constitution, beg leave respectfully to address your Excellency at the present political Crisis.

The limited Experience we have had of your past Administration in this Colony convinces us that Upper Canada has acquired in you an uncompromising Representative of His Majesty; and we sincerely trust that no Schism in your Councils, nor undue Interference from any Quarter, will ever divert you from those defined constitutional Principles you have already adhered to, for the Credit of the Country, the lasting Houour of yourself, and the Dignity of His Majesty's Crown.

In the present political Strife we consider ourselves called upon as Subjects of His Majesty, and firmly attached to His Supremacy, and those Principles consolidated in the Colonial Constitution, to express our undisguised Sentiments.

We have recently had called to our Attention the Appointment of your first Executive Council, and we consider that you correctly exercised the Prerogative that is vested in you, and that in accepting their Resignation, and calling other Individuals to your Cabinet, you evinced a Discretion and Dignity worthy of your exalted Situation.

We are well assured that at present there exists no excited State of Public Feeling in this District, nor to any alarming Extent elsewhere, occasioned by the Proceedings between your Excellency and your Council.

We sincerely regret that the Measures of Conciliation suggested, and the unwearied parental Forbearance exercised on the Part of the British Government, through His Majesty's Representatives in both Provinces, for our mutual Prosperity, should have been so unfortunately misplaced, and those remedial Measures recommended for our Benefit paralyzed in their Effect.

We ever desire to see the Constitutional Act of this Colony upheld by the King, and shielded by the People from all vital Innovations, in its original Spirit, and transmitted unimpaired to latest Posterity.

In conclusion, we, the Inhabitants of this Town, the first established in this Colony, and sufficiently tried for Loyalty and Sufferings, beg leave to express our Admiration of that decisive Course your Excellency has adopted in the recent Difficulties you have contended with, in reconciling Public Opinion, and resisting any improper Interference; and we unanimously declare ourselves pledged with our Influence and Hearts to serve King and Country, and per-

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Sir F. B. Head
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severe in maintaining an Administration based so firmly on constitutional Principles.

Number of Signatures attached to this Address, 96.

(No. 8.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, the loyal Inhabitants of Yonge Street, sensible of the many distinguished Privileges we enjoy by our Connexion with the British Empire, beg leave hereby to tender you our most sincere Thanks for and Approbation of your very independent and faithful Conduct since assuming the Government of this happy and thriving Colony, and particularly for the able, clear, and distinct Manner in which you have elucidated the Nature and Bearings of our well tried Constitution, to the Dismay and Discomfiture of a few political Partisans, who seek to destroy its nicely balanced Powers, by making every thing subservient to a dominant political Faction, than the which no greater Calamity could befall our adopted Country.

Fully engaged in our various Pursuits in the social Interchanges of private Life, and the quiet Enjoyment of Agricultural Employment, we have neither Leisure nor Disposition to take Part in all the political Excitement which is kept alive by a few selfish, designing, and ambitious Men, for the Gratification of private Ends; but possessing an inviolable Attachment to the Mother Country, to the Genius and Spirit of her Institutions and Laws, and desiring to see her exercise a paramount Influence in the Administration of our Government, we *firmly rely upon her strong Arm* to protect us against all such Innovations and Changes as would destroy our happy Constitution. That you may stand firmly by it, and with all that Promptitude and Decision you have so fearlessly and manfully evinced, is the most fervent Prayer of His Majesty's loyal Subjects of Yonge Street.

Number of Signatures attached to this Address, 155.

(No. 9.)

To His Excellency Sir Francis Bond Head, Knight, Lieutenant Governor of Upper Canada.

We, the undersigned Freeholders and Householders of the Township of Ancaster and its Vicinity, beg leave to assure your Excellency that we have witnessed with great Pain and Indignation the Attempts made to embarrass and impede your Excellency's Administration in this Province, which, under the wise and paternal Instructions of His most Gracious Majesty, augured so favourably for its future Prosperity. We are convinced that it is but a small Number of the respectable Inhabitants of this Province who would thus interpose to frustrate your Excellency's beneficent Intentions, and many of those have been misled by the unceasing Efforts of a few designing Men, who have long endeavoured to distract and agitate this Province, and retard its future Advancement in Wealth, Greatness, and Renown.

We therefore consider it our imperative Duty to assure your Excellency that we should ever strive to uphold, by every Means in our Power, that happy Form of Government which Great Britain has guaranteed us by the Constitutional Act, and are determined to maintain inviolate the existing Connexion between this Province and the Parent State.

Individually and unitedly we congratulate your Excellency on your Arrival among us, and fervently pray that, by the Assistance of Divine Providence, you may be the Instrument of diffusing throughout the Province the Blessings of good Government and Peace, of which your Conduct since the Commencement of your Administration is a happy Harbinger and certain Pledge.

Number of Signatures attached to this Address, 147.

(No. 10.)

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 3.

Addresses from the Provinces to Lieut. Governor.

(No. 10.)

To His Excellency Sir Francis Bond Head, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, His Majesty's dutiful and loyal Subjects resident in the Township of Stamford in the said Province, beg leave respectfully to address your Excellency, to state that we accord with your Excellency in the Desire which you have shown to maintain our glorious Constitution (the Envy of all Nations) inviolate, anticipating the happiest Results when your Excellency shall deem it expedient to carry into effect those Measures of Reform which may be deemed necessary, and to which you referred in your Excellency's Message to the Legislature.

We are aware that there exists a certain Faction in this Province, whose Aim is doubtless to mutilate or overthrow that Constitution, and render nugatory the best Intentions of His Majesty towards the People of this Colony; and for the Purpose of those Persons of this Township who are attached to His Majesty's Government having an Opportunity of expressing their Approbation thereof, and your Excellency's Conduct, a Meeting was advertised for the 6th Instant, when, from the Industry of the Radical Faction bringing together a large Number of People from other Townships, equally discontented or disaffected, their Wishes could not then be realized, which Party are handing about Petitions at the present Time for Signature, for the Purpose of thwarting the Representative of His Majesty from carrying into effect his anxious Wishes for their Welfare and Happiness. In such a Crisis as this we feel ourselves called upon to testify our Loyalty and Attachment to our beloved Sovereign and our excellent Constitution, and to express our sincere Acknowledgments to your Excellency for the calm and deliberate Manner in which you have endeavoured to convince that Faction their Views of the Constitution are erroneous, and that any Infringement thereof or Alteration required by them (which we have seen in the public Prints) must tend ultimately to militate against the best Interests of the Inhabitants of this Province. We regret that in so short a Period of your administering the Government of Upper Canada any Differences should have arisen between your Excellency and the late Executive Council, and trust that when a thorough Knowledge of what is required of the present one is entertained they will cordially and conscientiously aid your Excellency in the Discharge of the important Duties pointed out in His Majesty's Instructions for the Government of this Province.

Stamford, 7th April 1836.

Number of Signatures attached to this Address, 192.

(No. 11. A.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of Upper Canada.

May it please your Excellency,

We, the undersigned Inhabitants of Bytown and its Vicinity, beg leave to offer your Excellency our sincere Congratulations on your Arrival in this Province, and on commencing the Discharge of those high and important Duties attached to the eminent Situation in which our revered Sovereign has been pleased to place you.

The recent Events in your Excellency's Council have been received by us with deep Regret, as happening at so early a Period after your Arrival among us, and fearing that some temporary Inconvenience might be felt by your Excellency being deprived of the Assistance of those who had been deemed qualified to act as Advisers in Cases where your Excellency might think proper to consult them. But when we reflect that some of the Council had been selected by your Excellency's Predecessors, and that your Excellency has been pleased to express your Regret that a Difference of Opinion should be deemed

No. 9
Sir F. B. Head
to
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by them a sufficient Ground for withdrawing their Services, it would ill become us, either in reference to your Excellency's Predecessors (of whose Services to the Country we entertain a grateful Recollection), or to your own Opinion, so candidly expressed, to indulge in blaming those Members of your Council who have acted as they have thought incumbent on them to do. We cannot however allow this Opportunity to escape without conveying to your Excellency our grateful Thanks for the candid, firm, and open Declaration of the Line of political Conduct your Excellency has been pleased to avow; and we hail the clear and open Exposition of the Principles of our happy Constitution which your Excellency has been pleased to set forth as the surest Pledge we can receive of the Sentiments you entertain, and that under your Excellency's Administration those Principles, so dear to every loyal Subject, will be maintained with unsullied Purity.

With unqualified Sentiments of Approbation of the Line of Conduct heretofore pursued by your Excellency, we beg leave to convey to you at the same Time the Assurance of our high Estimation of the many Privileges we enjoy under the Protection of the British Government, Privileges so dear and justly appreciated by every Well-wisher of this Province, that in their Support, and (if need be) in their Defence, your Excellency may implicitly rely upon the Zeal and good Feeling of the Inhabitants of Bytown and its Vicinity.

Number of Signatures attached to this Address, 211.

(No. 11. B.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada.

May it please your Excellency,

We the undersigned Inhabitants of Bytown and Vicinity, fully appreciating the Blessings of the British Constitution, under which we live, beg leave to address your Excellency at the present eventful Crisis.

The Principles of our Constitution, which your Excellency has so clearly defined, and the Firmness which you have exhibited in upholding them, are Sources of unmingled Pleasure to us; we accordingly return your Excellency our most grateful Thanks, and we earnestly pray that you will never depart from them.

We think we see, in the Conduct of certain Individuals whom your Excellency was pleased to elevate to your Council (acting, as they manifestly did, under the Guidance of the Leader of a Political Faction), Signs of an already deeply rooted Conspiracy against that Frame of Government which has fostered and encouraged this infant Colony; but we have the utmost Confidence that, by a Continuation of the Decision which your Excellency has already exhibited, evincing, as it does, an intimate Foreknowledge of our real Interests, we shall be spared from democratic Tyranny, and still have the Happiness to remain a Part of the British Empire.

We deprecate the Conduct of those who, pretending to represent the Sentiments of the People, either from Ignorance or Treachery, or both, make use of Language towards your Excellency, as the King's Representative, not only grossly insulting towards His Majesty, but highly degrading to themselves, and abusing their legislative Privileges by distributing through the Province, at the Expense of a much injured and deceived People, a seditious Petition for Signature, calling upon themselves to stop the Supplies; thus more clearly proving the Existence of the Conspiracy before referred to.

Your Excellency may however be assured that the Body of the People will not fail in their Allegiance, should the Day of Trial arrive; and we pledge ourselves to support your Excellency in the Maintenance of the just Prerogatives and Authority of His Majesty over this Province.

Number of Signatures attached to this Address, 70.

(No. 12.)

No. 9.
Sir. F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 3.

Addresses from the Provinces to Lieut. Governor.

(No. 12.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and Knight of the Prussian Military Order of Merit, Lieut. Governor of the Province of Upper Canada.

We, the undersigned Inhabitants of the Township of Georgina, beg respectfully to state to your Excellency the Surprise and Regret with which we view the sudden Resignation of the late Executive Council, at a Period when their Services were most required.

We also beg to state the Concern with which we observe that printed Petitions addressed to the House of Assembly are in circulation for Signature throughout the Country, praying that House, in consequence of such Resignation, to adopt Measures unconstitutional in themselves, injurious to the Interests of this Province, and tending ultimately to its Separation from the Parent State.

Aware of the rational Liberty we enjoy under our present Constitution, and of the Advantages this Colony derives from its Connexion with Great Britain, we should look with Alarm upon such Attempts of factious Demagogue and their deluded Followers, but that we rely, under Providence, upon that steady and fearless Execution of your Duty which your Excellency has already shown for the Preservation to us of these Blessings unimpaired.

Number of Signatures attached to this Address, 60.

(No. 13.)

To His Excellency Sir Francis Bond Head, k. c. h., &c. &c. &c., Lieut. Governor of the Province of Upper Canada.

We, His Majesty's dutiful and loyal Subjects, Inhabitants of the Township of Guelph, in the District of Gore and Province aforesaid,

Respectfully represent,

That we view with extreme Regret the strenuous Exertions now making by a Portion of the Residents of this Province to embarrass your Excellency's Government, and thwart the gracious Intentions of our beloved Sovereign, as expressed in your Excellency's Communication to the Two Houses of the Legislature.

That we respectfully beg to make known to your Excellency the Satisfaction we feel in the Determination expressed by your Excellency, to uphold inviolate our excellent Constitution, perfectly satisfied that it secures to all Classes of His Majesty's Subjects that true, equal, and perfect Liberty which ever emanates from the Spirit of the British Constitution.

That we beg to assure your Excellency of our firm Determination to support by every Means in our Power your Excellency's Administration in the Enforcement of the Laws, and the carrying into effect His Majesty's most gracious Intentions.

Guelph, 5 April 1836.

Number of Signatures attached to this Address, 167.

(No. 14.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of Peterboro' and its Vicinity, beg leave most respectfully to approach your Excellency with an Offer of our sincere Thanks for your uncompromising, manly, and straightforward Conduct since you assumed the Administration of the Government of this Province; we feel from it a most cheering Confidence for the future, and earnestly hope that your Excellency may see no Cause to alter the Course you have so ably struck out for conducting the Affairs of the Government.

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 3.

Addresses from the Provinces to Lieut. Governor.

We view with Sorrow and Disapprobation the vile Attempts which have been made to embarrass your Excellency; and again thank you, Sir, for the able and firm Manner in which you have met them. We are perfectly willing, and will be at any Moment ready, to support your Excellency, whenever it is necessary that our Energies should be called forth for that Purpose.

Number of Signatures attached to this Address, 1,026.

Fourth Enclosure in No. 9.

Enclosure No. 4.

Report of Committee to Commons House of Assembly.

Report of Committee to Commons House of Assembly.

To the Honourable the Commons House of Assembly.

The Committee to whom was referred the Correspondence between His Excellency the Lieutenant Governor and the late Members of the Executive Council of this Province, having examined the various Documents referred to them, and having carefully considered the Subject discussed in the Correspondence, submit the following Report:

The Committee are deeply convinced of the Truth of Lord Glenelg's Opinion, "that the present is an Era of more Difficulty and Importance than any which has hitherto occurred in the History of this Part of His Majesty's Dominions;" and not less are they convinced that the Difficulty has been increased, instead of being diminished, since the Date of Lord Glenelg's Despatch. It is at such a Crisis that we are called to the Discussion of a Question of vital Importance to the People of this Province, a Question which, in the Opinion of the Committee, is no less than this: whether we have, as we have been taught to believe, a Constitution "the Image and Transcript of that of Great Britain," or have only a mutilated and degraded Constitution.

The increasing Dissatisfaction which has been produced by the Mal-administration of our Provincial Affairs, under Lieutenant Governors Gore, Maitland, and Colborne, has been so well known and so general that even the Colonial Office seems to have been awakened to a Sense of the Necessity of ameliorating our Condition, by holding out the encouraging Prospects of Relief and Reform. To our Complaints, too long neglected and unredressed, Attention was at length to be paid. Sir John Colborne (with whose Measures, Maxims, and Advisers His Majesty's Subjects had long been dissatisfied,) was removed, and a Lieutenant Governor was sent out to administer the Affairs of the Province in such a Way that the People should have Reason to be attached to the Parent State, from Sentiments of Affection and Gratitude, as well as from Principles of Duty. As he was a Stranger to the Province, to its Affairs and History, to the Wants, Sentiments, and Habits of its Inhabitants, and as the Measures complained of, under Sir John Colborne's Administration, had been attributed, in a great Degree, if not altogether, to evil Advisers, much Anxiety was felt that the new Lieutenant Governor should call to the Executive Council Persons in whose sound constitutional Principles, Integrity, and Prudence the Country could put Confidence. The Appointment of Messrs. Dunn, Baldwin, and Rolph, therefore, afforded general and lively Satisfaction, not unmixed, however, with serious Apprehensions that the Influence and Presence of the old Councillors, who were supposed to have advised Sir John Colborne, would embarrass His Excellency and the new Councillors in the Pursuit of a more impartial, conciliatory, and constitutional System of Government. The House and the Country were not then aware that this Executive Council had been used as a mere Screen for the Acts of the Lieutenant Governor; on the contrary, it was generally understood that they were consulted on the Affairs of the Province.

That the Principles of the British Constitution were not put in practice, as it regarded this Council, in one respect, was well known, and had been the Subject of earnest Complaint on the Part of your Honourable House; we allude to the Fact that Persons had been appointed or continued as Councillors whose political Opinions or Principles were in opposition to those of the People and their Representatives,

Representatives, and in many Cases to the express Wishes and Intentions of His Majesty's Government, as, for instance, the contemptuous Treatment given to Lord Goderich's Despatch, as well as to its Noble Author. But the Country were ignorant how much the Affairs of the Province had been conducted by the arbitrary Will of the Lieutenant Governor himself, with no other Counsel than the secret Suggestions and Recommendations of unsworn, irresponsible, and unknown Advisers.

Report of Committee to Commons House of Assembly.

Much and justly as the People of this Province have been dissatisfied with the Condition of our public Affairs, they were nevertheless not aware of the Extent to which the unconstitutional Proceedings of the Lieutenant Governors of this Province had been carried.

Every Day, however, discovers new Cause of Complaint on the one hand, and the contemptuous Indifference with which all Complaints are regarded on the other.

See Representation of the Council, p. 52 ante.

From the Documents referred to the Committee it pretty plainly appears that the Lieutenant Governor had not consulted the Council at all after the new Councillors were sworn in, although during the Interval between that Event and their Resignation Three Weeks of anxious Expectation on the Part of the People and their Representatives had elapsed, and during that Time His Excellency had made various Appointments, which he could not make advantageously or properly without Information and Advice from some one.

His Excellency also refused to give the Royal Assent to a Bill demanded by Justice and Humanity, and passed for more than Ten Years almost unanimously by repeated and different Houses of Assembly, although, during the present Winter, Lord Gosford had informed the Legislature of Lower Canada that the Royal Assent would be given by the King in Council to a similar Bill which had been passed by the Parliament of that Province, and reserved for the Signification of His Majesty's Pleasure. Upon this Refusal to assent to a Bill which had thus received the Sanction and Approbation of both Houses of Parliament in Lower Canada, and both Houses of Parliament in Upper Canada, and been approved of by His Majesty's Government, after deliberate Consideration, it is plain that the Executive Council had never been consulted, and indeed all the Measures subsequently adopted so disappointed Expectation as plainly to indicate, either that the Council were not consulted, or that the old Members, with the Umpirage of the Lieutenant Governor, predominated.

Your Committee are forced to believe that the Appointment of the new Councillors was a deceitful Manœuvre to gain Credit with the Country for liberal Feelings and Intentions where none really existed; for it was notorious that His Excellency had really given his Confidence to and was acting under the Influence of secret and unsworn Advisers. Under these Circumstances the Council seem to have been led (in conformity indeed with a Suggestion of His Excellency himself) to examine the Nature and Extent of their Duties under the Constitutional Act, and having discussed the Subject with His Excellency personally at the Council Board, they united, Ten Days afterwards, in an unanimous and respectful Representation in Writing to His Excellency, in which, after adverting to the critical State of public Affairs, and the general Discontent with the past Administration, which no one can doubt, they state their Views of the Constitutional Act (31 Geo. 3. c. 31.), as it respects the Executive Council, and draw from it the following Conclusion:

"Firstly.—That there is, according to that Statute, an Executive Council.

"Secondly.—That they are appointed by the King.

"Thirdly.—That they are appointed to advise the King and his Representative upon '*the Affairs of the Province.*' No particular Affairs are specified; no Limitation to any particular Time or Subject."

They represent that according to our Constitution the Lieutenant Governor should consult the Executive Council upon the Affairs of the Province generally, and not merely occasionally, although (except in certain Cases where their Concurrence is by Statute expressly required) His Excellency would still be at liberty to reject the Advice when given; and they recommend that, with the Exception of those Matters of so weighty or general a Character as not properly to fall under any particular Department, and therefore fitted for the Deliberation

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of the Council collectively, the Affairs of the Province should be distributed into Departments, to the Heads of which shall be referred such Matters as obviously appertain to them respectively.

We have been careful to state the exact Propositions of the late Council, as contained in their Representation, because it is important to know what are the real Points in controversy, and because His Excellency, in various public Documents, has given (to use the mildest Terms) a very erroneous Account of these Propositions. He describes them as attempting to divest him of his Responsibility, and of his Power and Patronage, although nothing was proposed by the Council, except that which we have above stated.

Your honourable House will observe that the late Executive Council, in their Representation to His Excellency, have placed their Duties upon the most moderate Scale. It is merely proposed that the Affairs of the Province should be submitted for their Advice before the Lieutenant Governor exercises his own discretionary Power upon them; and if the general Business were, as recommended, distributed into Departments, it would obviously facilitate the Reference of any Matter by His Excellency for Information or Advice. Yet this simple Proposition, in the Opinion of your Committee so reasonable to a candid and so acceptable to a *well-constituted Mind*, is repelled by His Excellency with seeming Indignation, and the Councillors, in a most arbitrary Manner, coerced from their Office, and after their Resignation literally traduced. Upon such official Conduct (whatever the Station from which it comes) your Committee cannot forbear freely to animadvert, for the Country will in vain look for talented and honourable Men to fill the public Stations, and aid the Conduct of public Affairs, if subjected to Ignominy and Reproach, without Vindication by the Representatives of the People, whose highest Interests in the King's Councils they have undertaken to serve.

See p. 153. ante.

It is therefore with Pain your Committee notice, in the Conclusion of His Excellency's Reply to the late Council, the discreditable Alternative offered them. It appears from Mr. R. Baldwin's Letter, that when he and his Colleagues accepted the Invitation to join the Executive Council their political Principles were made known and very fully explained to Sir Francis Head; and when jointly waiting upon him more formally, to receive a united Invitation, it appears he accepted their Services with the avowed Retention of the Opinions they had hitherto publicly entertained and acted on, even declaring, with great apparent Frankness and Magnanimity, that their Seats in the Council would afford them a better Opportunity of confidentially presenting and urging their Views. With such a Latitude professedly given them, it became their Duty, in the Opinion of your Committee, upon assuming their Office, to advise His Excellency upon the Affairs of the Province, and, in their Opinion, as to the constitutional Manner in which it might be best administered, in the Terms of their Oath, "for the Good of the King and this Province, and for the Peace, Rest, and Tranquillity of the same." Such is the Substance of Mr. Baldwin's manly and honourable Letter.

Animated with these loyal and patriotic Feelings, and conversant with the Condition and Expectation of the Country, it appears they joined in the Representation dated the 4th of March 1836, embodying their united Views in a Manner unreserved, candid, and respectful.

See p. 159. ante.

To this Representation Sir F. Head sent a Reply, concluding with the following Words: "The Lieutenant Governor assures the Council, that his Estimation of their Talents and Integrity, as well as his personal Regard for them, remain unshaken, and that he is not insensible of the Difficulties to which he will be exposed should they deem it necessary to leave him. At the same Time, should they be of opinion that the Oath they have taken requires them to retire from his Confidence, rather than from the *Principles* they have avowed, he begs that, on his Account, they will not for a Moment hesitate to do so."

It appears to your Committee that, however sensible the Council might be to the Honour of being confidential Advisers of the King and his Representative in this Province, and however anxious to avert the Embarrassments His Excellency justly apprehended, yet, having entered His Majesty's Service with known Principles, and as a Duty communicated them officially, they could not honourably retire from these Principles, to which, as their Representation testified, they properly attached so much Importance and Truth. Hence upon this

this delicate Subject Mr. Baldwin nobly observes [see his Letter in the Appendix, marked (C.), p. 239.] :

" Having, in the Representation alluded to, but reiterated in a more formal Manner, in conjunction with my Colleagues, under the Sanction of the Oath (which I had in the meantime taken), the same Principles and Opinions which His Excellency knew me to entertain previous to his honouring me with a Seat in his Council, however desirous I might be of giving my best Support to His Excellency's Government, or of not hastily abandoning the important Duties of my Situation, which had been most unwillingly assumed, I could not for a Moment hesitate when the Alternative presented to me was the Abandonment either of my Principles or my Place."

Your Committee cannot hesitate to remark, that this Proposition of Sir Francis Head, in the secret Council Chamber, to retain them in his Service if they would retire from their Principles, was highly objectionable, derogatory to the Honour of the King, and demoralizing to the Community.

Among the criminating Views urged by His Excellency against the late Council, since the Date of the Correspondence, will be found a Complaint against their concluding Prayer, as follows : " that should such a Course not be deemed wise or admissible by the Lieutenant Governor, the Council most respectfully pray that they may be allowed to disabuse the Public from a Misapprehension of the Nature and Extent of the Duties confided to them."

This Request might, in the Opinion of your Committee, have been answered by a frank Avowal of the alleged Intention, " after a few Moments more afforded for Reflection," to consult them to such an Extent as to render their Prayer " practically useless ;" but being, in the strange Misapprehension of His Excellency, " sworn to be *dumb*," and therefore kept by him religiously mute from giving him any Advice, the late Council appear to your Committee to have had before them only Two Courses ; viz. either to obtain a more cordial and constitutional Intercourse with His Excellency, or discreditably to keep up the prevailing public Deception respecting their Duties. If the Council would have recanted, and kept the *great Secret*, viz., that there were *no Secrets*, they might, as the Reply shows, have dishonourably retained His Excellency's Confidence.

But for what honest Purpose could it be desired not to undeceive the Public, who had so long, under a Misapprehension of the Nature and Duties of the Council, directed their Reproach against them as the presumed concurrent Advisers of Misgovernment? If it is *wrong* that the Council should advise upon the " Affairs of the Province," is it *right* falsely to make the People ascribe to them such Duties? Was it criminal, as is pretended, for them to ask Leave to communicate to the Public, not any particular Matter, or their Advice upon it, but merely to correct a public Misapprehension of the Nature and Extent of the Duties confined to them? Was it generous or just for His Excellency, under the Pretence of the Oath they had taken, to compel the new Councillors to subject themselves unjustly to the same Reproach as had been heaped upon the old ones, for supposed Acts they had never done, and for supposed Advice which had never been asked or given? Was it magnanimous or honourable for a Lieutenant Governor, who professed to take upon himself all Responsibility for all Mismanagement of our Affairs, to screen himself from Censure by allowing it to be unjustly imputed to a " *dumb*" " *defenceless*" Council? Would it not have been more manly to say, " *I am the only responsible Person. You shall not be blamed for my Acts ; therefore disabuse the Public, that they may never charge against you what is wholly chargeable against me ?*" But, on the contrary, His Excellency condemns them, almost as Violators of their Oath, for desiring to undeceive the Country, and for betraying so much Sensitiveness about mere Character and Reputation as to undervalue the Honour of innocently braving all the Odium of His Excellency's unadvised Misdoings in his Government. This is a Species of political Gallantry from which the Council seem humbly to have wished to be relieved ; a Wish, however, which His Excellency indignantly resents.

Your Committee are unable to discover, in the Conduct of the late Council, any Grounds for the reiterated Assertion of His Excellency, that they wished to deprive him of his Responsibility and Patronage.

The Responsibility of the Governor should, in the Opinion of your Committee, consist, in a great measure, of selecting good Councillors, and acting with their good and rejecting their bad Advice. The Advice of the Executive

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Council, given in the Terms lately proposed by them, would inform the Judgment but not impair the Responsibility of His Excellency.

A Jury are not the less responsible for their Verdict because they hear Evidence, the Counsel, and the Judge. And to your Committee it seems puerile to urge, that should an Executive Council give Advice to a Lieutenant Governor, he should have no Responsibility in acting on it.

The same may be said about the Patronage.

This Patronage chiefly consists of Appointments to all public Offices throughout the Country; and as His Excellency professes himself to your Honourable House to be a Stranger lately arrived amongst us, unacquainted even with the political Differences of the Mother Country, and necessarily (as all his Successors from England must be) wholly ignorant of this Province, it seems rational and prudent, that before making any such Appointment to Office he should receive the Advice of the Council, in conjunction with whom he could make better Inquiries and arrive at safer Conclusions than by his own unaided Judgment.

When therefore His Excellency contends that he will not take Advice upon the Affairs of the Province because it takes away his Responsibility, and that he will not consult the Council about Appointments to Office because it will take away his Patronage, it practically amounts to a Declaration that he will carry on an arbitrary Government, not because it is the best calculated to advance the Peace and Prosperity of the Country, but for the selfish Purpose of displaying the Extent of his Power; for it is not pretended that the Constitution prevents him from consulting with the Council on all Matters, if he was only desirous of doing so.

But the Lieutenant Governor deliberately declares himself to be responsible for his Council as well as himself to His Majesty's Government in England. This Kind of Responsibility (undeniably existing) we have witnessed in the Examples of all preceding Governors; and Experience dearly bought has proved that Liability to a Patron in Downing Street, 4,000 Miles off, is unavailing for any practical Purpose. And even assuming this Responsibility to continue, it does not lessen the manifest Expediency and Wisdom of guarding against even unintentional Errors in the Conduct of our Affairs, by the Intervention of sworn Advice from Councillors selected by the Lieutenant Governor himself for their Talents and Integrity.

The Counsel given would produce here safe and happy Government, and nstead of destroying Responsibility in England would only lessen the Necessity of a frequent Appeal to the Throne and to the British Parliament for the Redress of Grievances, even of the most subordinate Kind.

Your Committee cannot forbear to notice the Lieutenant Governor's Charge against Four of the late Executive Councillors, whom he accuses with "having changed their Opinions." Sir Francis Head is the last Person who should have promulgated such a Reflection against any of the late Servants, particularly against those to whom he had introduced Gentlemen avowing the Opinions which it is insinuated they imbibed. How could they suppose that His Excellency was angrily opposed to the Principles he had infused into the Council? But it seems he formed the Council of Persons who, he thought, entertained opposite and discordant Sentiments; and because, instead of quarrelling and wrangling among themselves, they discovered in their Proceedings a happy and useful Concord in public Business, he dismisses them for their Unanimity, and then ungraciously charges one Part with holding unconstitutional Views, and the other Part with being Converts to them. And all these Attacks are made upon them by His Excellency, who at the same Time declares them to be defenceless, "because, being sworn to Silence, they are deprived by this Fact, as well as by the Constitution, of all Power to defend themselves." Nevertheless, to your Honourable House, and in answer to popular Addresses, he is continually urging Constructions and Statements against the Council which ought in Fairness and on every Principle of Honour to be allowed to be answered, or never to have been made.

Your Committee feel surprised at the public Answer of His Excellency to the Address of the City Corporation. Your Committee have procured a certified Copy of this Address and Answer from His Excellency's private Secretary, which they hereunto annex, in which he expresses "*Astonishment*" that those Principles "suddenly appear from a '*Quarter from which he certainly*

See p. 159, 160, ante.

tainly least expected it,' from the Executive Council itself." It is but just to the late Council to remark, that the Announcement of such Principles from a Council into which His Excellency had himself knowingly introduced them with Mr. Baldwin and his Coadjutors could not, in "*Candour*," be a Matter of "*Astonishment;*" nor can your Committee consider it done "*suddenly*," after an amicable verbal Discussion with him in Council Ten Days before, or that it could be "certainly least expected" from sworn Advisers known to him to entertain these Principles, and bound by His Excellency's Invitation to the frank Interchange of Opinions, as well as by every Obligation of Honour and Duty, to express them to him. It is therefore plain, that the Principles are regarded with "Astonishment" by His Excellency when there was no Reason to feel it; are denounced as obtruded by the late Council "suddenly" after they had been debated for *Weeks;* are condemned as emanating from a "*Quarter*" into which he had *himself* knowingly introduced them; and are said to have been "*least expected*" from Men whom he had *himself* in Council sworn *fearlessly* to advise him according to their honest Convictions.

The late Council are charged by His Excellency, in the last-mentioned Document, with resting their Claims in the appended Representation very nearly on the following Grounds: "1st, That the Responsibility they assume being a popular One, daily increasing, is consequently the Law of the Land. And, 2dly, That though the Powers they require are no where expressed in the Constitutional Act, they were evidently intended to have been inserted."

Your Committee have compared the above professed Epitome of the Grounds taken by the late Council with the Representation itself from which it is avowedly deduced; and the Grounds, thus charged by His Excellency against the Council as assumed by them, are so utterly and so obviously at variance with *Candour* as to defy any courteous Commentary without Injustice to the *constitutional* Question at issue.

In the Answer of His Excellency, accompanying the Documents between himself and the Council, he states, that "with every Desire to consult my Council, I was preparing for their Consideration important remedial Measures which I conceived it would be advisable to adopt, and had they but afforded me those few Moments for Reflection which from my sudden Arrival among you I fancied I might fairly claim as my Due, the Question which so *unnecessarily* they have agitated would have proved practically to be useless."

It is singular that this latent Intention of His Excellency is not even hinted in his Reply to the Council, but is reserved for Disclosure as a Means of criminating them after their Resignation was effected by the Alternative of "abandoning their Principles or their Place." Considering the Relation which ought to exist between a Governor and the Executive Council of the Province, it was not, in the Opinion of your Committee, dealing ingenuously with them, to take most important Steps without their Advice or even Knowledge; and it must have been a humiliating Position for Gentlemen, distinguished as His Excellency admits for "their Talents and Integrity," to imagine that His Excellency was "preparing important remedial Measures," not in dignified and constitutional Co-operation with his highly-gifted Council, but by the Aid of unsworn and irresponsible Persons unentitled to Confidence. Such Conduct did not redeem the Pledge to the late Council, upon accepting Office, of his "implicit Confidence;" and when, after Three Weeks merely nominal Councillorship, they resign, it is alleged, "had they afforded him a *few Moments* for Reflection, the Question which so unnecessarily they have agitated would have proved practically to be useless." If such is the Truth,—if it was intended (after a *few* Moments for Reflection) to consult the late Council to such an Extent as to render their Representation "practically useless," why did His Excellency require them to "abandon their Principles or their Place"? Why did he, in his own Language, "drag the Question into Daylight, in order that it might be openly, fairly, and constitutionally discussed," when it was his avowed Intention shortly to render the Agitation of it "practically useless"? Under such a Prospect it was inexcusable *Misrule* to fill the Country with Consternation and Dismay upon a Matter respecting which he had the *Power*, and *professes* to have had the *Intention*, to satisfy Public Expectation; and after importuning the Honourable J. H. Dunn, and R. Baldwin, Esq., under an overwhelming Pressure of recent domestic Affliction, and Dr. Rolph amidst professional Avocations, in voluntary Retirement from public Life, to join the Council, in order to aid the King's Government, it

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was most *ungenerous* to almost expel them his Council, merely for offering a Suggestion which, after a few Moments more Reflection, he intended so far to follow as to render their Representation "practically useless."

It should be particularly observed that the Representation of the late Council was signed by all the Councillors, was the deliberate, unanimous, conscientious Opinion of Gentlemen of different political Parties; of those who had long been in Office, and of those who had just been appointed; not as to a mere theoretical Question, but as to a Question practically affecting their own Duties under the Constitution of the Country; was not a Movement to serve any political Party, but was calculated to meet the Views and Wishes of all Parties; and that, being in Writing, His Excellency could take his own Time to consider it. Finally, as this was a Matter of no ordinary Importance, and as the Councillors had delivered their Views in Writing signed by all, (a proper and constitutional Proceeding on such great Questions, in the Judgment of the Committee, and certainly the most respectful to his Excellency), it would have been no great Stretch of Courtesy to the unanimous and confidential Advice of his Councillors, if, in case he differed from them, he had referred it, with his Observations, to His Majesty's Government, instead of indulging his arbitrary Spirit, and requiring them to resign for the mere Expression to him in confidence of their Sentiments. It may be observed, that, without being obliged to concede the Principle maintained by him, or to compromise his Character or his Dignity, he might frankly have consulted them in the meantime, of his own Accord, on all important Matters, and have obtained thereby Advice and Information which would have been highly useful to him, and which in fact he necessarily must seek somewhere. By this Means he would have prevented the present Excitement, and the Discussion which has been forced upon the Country of Forms of Government and fundamental Principles of the Constitution; a Discussion which common Prudence will admonish all settled Governments to avoid. That he might have consulted them upon all the Affairs of the Province, even if he was not obliged to do it, there can be no Doubt. Such a Course, if not enjoined, is evidently not forbidden by the Constitution, or by the Royal Instructions, or by any Law or Authority whatever. It is not borrowed from a Republican Government or Republican Institutions, but is a British Usage, and according to British Principles. It seems, however, from his own Declaration, that he was waiting for an Opportunity to force this Discussion upon the Country; or, in his own Language "to drag this new Theory into Daylight, in order that it might be discussed." The Committee and the House are therefore "dragged" into the Discussion of it, not by the Executive Council, not by any factious or party Proceeding, but by His Excellency himself, who, it appears, notwithstanding his short Arrival in the Country, rather courted the Discussion of it than otherwise; for it will be observed that he stated, in answer to the Corporation, as follows:

"Finding that this new Theory was rapidly gaining Ground, I resolved to offer it no secret *Opposition*, nor in any way to *exert* my *Influence* to *oppose* it; but I *determined* the *very* first Time it should come well within my *reach* that I would *drag* it into *Daylight*," &c.

The Committee cannot but remark, that hitherto the Executive Council have sustained the public Censures for the Misconduct of our Affairs, upon which it has always been supposed they have given a concurrent Advice, and upon that Account past Lieutenant Governors, as well as the British Government, have sustained their Office in Dignity, and been treated personally with Respect. It is therfore with great Concern we learn from various public Documents emanating from His Excellency upon this Subject, that he desires to relieve the Council from all Participation of popular Displeasure, inevitable in a Country with liberal Institutions, and to assume it himself. The Representation of the late Council fully expresses the Odium which its Members had silently endured; and it appears to your Committee repugnant to the British Constitution, and inconsistent with the necessary Preservation of Respect for the Kingly Office, to bring His Representative into personal Collision with the People in every Period of Excitement, and render him the ostensible Person for Accusation and Complaint. Should such a Doctrine prevail, the Royal Station in the Colony will be seriously impaired in its Dignity, and be almost unavoidably introduced in Parliamentary Debate, and become the Point upon which will be concentrated every Manifestation of popular Indignation. If all the Odium which has been poured upon the old Executive Council had been charged, as His Excellency proposes,

proposes, upon the Lieutenant Governors, their Residence would not be tolerable, and their very Authority would become weakened or destroyed.

In the Conclusions of the late Executive Councillors, the Committee fully concur, and cannot but express their Surprise that His Excellency should not be convinced by the clear and unanswerable Argument contained in their Representation to him. His Excellency, however, in one of his Appeals to popular Feeling, broadly declares that the Act of 31 Geo. 3. Chap. 31. creates no Executive Council, and says, "If any one tells you that it does, read the Act for yourselves."

In humble Imitation of this great Authority, we affirm confidently, that *according to that Statute there must be an Executive Council appointed by the King for the Affairs of this Province;* and to any one who is led by the strong Assertions of His Excellency to doubt it, we say, "Read the Act for yourselves," especially such Passages as this [Section. 34.]— "together with such Executive Council as shall be appointed by His Majesty *for the Affairs of such Province;*" and such Passages as this [Section 29.]— "with the Advice of such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, *for the Affairs thereof;*" and such Passages as this [Section 7.]— "before such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, *for the Affairs thereof;*" and such Passages as this,— "as such Governor, Lieutenant Governor, or Person administering the Government shall, with the Advice of the said Executive Council, judge to be expedient under the then existing Circumstances;" all of which Passages are found in the Act. On this Subject the Committee refer to the conclusive Argument of the Executive Councillors in the Communication which seems to have disturbed His Excellency so much amidst his alleged Preparation of "*important remedial Measures,*" and conclude that, according to the Constitutional Act, there must be an Executive Council; that they are appointed by the King, and that they are appointed to advise upon the Affairs of this Province generally, and not merely upon particular Affairs or upon particular Occasions, are Propositions which are demonstrable from the express Terms as well as from the Spirit and evident Intention of that Act (as has been shown by the late Executive Councillors), and may moreover be inferred from the Absence of every thing of a contrary Import in the Statute.

In other Statutes besides that just referred to, both Imperial Statutes and Provincial Statutes, the Executive Council is noticed, and their Duties are alluded to in Terms equally comprehensive. [See the Provincial Statute, 34 Geo. 3. Chap. 2. Sec. 33., and the British Statutes, 6 Geo. 4. Chap. 114 Sec. 30., and the 7th and 8th Geo. 4. Chap. 62. Sec. 1.] From these Statutes it will be seen that an Executive Council is "the Council of the Province," "appointed for the Affairs thereof," and not His Excellency's Council, or appointed for particular Affairs, or any particular Purpose. They are not, as he says they are, appointed to serve *him;* they are the Council *of the Province,* "appointed for the *Affairs of the Province.*" The Distinction of His Excellency between the Council serving him and not the People is calculated to awaken much Concern, and seriously impair that Identity of Interest and Purpose which (under the Presumption of our enjoying the British Constitution) we always supposed to exist between the King and the People. Indeed it has been a universal Belief, founded, as your Committee believe, in unerring Principles that both the Privy Council at home and the Executive Council in this Province are the Servants of, or Instruments for the dispensing of good Government. Any Attempt to put up any conflicting Interests between the King and the People, by creating a Belief that in serving the Crown they do not serve the Country, is erroneous in Theory and mischievous in Practice.

His Excellency repeatedly asserts that no Executive Council was created by the British Act, 31 Geo. 3. c. 31., and says, "as regards even its Existence, the most liberal Construction which can possibly be put upon the said Act only amounts to this: that as an Executive Council was evidently intended to exist, the Remnant of the old one ought not to be deemed totally extinct until its Successor was appointed."

In opposition to this sweeping and positive Declaration, the Committee must remark, that there was no such Thing as "an old Council" of this Province; and though there had been a Council created for the Affairs of the old

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Province of Quebec by the British Act, 14 Geo. 3. c. 83., this Council was called a *Legislative Council*, and not an *Executive Council;* and your Committee also deem it worthy of Remark, that this Council is spoken of in the same Terms in the said 14 Geo. 3. as is the Executive Council of this Province in the 31st of the King, viz., "a Council for the Affairs of the Province of Quebec;" and moreover the very First Clause of 31 Geo. 3. c. 31. repealed so much of the previous Act *as in any Manner* related to the Appointment of that *Legislative* Council, or to the Power given to them; not "a Remnant" of that old Council, therefore, existed; every Vestige of it was annihilated, and your Committee are quite perplexed to understand how the Legislative Council of Quebec, after its absolute and unconditional Repeal, could survive in even a Remnant (as His Excellency says) till its Successor was appointed. If this is good Reasoning on the Part of His Excellency, the Legislative Council of Quebec, had no Successor been appointed, would be now in operation; and by similar Logic, by rescinding the Instructions, His Excellency might undertake to revive it. But the last Clause of 31 Geo. 3. c. 31. affords a conclusive Answer to all His Excellency's Assertions, that an Executive Council was not created by that Act; for it provides that during the Interval between the Commencement of that Statute in the Province and the first Meeting of the Provincial Legislature the Lieutenant Governor, "with the Consent of the major Part of such Executive Council as *shall be* appointed for the *Affairs of the Province*," may make Laws for the Government thereof, in the same Manner as the old Legislative Council for the Affairs of the Province of Quebec could have made Ordinances and Laws for that Province. The Council thus authorized to assist in making Laws were an *Executive Council* not then appointed, but which were *to be* appointed, and were to be appointed *before the first Meeting of the Provincial Parliament;* and were to be appointed, not for that particular Purpose only, but "*for the Affairs of the Province*" generally. And yet, according to His Excellency's Opinion, this Statute did not establish an Executive Council at all; while, in his Reply to the late Council, he says, "to enable the Lieutenant Governor to perform the arduous Duties of his Office, the Constitution has wisely provided him with an Executive Council, competent to supply him with that local Knowledge in which he may be deficient, and to whom he may apply for Counsel and Advice."

The Committee without Hesitation affirm, that this Act as much creates or requires the Appointment of an Executive Council for the Affairs of the Province as it creates or requires the Appointment of a Governor, Lieutenant Governor or Person to administer the Government of this Province. His Excellency, when he is promulgating and defending the novel Doctrine that he is sole Minister as well as Representative of the King in this Province, would do well to consider upon what Law his own Authority rests before he makes these rash Assertions. The official Character and Authority of a Lieutenant Governor are no more necessary, under the Constitutional Act, or created by it, than is an Executive Council for the Affairs of the Province; and if the Representative of the King can thus attempt, by such bold Assertions, upon such slight Grounds, to explain away an important Part of that Law which is the "great Charter of our Liberties," from which His Excellency himself in one of his Appeals to the People tells them, "they should never allow a single Letter to be subtracted," (your Committee append the Address and Answer which they have received, duly certified by his private Secretary, marked E.,) your Committee can only hope that his Example will have as little Weight as his Arguments.

It was in a very different Spirit and with very different Views from Sir Francis Bond Head that Lieutenant Governor Simcoe regarded this great Charter of our Liberties; that great and good Man, whose Memory is embalmed in the Affections and Gratitude of the People of this Province, was a Member of the British Parliament when our Constitutional Act was passed; and having served with distinguished Honour in the Colonies during the War, which had not long before terminated, and having been acquainted with those brave and loyal People who were about to seek in this Province an Asylum under British Laws and British Institutions, he was no doubt freely consulted about the Form of Government to be given to them.

The

The following Extract from Lord Rawdon's Observations in the House of Lords, in the Discussion on the Passage of the 31st of the King, will give an Idea of the Estimation in which Governor Simcoe was held.

His Lordship said, "that the Gentleman whom he had heard was to be honoured with the Appointment of Governor was one of all others the fittest and most to be wished for by the Country; his intelligent Mind, his generous and liberal Manners, his active Spirit, and peculiar Abilities for that Situation, rendered him in an eminent Degree the properest Person that Ministers could have selected for that Appointment; and certain he was, that the Choice would redound to their Honour and Credit.

"If Canada was to be governed under the present Bill, it would be well for this Country, and well for Canada, that Colonel Simcoe was the Governor."

When the British Nation conceded to the United States the Right of forming a free Government for themselves, after their own Choice, it is scarcely credible that they intended to confer a Constitution less acceptable upon the Loyalists, who had fought, bled, and sacrificed their Property and Homes in defence of the Unity of the Empire; and it does seem humiliating to your Committee, after the Lapse of Half of a Century, to find a new Lieutenant Governor drawing so unfavourable a Contrast between our local Institutions and those from which they were borrowed as to subject us to his arbitrary Government, by superseding the Functions of that important Branch of the Constitution called the Executive Council.

The Government of this Province was in fact the Subject of one of the most interesting and memorable Debates ever witnessed in the British Parliament; and while Mr. Fox urged the Extension of the elective Principle in the new Constitution farther than it existed in the British Constitution, no one proposed that the Form of Government should be less popular or less free. Governor Simcoe heard the Debates on the Subject, and in fact took Part in them; he was the Bearer of the Act to this Country; was the first Lieutenant Governor of the Province; and was well qualified, and appears to have been authorized by His Majesty's Government, to explain to the People the new Constitution which was established for their Benefit. This enlightened British Statesman and Legislator, who certainly knew what the Principles of the British Constitution were, on the very opening of the first Session of the first Provincial Parliament addressed the Legislature from the Throne, and in the King's Name, in the following Terms:—

"I have summoned you together under the Authority of an Act of the Parliament of Great Britain, passed last Year, *which has established the British Constitution, and all the Forms which secure and maintain it, in this distant Country.*"

"The Wisdom and Beneficence of our most Gracious Sovereign and the British Parliament have been eminently proved, not only in imparting to us the *same Form of Government*, but also in securing the Benefit, by the many Provisions that guard this memorable Act; so that the Blessings of our invaluable Constitution, thus protected and amplified, we may hope will be extended to the remotest Posterity.

"The great and momentous Trusts and Duties which have been committed to the Representatives of this Province, in a Degree infinitely beyond whatever till this Period have distinguished any other Colony, have originated from the British Nation upon a just Consideration of the Energy and Hazard with which its Inhabitants have so conspicuously supported and defended *the British Constitution.*"

Still more striking was the following Language used by him, as the King's Representative, from the Throne, in the Speech with which he closed that Session:—

"At this Juncture I particularly recommend to you to explain, *that this Province is singularly blest, not with a mutilated Constitution, but with a Constitution which has stood the Test of Experience, and is the very Image and Transcript of that of Great Britain.*"

Such were the emphatic Words of this great and good Man. Were they, after all, a mere Delusion? An empty-sounding, unmeaning Mockery? So they are now regarded by His Excellency, who, in an Answer to an Address from the Inhabitants of the City of Toronto, declares that it would be *unreasonable* to

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expect that the People of this Province should be *ruined* in vainly attempting to be the "exact Image and Transcript of the British Constitution," and that "the Constitution which His Britannic Majesty George the Third granted to this Province ordained no such *Absurdities*." That this is strong Language the Committee admit; but it is Language they have read with Pain. The "Absurdities" in which His Excellency's Doctrines have involved him must be apparent to every one, from this "vain Attempt" to depreciate the Authority and tarnish the Memory of Simcoe, the first and ablest of our Governors, by holding him out, either as being unable, from Want of Knowledge or Discernment, to judge whether our Constitution was "an exact Image and Transcript of that of Great Britain," or as being an artful and unprincipled Deceiver, attempting in the Name of the King to palm off on a *confiding* and *deserving* People a "*mutilated Constitution*," by a mere high-sounding Flourish of Words. In despite, however, of His Excellency's Sneers, this Testimony of Governor Simcoe stands recorded on the Journals of your Honourable House, a solemn Assurance in the Name of the King, that His Subjects in this Province shall have all the Blessings of the *British Constitution* secured and "*amplified*" to them and their Children; a Pledge that we trust will yet be made good to them, to the Disappointment of any Lieutenant Governor who may *deride* their Expectations, and oppose their Wishes and constitutional Rights.

Sentiments similar to those of Governor Simcoe have been expressed by succeeding Lieutenant Governors, and by Persons of all Classes and Creeds who have ever treated on the Subject. Although some have demurred, that while we were entitled by the 31st of the King to all the Blessings of the British Constitution, that while it was held out to us in Theory and by Profession, it was denied (in some respects) in Practice, yet all have agreed that it was guaranteed to us by the Constitution; and those who have heretofore complained of the Want of it in Practice have been charged with Disaffection, and denounced as Demagogues, Grievance-mongers, and Disturbers of the public Peace, by Lieutenant Governors and their Adherents. The Records and public Documents of the Province are filled with Expressions (sometimes explicitly and at other Times incidently mentioned) calculated to impress the Belief that we were entitled to the full Enjoyment of all the Blessings flowing from the Constitution of Great Britain; and what is peculiarly striking is, that amidst all this Multitude of Witnesses in favour of our Right to the British Constitution, with all its Blessings and Benefits, that not even a Hint to the contrary was ever heard from any of them; and it has been reserved for Sir Francis Bond Head, in 1836, to discover that our Constitution is different from the British Constitution, and that it would be *foolish* and *ruinous* for us to introduce the British Constitution if we could, and that any Attempts to do it would be *vain*. Whatever Evils we suffer under our present nondescript Constitution, which even Sir Francis admits are so great and oppressive as to require "*important remedial Measures*" *without* "*Delay*," which "our Sovereign has *ordained*," and "which he is here to execute," we should console ourselves, according to his Opinion, with one animating and delightful Reflection, namely, we are not and cannot be *cursed* with the *British Constitution*. According to his Doctrine, the Constitutional Act *ordained* no such *Absurdities*, and the Royal Instructions were equally *gracious* and careful to protect us from that terrible Evil and Calamity the British Constitution.

It has been observed by His Excellency in one of his public Expositions that Simcoe "could not alter the Charter committed to his Charge," or render it, what His Excellency asserts it is not, the very "Image and Transcript of the British Constitution."

Your Committee in imitation will say, neither can Sir Francis Head, by his detractive Assertions, impose upon us a "mutilated Constitution," nor has he the Right to impose upon Upper Canada the arbitrary Government of Russia or Constantinople, in place of the genuine Transcript of which Simcoe was the Bearer. But although Simcoe could not alter the Law, and was too great and good a Man to do it, yet he never had a Successor who had equal Pretensions, to expound the Meaning, elucidate the Provisions, and explain the Scope of the new Constitution. He who fought with U. E. loyalists in the American War, and knew the Worth and Claims of the Men for whom the Constitution was generously designed; he who sat and spoke in the Senate in which the Law was passed, who was moreover intrusted with the Duty of putting it into operation,

tion, and who, from the Throne, solemnly declared the magnanimous Gift of the British Constitution to those who had been driven by their Loyalty to seek an Asylum under it, was surely better and more competent Authority respecting that Law and Constitution than a Gentleman nearly Half a Century afterwards, who cannot see that the Law creates an Executive Council, but can see the Vestige of a Legislative Council surviving its absolute Repeal, until a Successor was appointed; and that "in Government *Impartiality* is better than *Knowledge*." The Instructions indeed are in his Eyes an *important Document;* for, according to His Excellency's Views, the Executive Council was regularly constituted and declared in "*the King's Instructions*," and of course could not have existed before it was so constituted. A Quotation is made by His Excellency from these Instructions, from which he argues that the Council are only to be consulted occasionally. A Copy of these Instructions has been furnished to your Honourable House by the Lieutenant Governor. Your Committee found with Surprise, not only that His Excellency had given a *garbled* Extract in his Quotation, but also that these Instructions "*in which an Executive Council was constituted and declared*," according to His Excellency's Opinion, were actually dated in 1818! The Executive Council of this Province was therefore, in His Excellency's Opinion, regularly constituted and declared in 1818!

Upon reference to the whole of these Instructions, however, it will be found they are not less liberal and comprehensive than the Constitutional Act, had they been *honourably* interpreted and acted upon. Your Committee deem it important that the Instructions which have been so long kept in secret should be made public, especially as they seem to be viewed by His Excellency to be of as much, if not of more, Importance than the Constitutional Act, and therefore beg to append them to this Report, marked F.

By Section 8, as quoted by His Excellency, it was declared, "that *to the end* that our said Executive Council may be assisting to you in *all Affairs* relating to our Service, you are to communicate to them such and so many of our Instructions wherein their Advice is mentioned to be requisite, and likewise all such others from Time to Time as you shall find convenient for our Service to be imparted to them." p. 242. infra.

Upon an Examination of the Instructions themselves it appears that this is a *garbled* Extract; for in the Instructions the Words are, "You are to communicate such and so many of *these* our Instructions," &c. Your Committee cannot but notice that the Omission was calculated to favour the Inference which His Excellency was wishing to draw. From this Extract it appears that the Executive Council was to be *assisting* to the Lieutenant Governor "in *all Affairs* relating to the King's Service," an Expression which His Excellency, in Doctrine and Practice, has construed to mean "a *few Affairs* relating to the King's Service.

As the Council were to be assisting "*in all Affairs*," the Communication to them of the Instructions, or any Part of them, could not be intended to limit a Duty already so largely and expressly prescribed, especially as the Communication was to be made, "*to the end that they may be assisting in all Affairs*," but was merely to give the Council such and so many of the King's Instructions as were necessary to enable them effectually to advise upon those Affairs respecting which the King had in His Instructions imparted His precise Pleasure; for without such a Communication of the Instructions the Council might, from Ignorance of them, adopt a Course unintentionally opposite to them. It appears therefore to your Committee, that even according to the Instructions so *illiberally* and *unfairly* construed by His Excellency against our just Rights, the Executive Council were generously intended by His Majesty's Government to advise upon "*all Affairs*," and that the Instructions were communicated merely to enable them to do it.

The Oath taken by the Executive Councillors (of which a Copy hereunto annexed, duly certified, in the Appendix marked G.) is equally comprehensive. It is the same as the Privy Councillor's Oath. Your Committee would ask, does not the Privy Councillor's Oath prescribe his Duties?—Are there any important Duties incumbent on him which he is not sworn to fulfil? The Oath being the same, the Executive Councillors are therefore bound by their Oath to perform the same Duties that the Privy Councillors (including His Majesty's Cabinet Councillors) are bound by their Oath to discharge. His Excellency, nevertheless, in One of the Communications which he has made to the People p. 252. infra.

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of Toronto, and which was plainly intended for *popular Effect*, says, that it is, in his *Judgment*, "an Oath of *Non-responsibility to the People;*" so that, according to His Excellency's Views, *His Majesty's Cabinet Councillors are sworn not to be responsible to the People!* It may be worth while to notice for a Moment the Resemblance between the Executive Council and His Majesty's Privy Council; both are appointed by the King, and both are removeable at Pleasure. The Members of both are indefinite; the King may increase or diminish them at His Pleasure. Privy Councillors are appointed without any Commission, merely by Nomination and taking the Oath of Office; so are Executive Councillors. In some Cases the King is required by express Enactment to do certain Acts "with the Advice of the Privy Council," that is, not contrary to their Advice; in like Manner the Lieutenant Governor is expressly required in some Cases to act only "with the Advice and Consent of the Executive Council." The Privy Council is appointed for the Affairs of the Kingdom; the Executive Council is appointed for the Affairs of the Province. The Oath of Office of the Executive Councillors is copied from that of the Privy Councillors; so that the former are sworn to perform the same Duties as the latter.

Finally, the King is no more bound by any express Law to consult the Privy Council on all Affairs of His Government than the Lieutenant Governor is bound by express Law to consult the Executive Council on all Affairs of his Government; neither is the King any more forbidden to act without Advice, or upon the Suggestions of secret and irresponsible Advisers, in the Government of his Kingdom, than the Lieutenant Governor is forbidden to govern the Province upon like Advice. And his constitutional Advisers, the Members of the Privy Council, are no more responsible for the Advice they give to him than the Members of the Executive Council are responsible for the Advice given by them to the Lieutenant Governor.

Where then is the Difference between the Privy Council in the United Kingdom and the Executive Council here? Is not the Advice of such a Council as necessary for the Lieutenant Governor as it would be for the King, if he were here? Is the *Representative* of Sovereignty so much *wiser* and *better* than the Sovereign *himself*,—so much more thoroughly acquainted with the Affairs of the Country in which he is a Stranger to its History, and to the Habits and Opinions, Interests and Sentiments of the People, than the King is acquainted with the People among whom he was born and educated? Has the Lieutenant Governor, who expects after a few Years to leave us, and whose future Prospects and Hopes, as well as past Associations, give him a personal Interest in a distant Land, so much more at stake in the Welfare of this Country than His Majesty has in the Prosperity and Happiness and Affection of His People, and in the Honour and Dignity of His Crown? In short, do History and Experience teach us that a Lieutenant Governor, at a Distance of more than 4,000 Miles from his Superiors, is so much more immaculate and infallible than his Royal Master, that he does not require the same Councils which the Constitution considers and which an Experiment of Ages proves to be necessary for the King himself?

Even His Excellency admits that His Majesty should, according to the Constitution, be surrounded by Advisers, responsible to the Country, and that the King must consult them in *all* the Affairs of the Kingdom.

There is not an Argument in support of the Necessity of such a System that is not equally, if not more, applicable to this Colony, where the relative Weight and Influence of the popular Branch upon the Government is so small compared with those of the similar Body in the Parent Country.

That the Affairs of the Kingdom should be conducted by the King, with the Advice of known and responsible Councillors, is not a Rule or Proposition laid down in any Statute, but is a Principle that is an essential Part of our Constitution, and if that Part is destroyed the Constitution is materially changed; it is no longer the British Constitution. This Principle therefore has been established by the Necessity of the Cases; and the same Necessity upon which it rests in the Mother Country exists here.

Your Committee will admit that this Principle (in Practice) has been hitherto disregarded in the Government of this Province; and what Sort of Goverment have we had? In what Condition has it put us? Let the Records of your Honourable House, the Statements of Executive Councillors of different political

Political Opinions, the King's Instructions to Sir Francis Bond Head, and his own Admissions answer. It has brought us (according to the Instructions) to "an Era" of "great Difficulty and Importance;" and we find even Sir Francis Bond Head addressing the People in the following Terms: "The *Grievances* of this Province *must* be *corrected*—impartial *Justice must* be *administered*: the *People* have asked for it—their *Sovereign* has *ordained* it; I am here to execute his *Gracious Commands*—Delay will only increase *Impatience*. Those, however, who have long lived upon Agitation, already too clearly see their Danger; and with surprising Alacrity, they are now taking every possible Measure to pnevent me from rooting up the Tree of Abuse, because they have built and feathered their Nests in its Branches."

Without remarking upon His Excellency's Style, the Committee would observe, that in the Estimation of the Lieutenant Governor himself, the Abuses of the Government have become so extensive and deeply rooted, that Agitators can actually live upon the Exposure of them; although, how he would have been prevented from rooting up this Tree of Abuse, by receiving the Advice and Assistance of the Council, the Committee are at a Loss to perceive.

It is to perpetuate and defend the System that has produced such Effects, that His Excellency exerts all the Energies of his Mind, and all the Power and Influence of his high Office and exalted Station. It is to this System that His Excellency has avowed such an ardent and unalterable Attachment.

That a Lieutenant Governor should secretly countenance and cherish a System which leaves him entirely unchecked in the Exercise of almost unlimited Power, for which he is virtually irresponsible, is not surprising; and more than one Lieutenant Governor, no Doubt, while professing to maintain amongst us the Principles of the British Constitution, has secretly adopted this unconstitutional System, because it extended his Power, and enabled him to indulge his arbitrary Will; but that His Excellency, at the very Moment he admits and expatiates upon the Abuses and Grievances which it has produced, should announce his Determination to continue it, and should gravely declare that the People of this Province would be *ruined*, if they attempted to secure to themselves "*the very Image and Transcript of the British Constitution*," and that such a Constitution "would be productive of the most vicious Effects," is indeed astonishing.

The Views of your Honourable House on the Right and Necessity of a responsible Government, and of our Provincial Administration being conducted on the Principles of the British Constitution, have been more than once clearly and fully expressed, sometimes to His Majesty, and sometimes to the Lieutenant Governor; sometimes directly, and at others indirectly, as Reference to your Journals will amply show; but in the Address to His Majesty, during the last Session [which Address is hereto appended, marked (H.)], this Principle was again urged; and further, a distinct but respectful Intimation was also made that the House would enforce their Rights by the constitutional Method of withholding the Supplies for the Support of the Government.

The following Extracts from the Evidence of James Stuart, Esq., late Attorney General of Lower Canada, before a Committee of the House of Commons, 21st June 1834, afford the Opinion of an able Lawyer, thoroughly conversant with Colonial Government:—

> *Question* 1152. The Executive Council of late have practically had very little to do with the Government of the Colony?—*Answer*. It ought to have a great deal more to do with it. The Insignificancy to which it has been reduced I conceive to have been the Cause of much Mischief in the Colony.
>
> *Q*. 1153. You consider it of Utility to have a permanent Administration?—*A*. I consider it should be placed on the Footing of the Privy Council in this Country, and consulted by the Governor on all important Occasions.

To the following Question, put by the same Committee in England to Sir James Kempt, he gave the following Answer:—

> *Q*. 134. If there was no Executive Council, and the Governor were left to govern without any such Council, would it, in your Opinion, remove

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very much of the State of irritable Feeling existing between this Part of the Legislature and the King's Government in the Colony?—*A.* I have not given my Attention sufficiently to this Question to be able to answer it; but my Impression is, that an Executive Council is necessary for the good Government of a Colony.

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The Right Honourable E. G. Stanley, a Member of the Imperial Parliament, and lately His Majesty's Principal Secretary of State for the Colonies, who also spent some Time in this Province, thus expresses himself respecting the Executive Council, in a Letter addressed to Dr. W. W. Baldwin—[The autograph Letter is among the Records of your Honourable House]—"I do, however, think that something might be done with great Advantage to give a *really responsible Character to the Executive Council*, which at present is a perfectly anomalous Body, hardly recognized by the Constitution, and effective chiefly as a Source of Patronage."

Mr. Stanley also says,—

"The Remedy is not one of *Enactment*, but of *Practice*, and the constitutional Mode is open to the People of addressing for the Removal of the Advisers of the Governor, and refusing Supplies, if necessary, to enforce their Wishes."

It will be observed that Mr. Stanley says "the *Remedy* is not one of Enactment, but of Practice;" that is, the constitutional Act is sufficient in Enactments for every thing required; all that is necessary is, that the Provisions of the Constitution should be honestly put in practice.

While His Excellency declares that the Executive Council have no Responsibilities, and are not recognised by the 31st Geo. 3. c. 31., Sir John Colborne, in a Message to your Honourable House, on the 20th February 1835, in Terms almost directly contradicting the puerile Views of his Successor, states, "That the *Responsibilities* under which the Executive Council discharge their important and confidential Duty, depend upon the *Principles* of *our Constitution*, and *upon the Law of the Land.*"

The public Documents and Records of the Province abound with Expressions proceeding from Lieutenant Governor Sir Peregrine Maitland, recognising in the fullest Manner the Possession, by the People in this Province, of the *British Constitution.*

Your Committee beg to give the following as a Specimen, in answer to John Hurston and others, in the Newcastle District, published in the Official Gazette of March 2d, 1826:—"That I may rely on your steady and cordial Support in maintaining that *unrivalled Constitution*, of which the Excellence has been proved by the *Experience of Ages*, and which those who can best appreciate it, as you do, will ever be found ready to vindicate and defend."

Again, in another Reply of the same Date,—

"You set, Gentlemen, a just Value on your *Possession* of *a Constitution*, the *most perfect in the World;* and it is no small Satisfaction to me to reflect, that with the vivid Recollection which you retain *of its Blessings*, in the happy Country you have left, your firm and loyal Support will never be wanting," &c.

Your Committee would affirm, that the *Principles* of our Constitution, as well as the Law of the Land, alike require their Advice to be given "upon the Affairs of the Province."

p. 254, infra.

Your Committee have appended to their Report [*see* Appendix, marked (I.)], the Address passed in the last Session of the late Parliament (with the Yeas and Nays), to His Majesty, against the interminable Interference from Downing Street in the Management of our local Affairs, which should be conducted by the Lieutenant Governor and the Executive Council in harmony with the Provincial Legislature. Although the late Parliament differed from the present in its Views and Policy, yet it was unanimous in the Adoption of the above Remonstrance. These Views are corroborated by J. Stephen, Esq., late Counsel to the Colonial Department, and now, it is said, Under Secretary of State for the same. In his Examination by the Canada Committee of 1828, he was asked, "Is it your Opinion, that upon all those Questions, complicated as they are, with regard to the Tenure and Transmission of Property, the Colonial Legislature, with the Advantages of their local Knowledge, are much more competent todecide than the British Legislature?"

To which he answered :—

"I cannot suppose any Man at all conversant with the Subject hesitating respecting the Answer to that Question ; except there be a well-founded Distrust of the Disposition of the Colonial Legislature to do right, no plausible Reason can, I think, be suggested for taking this Work out of their Hands. They are incomparably better qualified for it than you can be. What should we think of the Canadian Assembly passing Acts for the Improvement of the Law of Real Property and Conveyancing in this Country! Yet, I suppose, they understand our System of Tenures at least as well as we do theirs."

Now it must be presumed that Mr. Stephen, whose Views against the unconstitutional Interference of the British Parliament with the appropriate Duties of our local Legislature are so liberal and enlightened, would be equally opposed to any Usurpation of the Duties of the Executive Council ; for assuredly resident Gentlemen, selected by his Excellency at Pleasure for their Talents, Integrity, and public Estimation, are "incomparably better qualified for it" than distant Strangers, with even the best Intentions. It is enough for them in Downing Street to attend to the Matters reserved in the 31st Geo. 3. respecting Navigation and Commerce.

These Views of the Sufficiency of our own Institutions, and the Expediency of making them subservient, as they were intended, to the Purposes of our local Concerns (with the sole Exception of those special Matters, expressly reserved by the 31st Geo. 3. for the paramount Authority of the parent State), are confirmed by the Evidence of the Right Hon. Edward Ellice, a Member of the British House of Commons. In giving Evidence before the Committee of 1828 he was asked, "You have said that your Application was referred to the Consideration of the Executive Council ; of whom does the Executive Council consist?" To which Question he answered, "The Council consists of the Chief Justice and other Persons, *whose Duty it is to advise the Governor with respect* to the Administration of the Country."

The same distinguished Person, alluding to some Difficulties he had experienced in obtaining some Change of Tenure in Property he holds in Canada, says, "It arose probably from a very general Cause of Difficulty in that Country —a Dread on the Part of the local Authorities to act upon their own Responsibility, complaining of defective Instructions from home ; and this, aggravated by perpetual Reference backwards and forwards from the Government to the Colonial Secretary, in the Hope that they might at last agree upon the Means of executing the Provisions of the Law."

This transatlantic System, popularly called *Downing Street Law*, to distinguish it from the free and constitutional Operation of our local Government, is further condemned by the same Statesman in the following Illustrations collected from his Evidence before the same Committee.

Alluding to the Imposition in Canada, by the British Government, of Customs Duties, he says "I am aware that the greatest possible Objections exist in Principle to their doing so ; but I am also aware that, in point of fact, they have got over those Objections, and by the Canada Trade Act have imposed Duties to an Extent quite equal to the Expense of the Civil Government of both Provinces, without consulting either of the Provincial Legislatures.

"The Canada Trade Act, for this Purpose, had been passed Three Years before the Arrangement with the Canada Company."

Again—"Certainly the Canadians complain with apparent Reason of some Part of the Conduct of Government. An English Receiver is appointed, insufficient Securities being taken in England: the Assembly suggest the Regulation of his Office, and subsequently, I understand, Bills were sent up in the Terms of a Bill passed in other Colonies for this Purpose ; they are told this is an Encroachment on the Prerogative of the Crown, and their Bills are rejected. The Receiver had previously failed, in Debt to the Public about 100,000*l.* ; and when they say, 'As you made the Appointment yourselves, took your Securities in England, and rejected our Advice, it is fair you should pay the Defalcation,' Government insist upon their laying fresh Taxes on their Constituents for it. In the same Manner they allege they have sent up Bills for the Regulation of the Office of Sheriff ; that these also were rejected, and Two following Sheriffs have failed ; the one a Defaulter of Suitors Money to the Extent of 27,000*l.*, and another for a less Amount. These are not theoretical, they are practical Evils, and form just Grounds of Complaint."

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Again—"The Governor was instructed to supply the Want of an Appropriation Bill by his own Warrants on the Receivers, to whom the Taxes are paid under the Provisions of the Canada Trade Act; but it would be difficult to find out by what Law such Instructions are sanctioned. This has been the Course of proceeding from 1822 to 1828, and it is much to be deplored that Government should have persevered so long in Measures which, however much they may plead the Excuse of pressing Emergency in the first instance, were illegal and offensive to the Rights and Feelings of the People. If no Remedy was obtainable in Canada, an Appeal should have been sooner made to Parliament, and that Sore should not have been allowed to fester till the English and the French Population have been almost brought into collision, and a wider Separation between them, in Opinion and all Matters of internal Government and Legislation, been rather encouraged than checked. Assembly after Assembly have been called together, in which the Local Authorities have wisely persevered in Attempts to carry their Measures by a Minority at no Time exceeding Ten, and seldom Half that Number, in a Body of Fifty Representatives. And the Committee must always recollect the Continuance of these Dissensions has inflamed trivial Differences on immaterial Points at first into serious additional Causes of Difference and Misunderstanding, which it is not easy now to foresee the Means of allaying or removing."

Again—"I wish to add, that in any thing that may have fallen from me in the Course of these Examinations, I have not had the least Intention of imputing Blame to any Persons connected with the Executive Government in either Province. I believe they have acted under Instructions from this Country, and that the Difficulties they have had to contend with, and the Discussions in which they have been involved with the Colonial Legislatures, were the inevitable Consequences of a Determination to persevere in the System of Government I have described to the Committee, and which could scarcely have been avoided while that System remained unreformed and unimproved." And to the following Question, "Do you conceive it would be possible to form a Representation upon the Principle of admitting some of the great Towns as independent Bodies into a Confederation, such as exists in the North of Germany?" To which he answered, "I am afraid it is too late to attempt the Introduction of new Principles of that Kind in America. You must either improve the *System* that exists on the Model of our *Institutions* at home, or copy from the simple Forms in practice in the United States. No other Method will be congenial to the Habits of the English or American *Inhabitants of Canada.*"

The Political Condition of Lower Canada as above depicted by the Right Hon. Edward Ellice, is too applicable to our own Country. "It is with Grief," as a Resolution of your Honourable House has expressed it, "the Country has seen the improvident Contract under which the Huron Tract of a Million of Acres of choice Lands has been assumed to be given, at an almost nominal Value, to a Company in London; while the annual Instalment paid by them is expended by the Provincial Executive without the Consent of Parliament, and the large Amount realized by the Company from Sales at a very advanced Price are withdrawn from the Colony and transmitted to England. This improvident Transaction, unsanctioned by any domestic Enactment, ought to be held invalid, particularly as it was a Transaction based in no Degree upon the Good of the Colony, whose Lands are thus wastefully assigned. The Charter and all the Statutes connected with it, are a Violation of the 18th Geo. 3., and our Constitutional Act."

The Law passed by the British Government for the Sale of our Clergy Reserves, is a further Illustration of the System of Government over us by a Lieutenant Governor, in unchecked Connexion with Downing Street. Under this Law, enacted by the British Parliament without our Knowledge or Consent, more than 60,000*l.* have been raised by the Sale of Clergy Reserves, abstracted from the Country, and paid into the Military Chest, instead of being applied to the Purposes of Education and internal Improvement. In a subsequent Part of this Report, this Subject will be again adverted to; but at present your Committee simply mention the Fact, and also that within a short Period Fifty-seven Rectories have been erected and endowed. The British Act, it is presumed, inserted the Condition "by and with the Advice and Consent of the Executive Council" as a Security to the Country against

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any Abuse of the Power it gave; but such a Precaution is of no practical Avail with an insufficient Executive Council; and it is plain that the above-mentioned Outrage upon the whole Community could not have occurred had we enjoyed what is sought for and denied, a well-constituted Executive Council, possessing the Confidence of the Country.

Now it has been simply proposed, adopting Mr. Ellice's Views, to improve our System here, on the Model of the Institutions in England, by proposing that the Executive Council shall advise the Lieutenant Governor on our Affairs as freely as His Majesty's Council advises the King; but the industrious Classes are told by His Excellency that "the Wish, if gratified, would be *ruinous*," and that the 31st Geo. 3, "has ordained no such *Absurdities*."

In giving an aggregate Account of the Opinion entertained upon the constitutional Duties of the Executive Council, by the most thinking Men of all Political Parties, your Committee, although desirous of abridging their Report as much as possible, will not omit to notice a Document from Lower Canada, which is headed a "Declaration of the Causes which led to the Formation of the Constitutional Association of Quebec, and of the Objects for which it has been formed," in which we meet with the following pertinent Remarks:—

"In every well-regulated Government it is essential that the Executive Authority should be aided by the Advice of able and well-informed Individuals, acting together and in a Body, by which sound Discretion, Uniformity, Consistency, and System are imparted to its Measures. Among Colonial Governments, which are generally administered by Persons labouring under the Disadvantages of a Deficiency of Local Information, Assistance of this Nature is *indispensable* for the Attainment of the Ends of *good Government. This Body of Advisers ought to be found in the Executive Council of the Province;* but its Members are too few in Number and its Composition too defective to answer the Purposes of its Institution." Under the foregoing View, it will be observed that the Association contemplate, by constitutional Means "to obtain such a Composition of the Executive Council as may impart to it the Efficiency and Weight which it ought to possess."

The above Quebec "Association" is not composed of the Reformers in Lower Canada with whom Mr. Speaker Papineau's Name is usually connected (although the Reformers there entertain the same Views), but of Gentlemen of Wealth and Influence, known by the Name of Constitutionalists or Conservators, directly opposed to that Party. It is therefore the Testimony of Persons avowedly determined to sustain the Constitution against any of the Modifications held by the other Party to be necessary and expedient.

Your Committee would here subjoin the following all-important and liberal Views of Policy, expressed by the Canada Committee of the House of Commons in the Year 1828, arising from a thorough Understanding of the State and Wants of these Colonies, set forth in the voluminous and unquestionable Testimony of Persons best conversant with the Subjects of the Committee's Inquiry:—

"Your Committee lament that the late Period of the Session in which they were appointed, has rendered a minute Investigation into all Parts of the Subject submitted to their Inquiry impossible. They believe too that if the Legislative Assemblies and the *Executive Government* of Canada be put on a *right Footing*, that Means will be found within the Province of remedying all minor Grievances. They are disposed, nevertheless, to recommend that the Prayer of the Lower Canadians for Permission to appoint an Agent in the same Manner as Agents are appointed by other Colonies which possess local Legislatures, should be granted, and that a similar Privilege should be extended to Upper Canada, if that Colony should desire it.

"At an early Period of their Investigation, your Committee perceived that their Attention must be directed to Two distinct Branches of Inquiry: First, to what Degree the Embarrassments and Discontents which have long prevailed in the Canadas, have arisen from Defects in the *System of Laws and the Constitutions established in these Colonies*. Second, how far those Evils were to be attributed to the *Manner* in which the *existing System* has been *administered*."

"Your Committee have clearly expressed their Opinion that serious Defects were to be found in that *System*, and have ventured to suggest several Alterations that have appeared to them to be necessary or convenient. They also fully admit that from these, as well as from other Circumstances, the Task of Government in these Colonies (and especially in the Lower Province) has not

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been an easy one ; *but they feel it their Duty to express their Opinion* that it is to the *Second* of the *Causes* alluded to that these *Embarrassments* and *Discontents* are in a *great* measure to be traced. They are most *anxious* to record their *complete Conviction that neither the Suggestions they have presumed to make, nor any other Improvements in the Laws and Constitutions* of the Canadas, will be attended with the desired Effect, unless an *impartial, conciliatory, and constitutional System of Government be observed in these loyal and important Colonies.*

The Remedy here proposed as an Antidote to the Evils existing in the Government of the Canadas, emanates from a Spirit breathing forth the purest Patriotism, the Result of a thorough Understanding of all the Bearings of the Subject Matter of Inquiry, and is at once an Appeal to the best Feelings of our Nature.

Had there existed any Defects in the System of our Laws and Constitution, the Committee would at once have recommended an Amendment or Revision of them ; but, aware that nothing was wanting but an open, ingenuous, and equitable Administration of those Statutes, they are brought to the only plain and obvious Conclusion that could be attained.

All Colonial Ministers, since the Date of that Report, have professed an Intention to be guided by its Recommendations ; the famous Despatch of Lord Goderich, of 8th November 1832, is professedly based upon it, and *His present Excellency has it pointed out to him as one of his Text Books.*

It is to your Committee passing strange that, notwithstanding the above Report is held forth to us, sanctioned by such Authority, a Temerity of Conduct, bordering on a Recklessness of Consequences, should be allowed by its Noble Possessor to give Cause for Suspicion and Distrust towards the Intentions of His Majesty's Government. Had His Excellency, instead of the Course he has been pleased to pursue, been implicitly guided by the Recommendations contained in the above Extract, he had then established Confidence, and an Assurance of equitable Administration ; but when, instead of which, he has taunted the Province upon its infant Condition, and appears, in the Illustrations he has given, to have had in his Mind's Eye the Fable of the young Frog and the Ox, what Assurance have we that, governed in the "Manner" we are, we shall ever arise from our present degraded Condition ?

And your Committee are led to the Conclusion, from a careful Observation of Things, that the Policy apparently intended to be pursued by the present Head of our Government and that of Rehoboam, as recorded in the 12th Chapter of the First Book of Kings, to be very similar.

The Executive Council therefore are established by Law, under constitutional Responsibilities, to advise "upon the Affairs of the Province," and to be assisting to the Lieutenant Governor "in all Affairs relating to the King's Service ;" and in favour of this Proposition we have, in whole or in part, the concurrent Testimony against His Excellency of the above overwhelming Authorities, viz.—

1. The Constitutional Act.
2. Various British and Provincial Statutes referring to and recognizing the Executive Council of the Province "appointed for the Affairs of the Province."
3. Governor Simcoe, and succeeding Governors.
4. The Royal Instructions.
5. The Privy Councillor's Oath.
6. The general Resemblance between His Majesty's Privy Council and the Executive Council of this Province.
7. The Nature and Genius of our Government, and the general Principles of the Constitution.
8. The House of Assembly.
9. James Stuart, Esq.
10. Sir James Kempt.
11. The Right Honourable Lord Stanley.
12. His Excellency Sir P. Maitland.
13. His Excellency Sir John Colborne.
14. The late Executive Councillors.
15. The Report of the Canada Committee of 1828.
16. The Right Honourable Edward Ellice.

17. T. Stephen, Esq., late Counsel to the Colonial Office.
18. The Quebec Association.
19. The Absence of any express Provision of Law or Authority forbidding it.
20. The universal Admission of all Classes, Parties, Creeds, and Orders from 1792 until the Arrival among us of Sir F. B. Head.
21. Lieutenant Governor Hunter.
22. The Debates in the British Parliament on the Passage of 31st of the King.

In reference to the Objection of His Excellency that " it must be evident to every *well-constituted Mind*, that in an infant State of Society it would be impossible *practically* to secure a sufficient Number of impartial Persons to effect a Change of Ministry as often as it might be necessary for the Interests of the People to do so," (by the above it will be observed that His Excellency, as in many other Instances, has abandoned the constitutional Object, and is endeavouring to sustain his Positions on the Principle of Expediency,) your Committee would state, that on general Principles the Interests of the People could only require the Removal of a Council when there were other and better Persons ready to fill their Places; and until such other and better Persons could be found, it is evident neither the People nor their Interests would require or look for a Change.

The moral and intellectual Resources of this Country are suited to its Wants, and, notwithstanding His Excellency's Sneers, would lose nothing by a Comparison with any other Country; and, in the Opinion of your Committee, it would be even easier to form Councils from among the Inhabitants of this Province, adequate to its Exigencies, than in England itself, for the vaster Affairs of the Empire. A really great Man in this Country would soon find the Means to organize our Institutions for the practical Purposes of good Government and Peace of Society.

Your Committee deny the pretended All-sufficiency of the Governor's Liability to Impeachment for Mismanagement of our Affairs, for the following Reasons:

1st. Because, although such Impeachment might be a Punishment for Maladministration after it was done, yet it affords no daily Check or Guard against it by means of Advice or Caution; and it seems to your Committee that the Impeachment should at most be only resorted to after a Governor had acted wrong, with every local Means afforded him to do what was right.

2d. Because the Impeachment or Complaint must be made by the injured Person at a great Distance, requiring a Delay, Expense, and Watchfulness out of the Reach of the Power or Means of the Sufferer, who (if belonging to " the industrious Classes,") might make out in Writing a very informal or insufficient Case, however clear its Merits, or be unable to retain Counsel and Agents here and in England to conduct his Suit. Limitation to such a Remedy would practically be a Denial of Justice.

3d. Because the Complaint would be made to a Minister in Downing Street, who is the Patron of the Governor accused; and besides the Governor has numerous Friends on the Spot to exercise every Influence and Interest in his Behalf.

The Weight of this Reason is increased by the Difficulty of proving any Act to have been done from corrupt Motives. Even if a presumptive Case could be made out against a Governor, it would be contended that a clear and positive one must be established before the Consequences of Impeachment could be visited on the Accused; and how very many Acts of Misgovernment there are, in their Nature vexatious and injurious, against which it would be difficult to fix the Charge of corrupt Motive, while it was palliated, evaded, or explained away as an Error of Judgment, the deceptive Assurances of others, a Misapprehension of Circumstances, a mistaken Policy, or the like. For instance, it would be in vain to proceed against the executive Authorities for the Erection (as herein-after mentioned) of 57 Rectories, and certain corrupt Exchanges of Lands, although opposed to the well-known Sentiments and Interests of a vast Majority of the Religious Community. It would be equally vain to attempt to institute such Proceedings for many Appointments to Office, as Surveyor-General, Colonels of Militia, the Commissioners of the Courts of Requests, and other Offices. It would therefore obviously place the Country in a desperate Condition, if the *only Hope of preventing Wrong being done*, was founded on an

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Institution of an Impeachment for it *after it was done*, before a Patron of the Wrongdoer, 4,000 Miles off, defended by a Person intrenched in Power here, and sustained at home by Family Connexions, and the Preservation of what is called *the Colonial System*. The House of Assembly of Lower Canada instituted a Complaint of this Nature against Lord Aylmer in a most solemn Manner, and with great Unanimity, for most arbitrary and unconstitutional Misgovernment; but it only ended in his Promotion to a higher Post of Honour. Although therefore an Impeachment might be resorted to in extreme Cases, yet it by no means supersedes the Necessity of all local and constitutional Checks, calculated to prevent Cause for so difficult, painful, and undesirable a Course. This Precaution against the Occurrence of Evil, instead of merely contriving how it can be punished by Impeachment 4,000 Miles off, is the more needed from the Fact that this Impeachment would yield no Redress to the Persons injured, even if it punished the Persons injuring them. If all our local Governors were impeached, and all their Estates confiscated, it would not repair the Injuries of the most notorious Nature; besides Thousands of just Complaints murmured only in Secret, and either endured with Patience, because the Remedy proposed would be worse than the Injury, or because, what is notoriously true, to prefer a Complaint, however just, against a Governor, ensures a Black Mark against his Name as a troublesome, a factious, or undeserving Man, whose future Hopes are blasted, and his Oppressions multiplied at every favourable Opportunity, in various Ways, that elude all Proof and Conviction. What could be done to redeem the Injustice against Gourlay, Willis, the late Robert Randal, Francis Collins, and others? And if an insufficient blustering Pretender to Learning should be made a Judge, and an innocent Person be convicted thereby and executed, he could not by Impeachment be restored to Life. Your Committee therefore desire again to reiterate their Conviction that this alleged Liability to Impeachment for Misgovernment was never intended, and ought not to supply the Place of an efficient State of these Institutions, wisely provided by Law, not to punish but to prevent Wrong; a Course as desirable for the parent State, as for the Colony; and although His Excellency has been pleased to state to the Citizens, in Answer to their Address, his Unwillingness to be deprived of "the only Consolation which supports any honest Man in an arduous Duty, viz. the Reflection that he is ready to atone for every Error he commits, and that he is subject to Arraignment if he offends," yet this Consideration, either as a Motive or a Remedy, is so false in Morals and so puerile in Political Affairs, as not to need further Commentary. No better Guard against both corrupt and unintentional Misgovernment can be devised with our present Constitution, than an efficient Executive Council, composed of Persons of established Character, to advise the Lieutenant Governor upon public Affairs.

4th. Because there are such Changes of Colonial Ministers, that there might be Half a Dozen in Succession before a Suit could be conducted to a Conclusion; and the Justice done by one Minister is often undone by another. For instance, in Lower Canada, Mr. Gale, who gave such Evidence before the Canada Committee of 1828 as to oblige the Right Honourable Mr. Spring Rice to pronounce him unfit for any Office of Trust, was appointed a Judge by Governor-General Aylmer, whose active Partisan he had been.

When the News of this Appointment reached England in the Autumn of 1834, Mr. Rice had become Colonial Secretary, who addressed a Despatch to Lord Aylmer, saying he could not confirm Mr. Gale's Appointment. Mr. Rice was soon succeeded by Lord Aberdeen; and therefore Lord Aylmer, disregarding the Commands of Ex-minister Rice, and the known Sentiments of the People and their Representatives, procured from the Successor of Mr. Rice a Confirmation of Mr. Gale's Appointment, who is still on the Lower Canada Bench, although Mr. Spring Rice, on the 9th March 1835, being again in Power, in a Speech in the House of Commons reiterated the Denunciation of Mr. Gale as an improper Person to occupy that Station.

Your Committee find the same doing by one Minister and undoing by another, in the Affairs of our own Province, which is unhappily misgoverned by the same Policy under the same Constitutional Act; for instance, the late Attorney General and Solicitor General were dismissed from Office, according to Lord Goderich's Despatch, because they opposed the avowed Policy of His Majesty's Government in making certain Concessions to the Wants and Wishes

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of the People; nor did his Lordship seem at all to notice the personal Indignity they had audaciously offered to himself even as a Minister of the Crown; but no sooner was Lord Goderich succeeded by Lord Stanley than the Decision of the former in favour of the Rights and Liberties of the People was by the latter cancelled, and the Solicitor General put back again into Office, to the great Dissatisfaction of the Country, and the Attorney General sent as Chief Justice to Newfoundland, to create new Scenes of Trouble and Dissension there.

5th, Because when, in the Year 1831, His Majesty suggested a further Provision for the Civil List, which the Colonial Minister required to be made *for Seven Years, or for the Life of the King*, the Terms of the Proposition were not candidly submitted to the House of Assembly, but were suppressed for the Purpose of securing a *keen Bargain;* and for his boasted Adroitness in managing it his late Excellency was officially commended. This undue and impolitic Concealment, so unworthy a great and magnanimous Government, was practised with the Aid of executive Influence to carry a Measure injurious to the constitutional Liberties of the People; but the Uselessness of any Complaint against a Government for such unworthy Policy is apparent, when we see, as in this Case, that such liberal Instructions are violated, and the Mischief accomplished with Impunity, although it merits Disgrace.

Your Committee cannot therefore regard as satisfactory our mere nominal Right to Appeals to Downing Street, where the justest Decisions in favour of our Rights by one Minister are with seeming Indifference and Impunity reversed by another.

6th, Because this pretended Responsibility to Downing Street has been in full Operation for nearly Half a Century, and we have therefore against its Sufficiency the uniform Testimony afforded by our Misgovernment during nearly the whole of that Period.

By this System we have been stripped of the public Lands and Resources, and reduced to our present Condition; and having thus suffered in the past, we cannot look for better in the future, if we submit to a Continuance of the same System as has brought such a Visitation upon us.

7th, Because, although His Excellency professes to be responsible to Downing Street for the Executive Council as well as for himself, yet it is, according to His Excellency, "unreasonable that one Man should have to bear another Person's Blame."

The professed Responsibility of His Excellency for the Acts of the Council, in case of Default on their Part, is novel indeed. Your Committee can understand well enough how the Adviser becomes responsible for the Acts of the advised; but how the Actor can become responsible for the Advice on which the Act was founded is beyond their Comprehension.

A Comparison of our Constitution with that of the Parent State justifies the Language used by Simcoe respecting it. In England they have a King; in Canada we have his Representative. In England they have a House of Lords created by the King; in Canada we have as a Substitute a Legislative Council created by the King. In England they have a House of Commons elected by the People; in Canada we have a House of Assembly elected by the People. In England the King has a Privy Council to advise him upon the Affairs of the Empire; in Canada he has an Executive Council to advise him and his Representative upon the Affairs of the Province.

This is emphatically the "very Image and Transcript of the British Constitution." But it becomes a mutilated Constitution, and a sorry one indeed, when Sir Francis Head obliterates the Executive Council, or makes it, in his own Language, "mute," "defenceless," "irresponsible," "sworn to be dumb." That the King, Lords, and Commons, and Cabinet Council, perform certain Acts in England that are not authorized to be done by the Lieutenant Governor, Legislative Council, and House of Assembly, and the Executive Council of the Province, your Committee do not deny; for instance, the Parliament of Great Britain legislate for the Empire, and for the Regulation of Trade and Commerce, &c. with other Nations, and the Cabinet Council advise the King relative to the Negotiations going on abroad, as well as for the Welfare of the local Affairs of the Kingdom, and the Appointment of certain high and important Offices; while in Canada the legislative Duties of the Parliament are more of a local Nature; and so with the Matters to be advised and consulted by the Executive Council it must be clear that it no more follows, because the

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Executive Council are not to be advised on precisely the same Matters that pass under the Revision of the Cabinet Council, that they are not to advise at all, than it follows that the Legislature here are not to legislate on any Matter because they are not allowed to legislate on all or precisely the same Matters that are considered in the British Parliament.

It will be observed that His Excellency allows that "if the Lieutenant Governor stood in the Place of the Sovereign," an Executive Council, or some such Body, would be "evidently necessary, and should be appointed," with whom he should advise; he further states, that "this is not the Case," but that "the Lieutenant Governor is therefore the responsible Minister of the Colony." If, as His Excellency says, he is the responsible Minister of the Colony, "it must be evident to every well-constituted Mind" (on the Principle of a responsible Ministry in England) that he ought ere this to have retired from his Office, for nothing is more clear than that he does not possess the Confidence of the People's Representatives. The responsible Minister in England would be disgraced by attempting to continue in Office for one single Day after losing the Confidence of the House of Commons; so if he be merely a Minister he does not do as other Ministers do; but it is beyond Contradiction that he is something more than a Minister. Whoever heard of a Minister in England doing and performing the Acts that the Lieutenant Governor is authorized to do and perform here, both by the 31st of the King and the Royal Instructions? By reference to the Instructions it will be observed that the Government of the Province is spoken of as the Government under the Lieutenant Governor no less than Five Times; in Section 9. the Words "*in your Government*" are used; in Section 45. the Words "*throughout your Government*" are used; in Section 62., speaking of both Provinces, the Words "their respective Governments" are used. Section 63. is as follows: "And you are upon all Occasions to send to us, by one of our Principal Secretaries of State, a particular Account of all your Proceedings, and of the Condition of Affairs *within your Government*."

The above most surely supposes discretionary Power in the Administration of the Affairs of the Province, for if nothing was to be done but what was contained in Instructions sent out from home there would be no Use of transmitting a particular Account of Proceedings, as they would know for Months before they could be performed; but the 59th Section is quite conclusive on the Point, and goes clearly to show that the Lieutenant Governor is something more than a mere Minister, and which Clause ought in common Fairness to have been quoted by His Excellency with those he did quote in answer to the Council. By it then His Excellency, *with the Advice of the Executive Council*, may take order, do, and perform all such Matters and Things as are for the Peace, Welfare, and Prosperity of the Country; in short, may even *declare* and commence *War*. It is as follows: "If any thing shall happen which may be of Advantage or Security to *our* Province *under your Government*, which is not here contained (or by your Commission provided for), we do hereby *allow* unto you, with the *Advice* and *Consent* of our said Executive Council, to take order for the present therein."

It will be observed that no Minister is even authorized to do what His Excellency may do; he calls together the Parliament, and opens and closes it with a most gracious Speech from the Throne; he prorogues or dissolves Parliament; he gives the Royal Assent to Bills, by which they become Laws; he appoints to and dismisses from various Offices; no Petition or Remonstrance is received and acted upon by the King (not even from the House of Assembly) except transmitted through him; he may even declare and commence *War*.

Your Committee will not believe that any one possessing "a well-constituted Mind" will deny that he stands in need of the best Advice possible to be obtained to enable him "impartially" to perform all those Duties, and which the Constitution has wisely provided.

It was recommended, as a Remedy for prevailing and increasing Grievances, that the Executive Council should be allowed to advise the Lieutenant Governor upon public Affairs before he acted on them; and this might be hoped to be a Remedy, because, if good Advice were given, it would (it must be presumed) be adopted; and if bad Advice were given, it would be rejected or corrected. This Doctrine is pronounced by His Excellency to be so unconstitutional, vicious, and theoretical, as to prevent his retaining the late Council in his Confidence, unless they retired from such Principles. Your Committee, in giving a free and frank Report upon this important Question, are obliged to express their

their Belief that His Excellency was not so much shocked at the Doctrine as he was averse to its practical Bearing against his own arbitrary Pleasure; and they have come to that Conclusion for the following Reasons:—

1st, Because His Excellency compares his late Council to "a sterling Fund, upon which he can constitutionally draw whenever Embarrassment requires it."

The Objection, therefore, is not made so much against having Counsellors, as against taking their Counsel till *driven by Embarrassment to do so;* of which Embarrassment he claims to be the sole Judge; although it does seem to your Committee inexpedient and unreasonable that His Excellency should pursue his own unadvised Pleasure in every thing in Government that is gracious, acceptable, and popular, and only bring his Executive Council into the Field whenever the Pursuit of such unadvised Pleasure has produced Embarrassment, Odium, or Difficulty.

2d, Because the Lieutenant Governor admits, that "to enable him to perform the arduous Duties of his Office the Constitution has wisely provided him with an Executive Council, competent to supply him with that local Knowledge in which he may be deficient, and to whom he may apply for Counsel and Advice." Thus he admits the Wisdom of the Institution, and the Purposes for which it was provided; but he avowedly wishes to make an Experiment (at the Expense of the Country) of the Extent to which he can carry on his Government without their Aid.

3d, Because he admits "the Advantage of such a Council to a Lieutenant Governor is so self-evident that he must be weak and self-sufficient indeed who does not continually have recourse to it."

Thus the Advantage is fully admitted; but his obvious Repugnance is against availing himself of that Advantage oftener than he may please; and with his late Council, for the Three Weeks they were in Office, *he did not please to do it at all.* He admits the Advantage of such a Help, but he repels the Proposition to receive it before "Embarrassment requires it," when it might be too late to remedy the Evil.

4th, Because he admits that the Executive Council "strengthens his Judgment," but he betrays Repugnance against the Proposition to strengthen his Judgment when he happens to think it strong enough without it, or to confer Dignity on his Proceedings when he thinks them dignified enough without it; but he wishes the Strength to be reserved until Embarrassment requires it.

5th, Because he states that the Executive Council should constitutionally "serve him (the Lieutenant Governor),—not them" (the People).

But the Repugnance betrayed is against being served by them in the public Affairs until he thinks "Embarrassment requires it."

6th, Because he had promised his late Council "to treat them with implicit Confidence," but his Repugnance is against its being so *implicit* as to be received upon public Affairs before "Embarrassment requires it."

7th, Because His Excellency mentions the willing Approval by the late Council of the very first Suggestion he made to them, namely, "that no important Business should be commenced in Council until they, as well as the Lieutenant Governor, had become mutually acquainted with their respective Duties." Thus important Business, it is admitted, was to be commenced; but the Complaint is, that it was commenced too soon, viz., "before Embarrassment requires it."

8th, Because in his Answer to the Citizens he says, respecting the present Executive Council, "I shall consult them as unreservedly as I had promised to consult those who have just resigned."

Thus it appears he had promised to consult them *unreservedly*, but he claims the *Reservation* to consult them only at his Pleasure, viz., "when Embarrassment requires it."

9th, Because His Excellency asks the Citizens, "Why then should my Council, whose valuable Advice (if it were not forced upon me) I should be most anxious to receive, be required to demand of me my Responsibility?" Thus it appears that the Objection is not against a Council, but against their Advice being "forced upon him," when he thinks he needs it not, viz., before "Embarrassment requires it."

From all which your Committee are obliged to report their Belief, that His Excellency was not so much shocked at the Doctrine of the late Council as he was averse to its practical Bearing against his own unadvised arbitrary Pleasure, to draw upon their sterling Fund only when "Embarrassment requires it."

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His Excellency, in his Reply, objects to the Views of the late Council, because "it would be evidently unjust towards him that he should be liable to Impeachment for any Acts but his own." But in the Representation of the late Council, furnished your Honourable House by His Excellency, there is nothing which places Things on such a Foundation; they merely proposed to give Advice upon public Affairs preparatory to His Excellency's discretionary Action upon those Affairs. The Acts of His Excellency would not be the less his own because he received good Advice before acting; nor would he, under such Advice, be less liable to Impeachment, while he certainly would be less likely to deserve or incur it.

Your Committee regret to notice, in His Excellency's Answer to the City Corporation, that he charges them with "begging leave to name for him other Individuals for the Station" (the Executive Council), because when so exalted a public Functionary as the Representative of His most Gracious Majesty is betrayed into Misquotations or Misrepresentations, manifestly not justified by the Document from which they are professed to be taken with Candour and Truth, it is calculated to impair the Weight and Dignity of the high Station, and induce by its pernicious Example a Laxity on such Subjects in the public Morals; for it is plain the City Council in their Address name no Individuals, but leave His Excellency in the free Exercise of the Royal Prerogative to select any suitable Councillors from the Province at large.

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In the same public Document His Excellency further remarks, "The Members of the late Council rest their Claims very nearly on the following Grounds, that the Responsibility they assume, being a popular Opinion daily increasing, is consequently the Law of the Land; and, secondly, that though the Powers they require are nowhere expressed in the Constitutional Act, they were evidently intended to have been inserted." Your Committee are obliged to report that the above Extract, given as the Grounds assumed by the late Council in their Representation, is neither candid nor warranted by Facts.

The late Council plainly deduce their Duties from the 31st Geo. 3., even without Reference to the less desired but not less forcible Principles of constitutional Right and civil Liberty. How then can they be truly said to make the Law of the Land the Consequence of popular Opinion, or that their Powers were only intended to be inserted in the Statute, when they quote the Statute in which the Powers are actually inserted?

In the Answer to the Citizens of Toronto His Excellency says, "With respect to my late Council, I regret, quite as much as you can do, their Resignation; but before they took the Oath of Secrecy (which appears to my Judgment to be an Oath of Non-responsibility to the People) I addressed to them a Note which clearly forewarned them, as follows: '*I shall rely on your giving me your unbiassed Opinion on all Subjects respecting which I may feel it advisable to require it.*'"

Your Committee here notice, 1st, an alleged Regret, 2d, an alleged Arrangement.

It seems impossible to reconcile this alleged Regret on the Part of His Excellency at their Resignation with his own Act obliging them to resign. The late Council were called upon "to retire from his Confidence" if they did not "retire from their Principles;" but they *could not retire from their Principles*, and were therefore obliged *to retire from his Confidence*. To present to the late Council a dishonourable Condition upon which to remain in the King's Service, and then allege Regret at their declining that Condition, by tendering their Resignation, obliges your Committee to report their Belief, either that His Excellency really felt no such Regret as is alleged, or that he did not feel the Repugnance honourably expressed by Mr. Baldwin "to the Abandonment of Principles for the sake of Place."

2d, There is an alleged Arrangement. Now your Committee cannot but notice a Want of Candour in this Matter. The Terms, "on all Subjects respecting which I may feel it advisable to require it" (Advice), are obviously indefinite, and could not, your Committee think, have been anticipated by any to mean "*no Advice at all.*" If His Excellency intended the above as a mental Reservation, enabling him to convert his Council into Ciphers or Mutes, he should not have coupled it with Expressions implying the reverse; for in the Letter from which this alleged Arrangement is deduced His Excellency assures

them

them of his "implicit Confidence." But it appears to your Committee that the Circumstance of adding Three new Councillors, with the Assurance to them of his "implicit Confidence," amounted to an Arrangement, a Declaration of an Intention to advise with them freely. "Implicit Confidence" cannot be manifested by placing none; and when His Excellency's Letter to Mr. Baldwin was publicly read by a Member in both Houses of Parliament, no one construed it to mean an Arrangement not to consult the Council at all. Instead, therefore, of admitting that the late Council, as alleged by His Excellency, "altogether in a Body disputed the Arrangement," your Committee consider that they had rather Cause to complain that the Arrangement was broken by him; for the Detention of them Three Weeks unconsulted in the Council in the most urgent Season of Business was a palpable Violation of the Promise to repose "implicit Confidence."

In his Reply to the same Address he adds, "I shall consult them (the new Council) as *unreservedly* as I had promised to consult those who have just resigned." This Language shows that "he had promised unreservedly to consult his late Council," and such the Public universally understood to be the Case. But as His Excellency accepted the Services of the late Council, and "with Pleasure" promised to give them his "implicit Confidence," and to "consult them unreservedly," your Committee notice with Pain the Inconsistency of such Declarations with the Attempt to criminate the late Council by misrepresenting them as having first voluntarily entered into an opposite Arrangement, and then altogether in a Body disputed it.

Your Committee addressed a Letter on the Subject to Mr. Robert Baldwin and Dr. Rolph, both of whom they have also examined. (Appendix marked F.) p. 242. infra.

From the Letter and Evidence your Committee collect that no "such Arrangement" as is alleged by His Excellency to have been "since disputed" ever was made ("to give Advice only when required"); that no such "Forewarning" was given them, or professed to be given, or expressed, or implied; but, on the contrary, that the Councillors were told that His Excellency's Doors were open for them to give Advice on any Subject at any Time; that the Letter now construed by His Excellency into such a Limitation was not the same in Words or Substance as the one arranged and promised to be given; that *although it is dated the Day before the Councillors were sworn in, it was not delivered till afterwards*, when the changed Features of the Letter appear to have struck with Surprise the Persons to whom it was addressed, and which Letter, from Motives of Delicacy explained in the Evidence, was not returned, as its disingenuous Application was not anticipated.

That the Proposition out of which the Letter grew *was not made till the Negotiation was over*, and the Three new Councillors attended, by previous Desire of His Excellency, to receive a formal united Invitation, and that *it then originated, not with His Excellency, but with Mr. Baldwin.*

The Statement therefore of His Excellency appears in the same discreditable Light as the Discrepancy between his Denial to your Honourable House of any Agreement between any Members of the present Council respecting the contingent Administration of the Government in case of the Lieutenant Governor's Death or Absence from the Province, and the Admission of the Facts so denied by Two of his present Councillors, Robert B. Sullivan, Esq., and the Honourable Captain Baldwin. Indeed it is, if possible, worse, because the Mistake is intended to criminate the late Council after their Dismissal.

Your Committee feel bound to notice one other of His Excellency's *Reasons*, by which he attempts to show that we would be ruined if we had the Image and Transcript of the British Constitution imparted to us. His Excellency, when replying to the Citizens of Toronto, asks with apparent Triumph, "supposing it were to be argued that Four Fifths of the Members of your House of Assembly ought immediately to be dismissed, because, in proportion to the Population of Great Britain and Ireland, there exists Five Times as many Members here as in the English House of Commons, would you not think it very irrational that this *noble but thinly-peopled* Colony should be made the exact Image and Transcript of the British Constitution, merely because Colonel Simcoe happened to use these Words," &c. Without remarking on the strange Idea of His Excellency making the People of a Colony into a Constitution, your Committee

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beg merely to give an Extract from the Remarks of Lord Grenville in the House of Lords in the Discussion on the Passage of the Act 31 Geo. 3. as a Reply to the Remarks of His Excellency, and the Application:

"They did not mean to give Canada exactly the same Constitution, as, for instance, 658 Representatives. That was impossible in the Nature of Things; but their great Object had been to adhere as nearly as possible to the Purity and Principles of the English Constitution in every Part of the Bill."

His Lordship also said, "It was undoubtedly a Mistake to suppose that any Government was free only as it approached to democratic Principles. Absolute Monarchy, absolute Aristocracy, absolute Democracy, had, in the History of Mankind, been tried in the Scale of Experience, and had been found wanting. Our own Constitution, which was compounded of these Three, was the first in World, and the Envy of every surrounding Nation. It was for that Reason that they were now about to communicate the Blessings of the English Constitution to the Subjects of Canada, because they were fully convinced that it was the best in the World. The Legislature of Canada consisted of Three Parts, representing that of this Country."

It is said in the Reply, that "in Government Impartiality is better than Knowledge, and it must be evident to every well-constituted Mind that in an infant State of Society it would be impossible practically to secure a sufficient Number of impartial Persons to effect a Change of Ministry as often as it might be necessary for the Interests of the People to do so."

Upon the Truth of this Maxim, "in Government Impartiality is better than Knowledge," your Committee forbear to offer any extended Comment; but they cannot conceal their Disgust at the offensive Manner in which it is applied against the moral Character of the People of this Province. He appears to your Committee to have assumed the Government with most unhappy Prejudices against the Country; for he alleges, certainly with very limited Means of personal Observation, that there is a Lack of "*impartial Persons*" to form a new Council on any occasional Change; and your Committee lament to hear that His Excellency is surrounded by and gives his credulous Ear to irresponsible and unworthy Advisers, who poison his Mind against the moral and intellectual Merits of the People he is appointed to govern. In his Reply to the Address of the Citizens he expresses his Estimate of the Knowledge and Taste of the Public by condescending to "plainer and more homely Language" (and both plain and homely enough it is); but besides thus reflecting upon Canadian Understandings, His Excellency further impeaches their good Morals, by declaring there are not "*impartial Persons*" enough in the Country to enable him to seek adequate Changes in the Council. It thus goes to England, with the highest official Authority, that this is little better than a Country of *Rogues and Fools*. In Canada His Excellency, with the Temerity of a Stranger and the Assurance of an old Inhabitant, presumes to testify that there is not a sufficient Number with Heads and Hearts yielding Knowledge and Impartiality to aid the good Management of our own local and internal Affairs. Should the History of this Colony be ever collected from the secret Despatches in Downing Street (of which we have had frequent Specimens), Posterity will form a very erroneous and unjust Estimate of the Talents and Virtues in the Country: low indeed are we placed in the Scale of Human Nature.

While engaged in preparing this Report, the Attention of the Committee has been suddenly called to the Documents referred to them on the 4th of April, respecting the Erection and Endowment of Parsonages throughout the Province, and the Exchanges of different Portions of the Clergy Reserves for other Property (which are hereto appended, marked P.)

p. 257. infra.

From these Documents it appears, that within the past Year Fifty-seven Rectories or Parsonages, "according to the Establishment of the Church of England," have been constituted in this Province by the Government, under the Great Seal of the Province, and have been endowed out of the Clergy Reserves in each Case, varying in general from 400 to 800 Acres of highly valuable Land, chiefly in old Townships, and in some Cases within Towns.

To these Rectories or Parsonages Ministers have been or are to be presented, as are their Successors in future, by the Government, and they are, according to the Thirty-ninth Clause of the Constitutional Act, "to hold and enjoy the same, and all Rights, Profits, and Emoluments thereunto belonging or granted,

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as fully and amply, and in the same Manner, and on the same Terms and Conditions, and liable to the Performance of the same Duties, as the Incumbent of a Parsonage or Rectory in England;" and the next Clause of the Act provides for the Exercise of "Spiritual and Ecclesiastical Jurisdiction and Authority," "according to the Laws and Canons of the Church of England;" under which Clause of course Ecclesiastical Courts will be established, as no others can fully exercise such "Spiritual and Ecclesiastical Jurisdiction."

Upon an Examination of the Instruments by which these Rectories or Parsonages are constituted it appears that Power is reserved to the Government of "hereafter erecting and constituting One or more Parsonages or Rectories" within the respective Townships in which they are now by these Instruments constituted.

According to the Act, the Government may endow these Parsonages "from Time to Time;" so that if the bold Experiment succeeds which is now attempted we may expect that the present Parsonages will receive further Endowments, and that the Number of these Parsonages will be multiplied amongst us beyond all present Calculation.

It further appears that different Clergymen of the Church of England have received from the Government, in exchange for their own private Property, large Quantities of the Clergy Reserves; for instance, the Rev. James Coglan surrenders Thirty-six Acres of Land in the Township of Hope, with a Messuage or Dwelling House, and receives in exchange 1,020 Acres, 400 of which are in the Township of Hope, 300 in Cavan, 100 in Emily, and 220 in Seymour.

The Rev. Benjamin Cronyn surrenders Four Acres of Land, with a Dwelling House, Outhouses, Offices, and Buildings, and receives in exchange 1, 892 Acres, of which 1,396 are situate in the Township of London, and the Remainder in Missouri.

The Rev. Francis Evans surrenders Fifty Acres of a Clergy Reserve, and Fifty Acres in Woodhouse, without any House or Building, and he receives 800 Acres in Walpole.

The Rev. Philip Meyerhoffer surrenders the rear Part of Lot No. 17., in the Fifth Concession of Markham, containing Seventy Acres, without any House or Building, and he receives Lot No. 19. in the same Concession of the same Township, containing 200 Acres.

All Comment upon such Transactions is superfluous. But most astonishing of all, Rear Admiral Vansittart has been permitted to share in these good Things for the Benefit of the Church, and has received, in exchange for a House, Two Acres and Two Lots of Land in Blandford, and Twenty-six Acres in Oxford East, 3,690 Acres of valuable Land!

The Land thus conveyed to them in exchange becomes their own Property, and will not belong to their Successors.

And all these Endowments, and all these Grants in exchange for Messuages and Lots of Land, are in addition to the large regular Allowance that is annually paid to them by the Government out of public Monies of the Province, without the Knowledge or Consent of the People and their Representatives!

Thus, in One Year, in contempt of all our humble Remonstrances and earnest Protestations against Church Establishments and Government Patronage of Religious Bodies, *Fifty-seven Government Parsons* have been established in this Province, and endowed out of the Clergy Reserves, established and endowed under the Great Seal to give it peculiar Solemnity, and if possible to make it irrevocable.

In this Way has the Government opened a new Source of political Influence and Power, and not only established a State Church amongst us, with "Spiritual and Ecclesiastical Jurisdiction and Authority," but a State Church of which the Government is the universal and sole Patron, having the exclusive Right of making the Presentations or Appointments of the Ministers of these different Parsonages.

It is with Difficulty that the Committee suppress the strong Feelings of Disgust, Indignation, and Astonishment which these Practices and Proceedings of the Government are calculated to excite.

Year after Year have the People of this Province, and their Representatives, been straining every Nerve to procure the Appropriation of the Clergy Reserves to some useful public Purposes, in which all His Majesty's Subjects might

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impartially and equally participate. Year after Year have they solemnly and indignantly protested against the Establishment of any State Church in this Province. The People, from one End of the Province to the other, again and again have petitioned the Provincial Parliament, the King, and the Imperial Parliament, on the Subject. These Petitions proceeded, not only from the People indiscriminately and repeatedly, but also from different public Bodies. The explicit and distinct Representation on this Subject of the Methodist Conference, in 1831, in their Address to His Majesty, cannot be forgotten, inasmuch as it produced a most offensive Reply from Sir John Colborne, which caused much Excitement and Dissatisfaction at the Time, and inasmuch as the Observations contained in the Address on the Subjects of applying public Funds to the Support of Religious Bodies or Teachers, and of appropriating the Clergy Reserves to Purposes of general Interest, were distinguished for Wisdom and Truth.

And so late as 1832 Petitions were transmitted to England, expressing similar Sentiments on these Subjects, subscribed by more than 18,000 of His Majesty's Subjects in this Province. In fact, all Parties and all Denominations on this Matter have been agreed, and have so remained, with a Unanimity and Perseverance that is really surprising.

Equally decided and uniform have been the Exertions of your Honourable House to effect the same Object; and this has been the Case, not only when one Party prevailed, but also when its Opponent had the Ascendancy. They have repeatedly addressed His Majesty; they have also repeatedly exercised the Powers given to them by the Constitutional Act to repeal those Parts of it which relate to the Appropriation of the Clergy Reserves, although these Bills, like many others ardently desired by the Country, have been contemptuously rejected in the Legislative Council. So numerous and urgent have been these Representations to His Majesty's Government, that the Appearance, at least, of a favourable Disposition on this Subject was at length obtained from the Cabinet Minister.

In 1832 the House of Assembly were informed by His Excellency Sir John Colborne, in a Message dated 25th January 1832, that he had His Majesty's Commands to make to it the following Communication:

"The Representations which have at different Times been made to His Majesty and His Royal Predecessors, of the Prejudice sustained by his faithful Subjects in this Province from the Appropriation of the Clergy Reserves, have engaged His Majesty's most attentive Consideration.

"His Majesty has, with no less Anxiety, considered how far such an Appropriation of Territory is conducive either to the temporal Welfare of the Ministers of Religion in this Province, or to their spiritual Influence. Bound no less by his personal Feelings than by the sacred Obligations of that Station to which Providence has called him to watch over the Interests of all the Protestant Churches within his Dominions, His Majesty could never consent to abandon those Interests, with a view to any Objects of temporary and apparent Expediency.

"It has therefore been with peculiar Satisfaction that in the Result of his Inquiries into the Subject His Majesty has found that the Changes sought for by so large a Proportion of the Inhabitants of this Province may be carried into effect without sacrificing the just Claims of the Established Churches of England and Scotland. The Waste Lands, which have been set apart as a Provision for the Clergy of those venerable Bodies, have hitherto yielded no disposable Revenue. The Period at which they might reasonably be expected to become more productive is still remote.

"His Majesty has solid Grounds for entertaining the Hope that, before the Arrival of that Period, it may be found practicable to afford the Clergy of those Churches such a reasonable and moderate Provision as may be necessary for enabling them properly to discharge their sacred Functions.

"His Majesty therefore *invites* the House of Assembly of Upper Canada to consider how the Powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this Part of its Provisions, can be called into exercise most advantageously for the spiritual and temporal Interests of His Majesty's faithful Subjects in this Province."

Surely

Surely this was a Pledge of no ordinary Solemnity on the Part of the Government, not to proceed in opposition to Representations which had at different Times been made to His Majesty "by so large a Proportion of the Inhabitants of this Province."

To establish and endow these Rectories, in opposition to these Representations, was as flagrant a Violation of good Faith as can well be imagined.

In Lord Glenelg's Instructions to His Excellency it is distinctly intimated, that the Disposal and Appropriation of the Clergy Reserves are to be left, for the present at least, to the Legislature of the Province. Under these Circumstances, how can the Proceedings of the Government in the Formation and Endowment of these Rectories and the Exchange of Lands (evidently a System of Jobs) be reconciled with a decent Regard to good Faith and Justice, to the Interests of the Province, or to the well-known and often-declared Wishes of the People? The Reflections which such a Question suggests are painful and mortifying.

Measures most deeply affecting the Peace and Happiness of the People, their Opinions and Feelings, are adopted, not only without their Consent, but in opposition to their known and unanimous Wishes. To continue our Complaints seems equally wearisome and useless.

Lord Glenelg declares, in his Instructions to His Excellency, that "Parliamentary Legislation on any Subject of exclusively internal Concern, in any British Colony possessing a Representative Assembly, is, as a general Rule, unconstitutional; and that to withdraw from the Canadian to the Imperial Legislature the Question respecting the Clergy Reserves would be an Infringement on that cardinal Principle of Colonial Government which forbids Parliamentary Interference, except in submission to an evident and well-established Necessity."

These are the Professions of the Government; but what has been its Conduct?

In 1827 an Act was passed by the Imperial Parliament, without even a pretended Necessity, and without the Consent or Knowledge of the People of this Province or their Representatives, authorizing the Sale of a Part of the Clergy Reserves in this Province (not exceeding One Fourth), and withdrawing from the Canadian to the Imperial Legislature the Question respecting the Application of these Funds to other Purposes than their original Object, such as the Support of Education, &c.

The same Act also authorizes the Government to accept in exchange for any Part of the Clergy Reserves, from any Person, any Lands of equal Value.

Under this Act *more than Sixty-one thousand Pounds*, abstracted from the small Amount in circulation to repay the hard Earnings of the People of this Province, have been raised by the Sale of Land, and *paid into the Military Chest*, over and above all the Expenses of selling the Lands, &c., as appears from the official Statement of the Hon. Peter Robinson, the Commissioner appointed by the Crown for these Sales; an Evil so great and palpable that it was foreseen and pointed out by the Right Hon. Edward Ellice in 1828, who, in his Examination before the Committee of the House of Commons on the Affairs of Canada, after describing the general and deep Feeling which exists in this Province about the Appropriation of these Reserves, says, "Surely the Framers of that Act must have overlooked the additional Objection of draining from the small Capital of the Country any Part of it for this invidious Purpose."

Notwithstanding this Caution, and although the Law was a plain Infringement of the Principles of our Constitution, recognized and admitted by them, the present *Ministry* are acting upon it, not only in selling these Services, and "draining from the small Capital of the Country for this invidious Purpose," annually, a large Sum, but also in making these Exchanges.

What a practical Commentary is this upon the Professions of a Colonial Secretary! Did the Writer of Lord Glenelg's Instructions suppose that the People of this Province were destitute of common Sense and Discernment?

The whole of the Transactions to which we have adverted, respecting the Clergy Reserves, and the Erection and Endowment of Parsonages, prove the Necessity of having a responsible Government, and illustrate the Importance of the great constitutional Principles for which the People and their Representatives

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tatives for a long Time, and the Executive Council more recently, have been contending.

Your Committee have deemed it proper to notice this Matter in the Report as being a true Commentary on the Effect and working of the System heretofore acted upon, and now clung to by His Excellency as if his very Existence depended upon it, and who unblushingly declares that without that System we are ruined. Now your Committee would ask, will any Man pretend to say that the endowing these Parsonages was in accordance with the Feelings, Wishes, and Interests of the People, or will they pretend to say that our Executive Council, possessing the Confidence and having an Identity of Interest with the great Body of the People, would have advised such a Step? A few Seasons more of as favourable picking, and the remaining Clergy Reserves in the Province will not be worth the asking, let alone contending for.

Until the Representative of the King in this Province shall be surrounded by Advisers sharing the Views and possessing the Confidence of the People and their Representatives, and shall freely and candidly and cordially consult them upon the Affairs of the Province, we must expect the same Evils and the same Grievances, which have only increased from Year to Year, amidst the Complaints of the People and the Promises and Professions of the Administration. The Necessity of insisting upon a constitutional and responsible Government must be apparent to every candid Man.

Your Honourable House lately addressed His Excellency on the Subject of a supposed Understanding or Arrangement between Two or more of the Members of the present Executive Council as to the Administration of the Government in the event of His Excellency's Death, which Address and Answer
p. 255. infra.
are hereto appended, marked (K.), in which Answer His Excellency was pleased to intimate rather indignantly that he knew of no such Agreement, and in fact that no Document of such a Nature existed. The Hon. Robert Baldwin Sullivan, the presiding Member of the Executive Council, and the Hon.
p. 255. infra.
Captain Baldwin, however, informed the Committee, as will appear by the Minutes of their Evidence, marked (L.), hereto appended, that a Paper had been signed, whereby Mr. Sullivan had declared his Intention, in the event of His Excellency's Death, not to administer the Government, although by the Royal Instructions in such a Case the Administration would devolve upon him, as presiding Councillor, but to resign his Office, in order to avoid the Administration of the Government; *and that this Paper was not only in Existence, but was drawn up by His Excellency himself* in the Council Chamber, signed and delivered to Mr. Allan (the next senior Member) in the Presence of His Excellency and the whole Council.

The Respect which your Committee feel for His Excellency's high Office forbids their dwelling upon the mortifying Subject of the Contradiction between His Excellency's Answer and those Gentlemen's Testimony; and they will only say, that it must of course destroy all Confidence in future in His Excellency's Assertions, especially as His Excellency retains Mr. Sullivan as his principal and confidential Adviser, notwithstanding the Evidence so given by him.

Neither do they think it necessary to dwell upon this Arrangement to bargain away, contrary to the Royal Instructions, the future Government of this Province; for such it evidently was, notwithstanding Mr. Sullivan's Attempt and natural Anxiety to explain it away; an Arrangement as unconstitutional and delusive as could have been proposed; for in the event of Sir Francis B. Head's Death the Government would necessarily devolve on the presiding Councillor, and he could not have resigned to any one but His Majesty. To resign to his Inferior would have been "a new Theory." Neither could he have released himself from the Government by refusing to take the Oath of Office. The Committee observe that such an Oath is not required by the 31st of the King or the King's Instructions, and at all events the Power to administer the Government, in the event of His Excellency's Death, does not depend on it, for if it did we might be for a Time without a Government; and if one could decline taking an Oath, all might, and we might in such an Alternative be left without a Government. An Arrangement so inconsistent with the Rights and Honour of the Crown, and with the Safety and Protection of the People, was probably never before thought of in a British Colony, and

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is a striking Evidence of the strange Notions entertained by His Excellency and the present Council about our Constitution.

In some of the old Colonies the People chose their own Governors, but never before was a Successor to a Governor then living chosen by the Council; that very Council who, in His Excellency's Estimation, is such a mere Cipher, such a mute and irresponsible Body.

To obtain a fuller Elucidation of this humiliating Subject, your Committee were desirous of obtaining the further Evidence of the Honourable Messrs. Allen and Elmsley; and although the Legislative Council, in compliance with the Address of your Honourable House, granted Permission to these Honourable Gentlemen to attend your Committee, yet they have refused to do so, under excuse of some Informality in addressing them, although in an executive Matter so materially affecting their Characters as Councillors your Committee had hoped all minor Considerations would have been discarded. But Mr. Sullivan's Statement needs no Confirmation, and the Participation of the others in this singular and unconstitutional Proceeding remains uncontradicted, with an Opportunity afforded them, if innocent, of Exculpation. This Conduct justifies in point of fact the Declaration by your Honourable House of an entire Want of Confidence in the present Executive Council, communicated by Address to His Excellency. It is to your Committee a Matter of profound Regret, that when His Excellency was surrounded by the late Council, with every Means of conducting his Administration in a Manner efficient and satisfactory, calculated to allay all existing Discontent, and preserve the Peace, Welfare, and good Government of the Province, he should so hastily, rashly, and wantonly disappoint public Expectation, and fill the Province with greater Distress and Apprehension than ever prevailed from the Alien Question.

Your Committee, while on this humiliating Subject, feel bound also to remark on the positive Contradiction between the Evidence of the Honourable Mr. Sullivan and the Honourable Captain Baldwin, as Reference thereto will prove; while Mr. Sullivan expressly affirms that the Writing was drawn up solely at his own Request, Captain Baldwin stated that it was at the Suggestion of the Honourable Mr. Elmsley.

The Committee beg leave also to remind your Honourable House again of your Address to His Majesty during the last Session, hereunto appended, marked (H.); respectfully but earnestly urging, that the Principles of the British Constitution, respecting the Advisers and confidential Officers of the Government in this Province, might be enforced, and intimating an Intention on the Part of the House, if these just and reasonable Wishes were longer disregarded, to withhold the Supplies from a Government conducted in such a Manner and by such Officers. Your Honourable House has distinctly but respectfully declared to His Excellency its Regret at the Removal of the late Executive Council, and its entire Want of Confidence of the present Members of it, and has humbly requested him to take immediate Steps for their Removal. Nevertheless they are retained, and the Wishes of the Representatives of the People, constitutionally expressed, are disregarded. No Alternative is left to the House, in the Opinion of the Committee, but to abandon their Privileges and Honour, and to betray their Duties and the Rights of the People, or to withhold the Supplies, the constitutional Right of which is clearly acknowledged in Lord Henley's Despatch, and also in His Excellency's Reply to the late Council; and in the Language of Lord Stanley, on the very Subject of procuring a Removal of Advisers in this Province, "it is the constitutional Mode of enforcing our Wishes." All that we have done will otherwise be deemed an idle Bravado, contemptible in itself, and disgraceful to the House; and although, in consequence of the Law granting a perpetual Civil List, which was obtained by Sir John Colborne's withholding a Despatch that he had been directed to communicate to the Legislature, showing that the Government only wanted the Grant for Seven Years, or during the Life of the King, which Act received the Approbation of His Majesty's Government, the Refusal of the Supplies cannot have its just constitutional Influence, yet it will testify the Feeling and the Determination of the House more forcibly to His Majesty's Government, and will avail more than any thing else. It becomes the more necessary when it is observed that Lord Glenelg assumes, in his Instructions to His Excellency, that until the last Session there generally "subsisted a Spirit of amicable

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Co-operation between the Executive Government and the Legislature;" although, so far from any such Harmony subsisting, the Majority of the House of Assembly, in both the Ninth and Tenth Parliaments, were denounced by the Adherents of the Provincial Administration in unmeasured Terms of Abuse, and were represented as being opposed with even indiscriminate Hostility to the Arrangements and Institutions of the Government.

Your Committee therefore distinctly recommend to your Honourable House to withhold the annual Supplies.

His Excellency, in answer to the Address of your Honourable House respecting the present Executive Council, observes, "I might say that I had hoped the House would have refrained from any such decided Expression of its Opinion on the Subject until it had received the Report of the Committee to whom the Subject was referred, and for whom the Government Office is now occupied in furnishing the documentary Evidence they desire; but I am unwilling to discuss the Question."

Your Committee hope there is not now, and never will be hereafter, another such a direct and violent Breach of the Privileges of the Commons House of Assembly; indeed, the Assumption of Power to chide the whole House for not awaiting a Report from a Select Committee can meet with a Parallel only in the very worst Periods of English History. Surely such Conduct was never intended, and will never be countenanced by the British Government. Observing the marked Forbearance of your Honourable House, your Committee dismiss this painful and humiliating Subject, simply referring to the recent Case of a similar Nature in Jamaica, which is set forth in the following Communication to His Excellency the Governor of that Island during its last Session:

"May it please your Excellency,

"We are ordered by the House to wait on your Excellency with the accompanying Resolutions, which have been agreed unto by the House:—

"1. Resolved, That the first Message of His Excellency the Lieutenant Governor of Yesterday is a direct Breach of the Privileges of this House, inasmuch as the Subject Matter of that Message was then pending between the other Branches of the Legislature.

"2. Resolved, That this House cannot, consistently with its own Dignity, or with due Regard to its own Rights and Privileges, which are the firmest Bulwarks of the Liberties, Franchises, and Immunities of the People, proceed to do any other Business until Reparation shall be made for this Breach of Privilege."

This, your Committee conceive, is a just Illustration of the Resentment which such Conduct deserves, and generally receives.

The Attention of your Committee has been recently drawn to a political Address from the Grand Jury at the present Assizes in this City to His Excellency, and His Excellency's Answer. (See certified Copies in the Appendix, marked U.) This Grand Jury, selected by Mr. Sheriff Jarvis, holding Office during the Pleasure of Sir Francis Head, style themselves "Grand Jurors *representing the Home District!*" There is no known Law or constitutional Usage under which the above Gentlemen can claim the representative Character; and it has ever been a Subject of Grievance and Regret that the Executive Government have given a Countenance to the political Pretensions and sycophantic Offerings of Grand Juries in this Country. While they mix up with their judicial Duties the Party Feelings of the Day, and present to the Lieutenant Governor, with evident Acceptability, their political Oblations, there can be no Prospect of that cool, dispassionate, and impartial Conduct towards all Classes of the People required by their Oath, and prescribed by the Law. The Mixture of such Matters in the public Ordinances of Religion or in the public Administration of Criminal Justice must be revolting to every "*well-constituted Mind*," and is certain to contaminate what the dearest Interests of Society require to be pure and untainted. The Imposition of political Duties upon the Chief Justice, as Speaker of the Legislative Council, against the repeated Remonstrances of the People and their Representatives, is felt to be itself a practical Evil, and has no Doubt also contributed to destroy that Decorum in other Branches of the Judiciary which might otherwise keep them aloof from voluntarily blending Party Politics with the Duties of the Grand Jury Room.

p. 267. infra.

Room. With the Grand Jury originate Indictments for alleged political Offences, and the Practice of tampering with their own Consciences, by inflaming themselves with such unseasonable Discussions, is calculated to revive the Scenes acted in the Administration of Sir P. Maitland.

It is a striking Fact, that the Foreman of this Grand Jury, selected by Mr. Sheriff Jarvis, is a Military Gentleman on full Pay, on a temporary Leave of Absence, and who, although a Son of the late Dr. Macaulay, is personally known only to a few as an occasional Visitor from Military Service. Your Committee, without meaning any personal Reflection upon that Gentleman, cannot but remark upon the Conduct of Mr. Sheriff Jarvis in making such a Selection, which appears to have been done to second the avowed Intentions of the Lieutenant Governor to appoint him Surveyor General, with the further Plan of introducing him into the Legislative and Executive Councils. The same Gentleman, it appears, has recently presided at political Meetings in this City; and, as a Military Man, he seems unconscious of the Impropriety of re-acting the same Scenes in the Sphere of a Grand Juror.

His Excellency's Answer welcomes the Adulation of the Grand Jury, and, outstepping the Limits of the Address, he descants against "the ignominious Tyranny" of the Executive Council of the Province, which he styles "a secret Metropolitan Cabinet;" thus deriding and vilifying the Institutions of the Country, while, in obvious Allusion to those who differ from him upon this "great constitutional Question," he boasts of having "*repelled Enemies.*" Affairs assume a serious Character when the Representative of His Majesty arrays against himself as "*Enemies*" whom he has "*repelled*" the great Body of the People who have long sought for a better constituted and more efficient Executive Council for the practical Ends of Government. These hostile and inimical Feelings indulged by His Excellency against so numerous a Class of the Community blast all our Hopes of that impartial and conciliatory Policy and constitutional System which have been promised by the British Government.

The Committee have been obliged unavoidably, though reluctantly, to extend their Report to a great, perhaps an inconvenient Length. They think the Subject one of vital Interest, and the present Era an all-important Crisis in our Affairs. The despotic, unconstitutional Principles announced and defended by Sir Francis Bond Head, and his avowed Determination to adhere to them; the tyrannical and unjust Conduct pursued by him towards the late Council, the Bitterness of Feeling which he is known to entertain towards all who think it their Duty to oppose him; the Intention which his public Acts evince to perpetuate and aggravate the System, and to cherish and favour the Party so much complained of, yet so much fostered under his Predecessor, destroy all Hope that his Administration of the Government can be just, satisfactory, or useful to the Country, or conducive to the Honour and Interests of the Crown, and make it, in the Opinion of the Committee, a necessary though most painful Duty on the Part of your Honourable House, respectfully but most earnestly to pray that His Majesty's Government will seriously consider our Situation, and afford us such Relief as the Exigency of the Case requires. Respect for the Crown requires that this Object should be sought in the ordinary Way, by an Address to His Majesty only; but, considering the usual Manner in which our Representations have been viewed and treated at the Colonial Office, we recommend that a Memorial should be also addressed by your Honourable House to the House of Commons; a Body who understand and feel the Value and Importance of those Principles for which we are contending. The Committee have prepared an Address to the King and a Memorial to the House of Commons in conformity with these Views, which they beg leave most respectfully to submit herewith; and recommend that a Copy of this Report, with the Appendix, and Memorial to the House of Commons, be presented to His Excellency with the Address, and a Request that he will be most graciously pleased to transmit the same to His most Gracious Majesty the King.

They submit the whole with a deep and solemn Sense of the great Responsibility which now rests upon the House of Assembly. The State of our public Affairs apparently growing worse instead of being improved; the Dissatisfaction and Anxiety of the People; the Determination of the Government to defend and enforce arbitrary Principles, and to oppose the Application and the Operation in this Province of acknowledged and essential Principles of the British

 Constitution;

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Report of Committee to Commons House of Assembly.

Constitution; and the Comparisons which are every Day made between our Condition on the one hand, and on the other hand the Prosperity of all Classes, the Activity of Business, and the Improvements of all Kinds, in the adjacent Country, are Considerations which cannot be disregarded. Blessed with a fine and healthy Climate, a productive Soil, unequalled natural Facilities for internal Communication, and an industrious and enterprising Population, we ought to see the Country flourish and improve at least as much, and the People as happy, prosperous, and contented under the British Constitution (if we were permitted to enjoy it in its full and beneficial Operation), as could be realized under a different Form of Government.

The Committee are not willing to believe the contrary; but that a System which has long rendered unavailing the natural Advantages of the Country, and paralyzed its youthful Energies, should now of a sudden produce contrary Effects, is not to be expected.

Great as is the constitutional Question for which the Country contends, it is simple in its Nature. We have under the 31st Geo. 3. an Executive Council constituted by the Royal Instructions; this Executive Council we desire to see discharging the Duties belonging to such a Council; as it is the Duty of Parliament to legislate, so it is the Duty of the Executive Council to advise. It has been simply proposed that our public Affairs should pass under their Review preparatory to the final and discretionary Action of the Governor upon them; and assuredly the People, upon whose Affairs and highest Interests the Advice is given, should be allowed to see the Representative of the King surrounded by Men alike possessing his Confidence and that of the Country.

The great Question now before your Honourable House and the Country is, not whether we are to have the Constitution and Form of Government of the United States introduced and established among us, but it is simply whether we (His Majesty's Subjects in Upper Canada) shall enjoy acknowledged Principles of the British Constitution.

Whether we shall have the same Rights and Privileges that are enjoyed by our Fellow Subjects in the United Kingdom, and which have always heretofore been admitted in Theory, but denied in Practice.

Whether the Advisers of the Lieutenant Governor, the Executive Council, are to be Gentlemen of sound Principles, known and possessing the Confidence and Esteem of the People, whom they are sworn to serve as well as His Majesty, or to be Persons unknown, unsworn, and irresponsible, and consequently under no Restraint or Accountability for the Advice they give, or Means (honourable or dishonourable) they use to accomplish their Ends.

If we have at the Head of our local Affairs, not a Representative of the King, but a mere Minister, culpable for all Misdoings in our Government, there is no Reason why he should longer be held (as heretofore) above the Law of the Land. If, on the one hand, we ask for the beneficial Operation of the Executive Council, the Answer is, "I am only in the Place of a Minister, answerable for my own Acts and those of my Council into the Bargain." And when, on the other hand, you desire to proceed against him for any Wrong, the Character is shifted from a mere Minister into a Representative of the King, who can do no Wrong, and is above all Law. One Day he is a Minister in order to assume Power and act wrongfully; another Day he is the Representative of the King, to oust the Courts of Justice of their Jurisdiction; he assumes one Character for *Licence*, and another for *Defence*.

Your Committee desire to remark, that our other Institutions have often in Times past been subjected, like the Executive Council, to similar Attempts to cripple or abridge their constitutional Rights and Character. Your Honourable House was at one Time denied the Privilege which necessarily and constitutionally appertains to Parliament, viz., the Right to inquire into public Abuses, and they were not established on their present broad, firm, and acknowledged Basis without Appeals to England and Litigation in our Courts of Law. During the Ninth Parliament occurred the arbitrary Outrage upon the Rights and Property of Mr. Forsyth by Governor Maitland, with Military Force, under the legal Advice of the Attorney General (since promoted to the Chief Justiceship of this Province), and supposed to have been under the

the Advice of the then Executive Council. This flagrant Wrong became the Subject of Inquiry before a Committee of your Honourable House; and Messrs. Givins and Coffin were attempted to be sustained by Governor Maitland in their Refusal to obey a Summons to give Evidence; in fact, they had his express Orders not to attend. Thus, in illustration of the alleged Sufficiency of Downing Street Responsibility by Governors, it appears that an Outrage is perpetrated first, and then executive Authority, Influence, and Power exerted to prevent Investigation. Nor was this all; for Sir P. Maitland further tried to poison what Justice might be expected from His Majesty, by writing a secret calumniating Despatch, giving a bad Character to Mr. Forsyth, and traducing as factious the Assembly that interposed in his Behalf. The Ninth Parliament proceeded to the Arrest and Imprisonment of the refractory Officials; and although Sir George Murray, then Principal Secretary of State for the Colonies, rebuked Sir P. Maitland for his long and artful Despatch against our Parliamentary Privileges, yet he was never disgraced or punished; and even in the Tenth Parliament the Attorney General (since Chief Justice of Newfoundland) re-acted the same Dispute of the Privileges of the Provincial Parliament; and it was not until the present Speaker of your Honourable House was prosecuted for his Warrant, and that an Adjudication of the Court of King's Bench, after elaborate Argument, had placed the Question out of the Reach of further Denial, that the Right was acknowledged. When therefore it is considered with what Trouble and Vexation, and against what executive Influence and Calumny, the Privileges of Parliament have been asserted and maintained, it is less surprising that the constitutional Duties and Functions of the Executive should factiously be denied. The Privileges of Parliament were not more obvious and certain or more important than the Duties and Functions of the Executive Council, for the Peace, Welfare, and good Government of the Country; and it only needs, on the Part of the People and their Representatives, the same firm and constitutional Exertions to ensure the same Success in the present all-important Contest.

All which is respectfully submitted.

(Signed) Peter Perry, Chairman.
T. D. Morrison.
John P. Roblin.
Hiram Norton.
Charles Duncombe.

Committee Room, House of Assembly,
14th April 1836.

(Truly extracted.) James Fitzgibbon,
Clerk of Assembly.

SCHEDULE of Documents forming an Appendix to Report.
(Fourth Enclosure in No. 9.)

(C.) Robert Baldwin's Letter to Peter Perry, 16th March 1836, with Copies annexed of Note from Lieutenant Governor to Robert Baldwin, 19th February, and latter's Receipt thereof, 20th February - - - - - - - - p. 239

(F.) The King's Instructions - - - - - p. 242

(G.) Oath taken by Executive Council - - - - - - - - - - p. 252

(H.) Address from House of Assembly to the King on the Subject of Legislative Council and responsible Governments, 15th April 1835 - - - - - p. 252

(I.) Address from House of Assembly to the King against Interference with our local Affairs, 3d March 1834 - - - - - - - - - p. 254

(K.) Address of House of Assembly to Lieutenant Governor on Subject of an Agreement between new Councillors as to Seniority in certain Events, and His Excellency's Reply - p. 255

(L.) Evidence given before Select Committee of House of Assembly by R. Baldwin Sullivan, Esq., 28th March 1836, and Honourable Augustus Baldwin, 11th April 1836 - - p. 255

(P.) Schedule of late Endowments of Parsonages and Rectories in this Province, 5th February 1836 - - - - - - - - - - p. 257

(R.) Letter from J. Joseph, Private Secretary to P. Perry, Esq., on Subject of Rejoinder from Citizens, 4th April 1836 - - - - - - - p. 260

(S.) Rejoinder from Citizens of Toronto to the Reply of Lieutenant Governor to their Address of 25th March - - - - - - - - - p. 260

(T.) Letter from Robert Baldwin, Esq., to Peter Perry, Esq., relative to His Excellency's Remarks to the City Corporation, 12th April 1836, and Evidence of Robert Baldwin, Esq., and Doctor Rolph - - - - - - - - p. 265

(U.) Address from the Grand Jury to the Lieutenant Governor, and His Excellency'sReply, p.267

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(Appendix.)

Appendix to Report (being the Fourth Enclosure in No. 9.)

(C.)

Dear Sir, Front-street, 16th March 1836.

Letter from Robert Baldwin, Esq. to Peter Perry, Esq.

Myself and my colleagues having felt it our duty to tender our resignations, and the Lieutenant-Governor having been pleased to accept them, I waited on his Excellency to request his permission to make public, in the usual parliamentary way, the steps which led to the formation of his Excellency's late Cabinet, and the circumstances which occasioned its dissolution; to which his Excellency, in the handsomest manner, frankly acceded, most graciously assuring me that his confidence in me personally was such, that he presented me with a *carte blanche* to state the whole, from the commencement of the negotiations to the acceptance of our resignations.

None of the members of the late provincial administration having the honour of a seat in the Commons, I know of no way in which such information can be more respectfully communicated than in a letter addressed to you, for the purpose of being read in your place, or of the House being put in possession of its contents in whatever other way your more intimate acquaintance with parliamentary forms may suggest.

I therefore, beg leave to state, that his Excellency, having done me the honour to send for me, explained the position in which he found himself placed on assuming the government of the province, and declaring himself most anxious to do the best he could to insure to the province good and cheap government, expressed himself most desirous that I would afford him my assistance by joining his Executive Council, assuring me that, in the event of my acceding to his proposal, I should enjoy his full and entire confidence.

I informed his Excellency of my extreme reluctance to again embark in public life, and proceeded to state that, notwithstanding such reluctance, and reserving to myself the option of declining to accept the seat which his Excellency had tendered to me on private grounds merely, I yet felt that as his Excellency had done me the honour of sending for me, I would not be performing my duty to my Sovereign or the country if I did not, with his Excellency's permission, explain fully to his Excellency my views of the constitution of the province, and the change necessary in the practical administration of it; particularly as I considered the delay in adopting this change as the great and all-absorbing grievance before which all others, in my mind, sunk into insignificance; and the remedy of which would most effectually lead, and that in a constitutional way, to the redress of every other real grievance, and the finally putting an end to all clamour about imaginary ones; and that these desirable objects would thus be accomplished without in the least entrenching upon the just and necessary prerogatives of the Crown, which I considered, when administered by the Lieutenant-Governor through the medium of a provincial ministry, responsible to the provincial Parliament, to be an essential part of the constitution of the province. That these opinions were not hastily formed, that they were, on the contrary, those which I had imbibed from my father, who, though now for some years, as well as myself, unconnected with public life, had formerly held a much more distinguished position in the politics of the country than I could pretend to, and that they were opinions which the experience of every year had more and more strengthened and confirmed; that I felt convinced that the prompt adoption of those views was the only means of consolidating the connexion with the mother country, to the preservation of which no one was more devotedly attached or ready to make greater sacrifices than myself. That they were nothing more than the principles of the British constitution applied to that of this province, and which I conceived necessarily to belong as much to the one as the other. That the call for an Elective Legislative Council, which had been already formally made from Lower Canada, and had been taken up, and appeared likely to be responded to in this province, was as distasteful to me as it could be to any one; as all that to me appeared necessary or desirable was the constitution as it stood, fully and fairly acted upon. And that I was convinced that had such a course been adopted some years ago, we should not now have had the public discussing the expediency of an alteration in the constitution, by the introduction of a provision for an elective Legislative Council. That I feared it might not be too late; but as I was not sufficiently aware of the exact state of the question to speak decidedly, I sincerely hoped that by the prompt adoption of a responsible provincial administration, under the King's representative, the question might even yet be set at rest; and in reply to an objection of his Excellency, that the adoption of such a course would be placing the Lieutenant-Governor in a position similar to that of the King, which was inconsistent with the fact of his responsibility, I explained, that as far as regarded the internal affairs of the province the Lieutenant-Governor was in point of fact, as far as this province and its parliament were concerned, as completely irresponsible as the King himself, as there certainly neither existed, nor, in my opinion, ought to exist, any legal or constitutional means of calling him to account in this country for any act of his government. That his responsibility was to the King and Parliament of the Empire, and was perfectly proper and

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necessary for the preservation of the paramount authority of the mother country, and the protection of her interests in matters properly and constitutionally belonging to the exercise of that authority. But that what the constitution required was, that there should be persons within this country itself who could be made responsible to the provincial parliament here for the administration of the internal affairs of the province.

To another objection of his Excellency, that the adoption of my views would deprive the Lieutenant-Governor of all power, and convert him into a cipher, I distinctly denied any such as a consequence of my principles; as I fully admitted the Lieutenant-Governor to be constitutionally clothed, as the royal representative, with the same powers within the province, with respect to its internal affairs, as those possessed by the King himself with respect to the affairs of the Empire at large, which appeared to me to be all that he could desire, and at all events all that the constitution had given him; that he had always the same constitutional right to accept or reject the advice of any of his executive councillors, and that, as in England, the only alternative for them was to resign, when they and the Lieutenant-Governor differed on any point which they conceived of sufficient importance to call for such a step; in which event the Lieutenant-Governor was perfectly free to call to his council whom he pleased.

His Excellency very candidly declared his entire dissent from such views and opinions; he nevertheless, with the most gracious expression of satisfaction at the very full and candid manner in which I had opened them to him, renewed his solicitation for my acceptance of a seat in the Executive Council, suggesting, as an inducement for such acceptance, the increased facilities which, by my place in the Executive Council, would be afforded towards the more efficiently representing and urging my views; his Excellency declaring that his doors should at all times be open to me, and that he should be most happy to listen and give his most serious consideration to any subject which I might at any time think it important to lay before him, his Excellency always reserving the right to decide for himself; his Excellency at the same time remarking, that he had no objection to the council, each continuing to entertain and urge his individual opinions, as the opinions of one would be neutralized by those of another.

I then informed his Excellency that, upon the principles which I had opened to him, there were two grounds upon which I could not consistently comply with his Excellency's wishes; first, that no provincial administration would, in my opinion, be capable of affording his Excellency that assistance and support which his government would require, unless sufficiently possessed of the confidence of the provincial parliament to insure majorities in it; and that I did not feel that that confidence could be obtained without further assistance; and, secondly, that although in private life I was on perfectly good terms with all the gentlemen who then composed his Excellency's Executive Council, and on most friendly terms with one of them, yet that, as public men, I had in them no confidence whatever, and had formerly, when in public life, denounced them, and those with whom they acted, as politically unworthy of the confidence of the country, and therefore that I felt that I could not take office with them.

At length after a consultation, held by his Excellency's permission, with Dr. Rolph and my father, I finally, on the two grounds above mentioned, declined to accept a seat in the Executive Council.

It is proper that I should here remark, that though these principles were fully opened to his Excellency at my first interview, some parts of the conversations above adverted to (though I believe none that could be considered essential to the full exposition of the principles themselves) passed during the subsequent interviews which I had the honour of having with the Lieutenant Governor in the course of the negotiation.

Having been subsequently again sent for by his Excellency, and requested to state more explicitly what the assistance was to which I had before alluded, I replied, that I considered the assistance of Dr. Rolph, Mr. Bidwell, my father, and Mr. Dunn, in the Executive Council, most desirable, and that of Dr. Rolph as absolutely necessary, to insure that public confidence in his Excellency's government without which I was convinced his Excellency, with the best intentions in the world, would fail to accomplish those desirable objects which he had in view.

His Excellency, after an interview which he informed me he had had with Mr. Bidwell, again opened the negotiation by a renewed tender of a seat in the Executive Council, giving me at the same time to understand that, if accepted, he was prepared to afford me the assistance of Dr. Rolph and Mr. Dunn, should these gentlemen have no objection to join me.

Upon this, with his Excellency's permission, I again consulted with Dr. Rolph, Mr. Bidwell, and my father, and I feel it due to the two latter to take this opportunity of stating, that I received the fullest assurance of their most cordial support to a cabinet composed of Dr. Rolph, Mr. Dunn, and myself, and the expression of their opinions that, in the present conjuncture of public affairs, their being taken into the cabinet ought not to be further urged; which disinterested course on their part, so consistent with the position which they hold in the public confidence, the country, I am persuaded, cannot fail to appreciate.

This

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This renewal of the negotiation was, however, ultimately closed by my again finally declining to accept office, in consequence of his Excellency not feeling himself justified in consenting to the removal of those gentlemen who were already in the council.

Upon this his Excellency sent for my father, to whom he made a similar tender of a seat in the Executive Council, and his fullest confidence in the event of his accepting it; and I am authorized to say, that Dr. Baldwin, on that occasion, informed his Excellency that his views and principles were similar to those which had been already fully laid before his Excellency by me, and that he felt it impossible to take office in conjunction with the three gentlemen who then formed his Excellency's Executive Council.

His Excellency then sent for Dr. Rolph, to whom he made a similar tender of his confidence. Dr. Rolph having obtained his Excellency's permission to consult Mr. Bidwell, Mr. Dunn, my father, and myself, it was, in the course of that consultation, pressed upon me, that as the principle of responsibility, although long before the public, had never yet been practically acted upon; and that taking it for granted (as it was but justice to his Excellency to do) that his Excellency, although mistaken in his views of the constitution of the country, might yet be sincerely desirous of governing according to that constitution, and that in that case all that would be found necessary was to convince him that the views and principles which I had opened to him were just and constitutional to insure their adoption, or the procurement of his Excellency's influence to obtain their adoption; and that, notwithstanding what his Excellency had said with respect to the opinions of one member of the council being neutralized by those of another, which appeared to arise more from a want of sufficient practical acquaintance with the working of the political machinery of government, which time and experience would necessarily correct, than from any other cause; it would perhaps not be performing our duty to his Excellency, or the country, were we, after his having gone thus far to meet our views, peremptorily to refuse all concession on our part. To this reasoning having given a most reluctant consent, I empowered Dr. Rolph, in accordance with the course deemed by him most respectful to his Excellency, to state to the Lieutenant-Governor that I was willing, with his Excellency's permission, to re-consider his Excellency's proposal, and to consider the negotiation re-opened, upon the footing on which it stood previous to its having been last closed with me; to which his Excellency having at once acceded, and the negotiation having been thus re-opened, after some further consultation upon the subject with Mr. Dunn, his Excellency was finally informed that Mr. Dunn, Dr. Rolph, and myself had, though reluctantly, consented, in compliance with his Excellency's wishes, and as a mere experiment, and one which we feared would fail, to accept seats in his Excellency's Executive Council, without the retirement of the three gentlemen who were already members of it.

Afterwards, on our all waiting on his Excellency, previous to our being sworn, I pointed out and insisted upon the necessity, that, lest compromise of principle might be imputed to us in consequence of the course we had taken, which in the public eye must necessarily appear equivocal, some announcement should be made of the unfettered terms upon which his Excellency was pleased to receive us into his confidence, which, at his Excellency's suggestion, was finally arranged to be in the shape of a note to that effect, to be addressed to me (as the person first sent for) by his Excellency, and of which I was to be at liberty to make any use that I might deem necessary or proper; which note was, at my request, in accordance with the gracious permission which I had received, read publicly by a member of each House of Parliament in his place, this being the only manner in which it appeared to me the information which it was necessary that the public should be in possession of could be communicated consistently with the respect due to a communication from the representative of the King.

Copies of this note, and of my acknowledgment of the receipt of it, I subjoin.

These negotiations, partly retarded by my absence in the country, were in progress from the 8th until the 20th ultimo, on which day we were sworn into office.

Having thus explained the circumstances which led to our appointment, I have only to add, with respect to our retirement from office, that the principles, the facts, and the views which were afterwards embodied in the formal representation of the Executive Council, were (at least ten days before being thus formally presented to his Excellency), at very considerable length, amicably discussed between the members of the Executive Council and his Excellency, and afterwards continued the subject of deliberate consideration among the members themselves for another week, when, on the 4th of this month, the formal representation alluded to was unanimously adopted and presented to his Excellency, with respect to which I shall only add, that the course of local government, and the reasons for it set forth in the representation from the council, were thus officially suggested to the more formal consideration of his Excellency, from a solemn conviction that it was the only system which would operate "for the good of the King and of this province, and for the peace, rest, and tranquillity of the same."

To this representation the Executive Council on the following Thursday, being the next regular council day, received his Excellency's reply.

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In this reply, his Excellency having intimated his wish "that should the Executive Council be of opinion that the oath which they had taken required them to retire from his Excellency's confidence, rather than from the principles they had avowed, they would not on his account for a moment hesitate to do so," the members of the Council, on Saturday last, waited on his Excellency, and tendered their resignations, which his Excellency was graciously pleased to accept, with respect to which I would here take the liberty of remarking, that, having in the representation alluded to, but reiterated in a more formal manner, in conjunction with my colleagues under the sanction of the oath which I had in the meantime taken, the same principles and opinions which his Excellency knew me to entertain previous to his honouring me with a seat in his Council, however desirous I might be of giving my best support to his Excellency's government, or of not hastily abandoning the important duties of my situation, which had been most unwillingly assumed, I could not for a moment hesitate, when the alternative presented to me was the abandonment either of my principles or my place.

I have the honour to be, dear Sir,
Your most obedient, humble Servant,

Peter Perry, Esq., M.P. (Signed) Robert Baldwin.

Dear Sir, Government House, Feb. 19, 1836.

I have great pleasure in learning that you, Dr. Rolph, and Mr. Dunn accept the invitation I have made to you by joining the Executive Council.

The confidence I shall repose in you will be implicit; and as I have no preliminary conditions either to accede or require from you, I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it.

I remain, dear Sir, your's faithfully,

R. Baldwin, Esq. (Signed) F. B. Head.

Mr. Robert Baldwin has the honour to acknowledge the receipt of His Excellency's the Lieut.-Governor's note of the 19th inst., and will transmit a copy to Mr. Dunn and Dr. Rolph without delay.

Front-street, 20 Feb. 1836.

(F.)

In the Name and on the Behalf of His Majesty.

George P. R.

The King's Instructions.

INSTRUCTIONS to our right trusty and right entirely beloved Cousin and Councillor *Charles* Duke of *Richmond*, Knight of the Most Noble Order of the Garter, General of Our Forces, Our Captain-General and Governor-in-Chief in and over Our Province of Upper Canada in America, or, in his absence, to the Lieutenant-Governor or Commander-in-Chief of Our said Province for the time being. Given at Our Court at Carlton-house the ninth Day of May 1818, in the fifty-eighth year of Our Reign.

Charles Duke of Richmond, K. G.

(Instructions.)

1. With these Our Instructions you will receive Our Commission, under Our Great Seal of Our United Kingdom of Great Britain and Ireland, constituting you Our Captain-General and Governor-in-Chief in and over Our provinces of Upper Canada and Lower Canada, bounded as in Our said Commission is particularly expressed. In the execution therefore of so much of the office and trust We have reposed in you as relates to Upper Canada, you are to take upon you the administration of the Government of the said province, and to do and execute all things belonging to your command according to the several powers and authorities of our said Commission under Our Great Seal of Our United Kingdom of Great Britain and Ireland, and of the Act passed in the thirty-first year of Our reign therein recited, and of these Our Instructions to you, and according to such further Powers and Instructions as you shall at any time hereafter receive under Our signet and sign manual by Our order in Our Privy Council.

2. And

2. And you are with all due solemnity before the members of Our Executive Council to cause Our said Commission to be read and published, which being done, you shall then take and also administer to each of the members of Our said Executive Council the several oaths, and subscribe to the declaration therein required.

3. You shall also administer, or cause to be administered, the oaths mentioned in Our said Commission to all Persons, except as hereafter mentioned, that shall be appointed to hold or exercise any office, place of trust or profit, in our said province, previous to their entering on the duties of such Office, and you shall also cause them to make and subscribe the aforesaid declaration; but in cases where any such office, place of trust or profit, in Our said province of Upper Canada, shall be conferred on any of Our subjects who may profess the religion of the Church of Rome, you shall, so often as any such person shall or may be admitted into any such Office, place of trust or profit, administer, or cause so be administered, to him the oath prescribed in and by an Act of Parliament passed in the fourteenth year of Our reign, intituled "An Act for making more effectual Provision for the Government of the Province of Quebec in North America," and also the usual oath for the execution of such office, place of trust or profit, in lieu of all other tests and oaths whatsoever.

4. Whereas We have thought fit that there should be an Executive Council for assisting you or Our Lieutenant-Governor or person administering the government of Our said province of Upper Canada for the time being; We do by these presents nominate and appoint the under-mentioned persons to be of the Executive Council of Our said province of Upper Canada, viz., William Dummer Powell, Esq., Our Chief Justice, or the Chief Justice of Our said province for the time being, Jacob Lord Bishop of Quebec, James Baby, Samuel Smith, the Rev. John Strachan, D.D., and William Clause, Esq.: And whereas by an Order passed in the province of Quebec the Governor and Council were constituted a Court of Civil Jurisdiction for hearing and determining appeals in certain cases therein specified: And whereas by an Act passed in the thirty-first year of Our reign it is declared, that the Governor, Lieutenant-Governor, or person administering the government of the said province, together with such Executive Council, shall be a Court of Civil Jurisdiction within Our said province for hearing and determining appeals within the same, in the like cases and in the like manner, and from and subject to such appeal therefrom, as such appeals might have been before the passing of the above-recited Act heard and determined by the Governor and Council of Quebec; in order, therefore, to carry the said Act into execution, Our will and pleasure is, that you do in all civil causes, on application being made to you for that purpose, permit and allow appeals from any of the Courts of Common Law in Our said province unto you and the Executive Council of the said province of Upper Canada, in manner prescribed by the above-mentioned Act; and you are for that purpose to issue a writ, as nearly in the accustomed manner before the passing of the above-mentioned Act in respect of such appeals as the case will admit, returnable before yourself and the Executive Council of the said province, who are to proceed to hear and determine such appeal, wherein such of the Executive Council as shall be at that time Judges of the Court from whence such appeal shall be so made to you and to Our said Executive Council as aforesaid shall not be admitted to vote upon the said appeal; but they may nevertheless be present at the hearing thereof to give the reasons of the judgment given by them in the causes wherein such appeal shall be made: Provided nevertheless, that in all such appeals the sum or value appealed for do exceed the sum of 300*l.* sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded; in case the first sentence be affirmed, and if either party shall not rest satisfied with the judgment of you and such Executive Council as aforesaid, Our will and pleasure is, that they may then appeal unto Us in Our Privy Council, provided the sum or value so appealed for unto Us do exceed 500*l.* sterling, and that such appeal be made within fourteen days after sentence, and good security be given by the appellant that he will effectually prosecute the same and answer the condemnation, as also pay such costs and damages as shall be awarded by Us in case the sentence of you and the Executive Council be affirmed: Provided nevertheless, where the matter in question relates to the taking or demanding any duty payable to Us, or to any fee of office or annual rents, or other such like matters or things where the rights in future may be bound, in all such cases you and the said Executive Council are to admit an appeal to Us in Our Privy Council, though the immediate sum or value appealed for be of a less value. And it is Our further will and pleasure, that in all cases where by your instructions you are to admit appeals unto Us in Our Privy Council execution shall be suspended until the final determination of such appeal, unless good and sufficient security be given by the appellee to make ample restitution of all that the appellant shall have lost by means of such decree or judgment, in case, upon the determination of such appeal, such decree or judgment should be reversed and restitution awarded to the appellant. You and Our Executive Council are also to admit appeals unto Us in Our Privy Council in all cases of fines imposed for misdemeanors, provided that the fine so imposed amount to or exceed the sum of 100*l.* sterling; the appellant first giving good security that he will effectually prosecute the same, and answer the condemnation if the sentence by which the fine was imposed in your government shall be confirmed.

5. And that We may be always informed of the names and characters of persons fit to supply the vacancies which may happen in Our said Executive Council, you are, in case

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to
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21st April 1836.

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of any vacancy in Our said Council, to transmit to Us, through one of Our Principal Secretaries of State, the names and characters of such three persons inhabitants of Our said province of Upper Canada whom you may esteem best qualified for fulfilling the trust of such Executive Council.

6. And in the choice and selection of such persons proposed to fill such vacancy in Our said Executive Council, as also of the chief officers of justice, you are always to take care that they be men of good life, well affected to Our Government, and of abilities suitable to their employment.

7. And whereas We are sensible that effectual care ought to be taken to oblige the members of Our Executive Council to a due attendance; it is Our will and pleasure, in order to prevent the many inconveniences that may happen for want of a quorum of the Council to transact business as occasion may require, that if any of the members of Our said Executive Council residing in Our said province shall hereafter wilfully absent themselves from the province, and continue absent above the space of six months together, without leave from you first obtained under your hand and seal, or shall remain absent for the space of one year without Our leave given them under Our royal signature, their places in the said Executive Council shall immediately thereupon become void. And We do hereby will and require you that this Our royal pleasure be signified to the several members of Our said Executive Council, and that it be entered in the Council Books as a standing rule.

8. And to the end that Our said Executive Council may be assisting to you in all affairs relating to Our service, you are to communicate to them such and so many of these Our Instructions wherein their advice is mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

9. You are to permit the members of Our said Executive Council to have and enjoy freedom of debate, and vote in all affairs of public concern which may be debated in the said Executive Council.

10. And whereas by the aforesaid recited Act, passed in the thirty-first year of Our reign, it is provided, that the seats of the members of Our Legislative Council shall become vacant in certain cases mentioned in the said Act; it is Our will and pleasure that if any member of Our said Legislative Council shall at any time leave Our said province, and reside out of the same, you shall report the same to Us, by the first opportunity, through one of Our Principal Secretaries of State, and you are also in like manner to report whether such member of the said Council is absent by your permission or by the permission of Our Lieutenant-Governor or Commander-in-Chief of the said province for the time being; and you are also in like manner to report, if it shall come to your knowledge, that any such member shall at any time take or have taken the oath of allegiance or obedience to any foreign prince or power, or shall be attainted for treason in any Court of Law within any of Our dominions, that We may take such measures thereupon as We shall think fit; and you are to take especial care that the several provisions of the said Act respecting the several cases in which persons may or may not be entitled to receive writs of summons to the said Legislative Council, and to hold their places therein, shall be duly executed.

11. And for the execution of so much of the powers vested in you by Our said Commission, and by virtue of the said Act, as relates to the declaring that you assent in Our name to Bills passed by the Legislative Council and House of Assembly, or that you withhold Our assent therefrom, or that you reserve such Bills for the signification of Our royal pleasure thereon, it is Our will and pleasure that you do carefully observe the following rules, directions, and instructions:—viz.

That the style of enacting all the said laws, statutes, and ordinances be by Us, Our heirs and successors, by and with the advice and consent of the Legislative Council and Assembly of Our province of Upper Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province," and that no Bill in any other form shall be assented to by you in Our name. That each different matter be provided for by a different law, without including in one and the same Act such things as have no proper relation to each other.

That no clause be inserted in any Act or Ordinance which shall be foreign to what the title of it imports, and that no perpetual clause be part of any temporary law.

That no law or ordinance whatever be suspended, altered, continued, reviewed, or repealed in general words, but that the title and date of such law or ordinance shall be particularly mentioned in the enacting part.

That in case any law or ordinance respecting private property shall be passed without a saving of the right of Us, Our heirs and successors, and of all persons or bodies politic or corporate, except such as are mentioned in the said law or ordinance, you shall declare that you withhold Our assent from the same; and if any such law or ordinance shall be passed without such saving, you shall in every such case declare that you reserve the same for the signification of Our royal pleasure thereon.

That

That in all laws or ordinances for levying money, or imposing fines, forfeitures, or penalties, express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said province and the support of the government thereof as by the said law shall be directed; and that a clause be inserted, declaring that the due application of such money, pursuant to the directions of such law, shall be accounted for unto Us, through Our Commissioners of our Treasury for the time being, in such manner and form as We shall direct.

12. And whereas We have by Our said Commission given you full power and authority, subject as therein is specified and to these Our Instructions in that behalf, to issue writs of summons and election, and to call together the Legislative Council and Assembly of Our said province of Upper Canada, and, for the purpose of electing the Members of the Assembly of Our said province of Upper Canada, have also given you full power and authority to issue a proclamation, dividing Our said province of Upper Canada into districts or counties, or circles, and towns or townships, and declaring and appointing the number of representatives to be chosen by each of such districts or counties, or circles, and towns or townships; now Our will and pleasure is, that you shall issue such proclamations as soon as may be, allowing nevertheless a reasonable time between the issuing thereof and the time of issuing the writs of summons and elections above mentioned.

13. That all laws assented to by you in Our name, or reserved for the signification of Our royal pleasure, shall, when transmitted by you, be fairly abstracted in the margins, and accompanied with very full and particular observations upon each of them; that is to say, whether the same is introductory to a new law declaratory of a former law, or does repeal a law then before in being; and you are also to transmit in the fullest manner the reasons and occasion for proposing such laws, together with fair copies of the journals and minutes of the proceedings of the said Legislative Council and Assembly, which you are to require from the clerks or other proper officers in that behalf of the said Legislative Council and Assembly.

14. And whereas in the said Act it is provided that in certain cases Acts passed by the Legislative Council and Assembly of the province shall, previous to any signification of Our assent thereto, be laid before both Houses of Our Parliament of this Kingdom: And whereas it is also provided in the said Act, that in certain cases provision may be made by the Acts of the Legislative Council and Assembly of the province, assented to by Us, Our heirs and successors (thereby reserving the power of giving such assent to Us, Our heirs and successors only); you are to take especial care that in every such case you are to declare that you reserve such Bills for the signification of Our pleasure thereon; and you will likewise reserve for such signification every other Bill which you shall consider to be of an extraordinary or unusual nature, or requiring Our especial consideration and decision thereupon, particularly such as may affect the property, credit, or dealings of such of Our subjects as are not usually resident within Our said province, or whereby duties shall be laid upon British or Irish shipping, or upon the produce or manufactures of Great Britain or Ireland.

15. And whereas laws have been formerly enacted in several of Our plantations in America for so short a time that Our royal assent or refusal thereof could not be had before the time for which such laws were enacted did expire; you shall not assent in Our name to any law that shall be enacted for a less time than two years, except in cases of imminent necessity or immediate temporary expediency; and you shall not declare Our assent to any law containing provisions which shall have been disallowed by Us, without express leave for that purpose first obtained from Us, upon a full representation by you to be made to Us, through one of Our Principal Secretaries of State, of the reasons and necessity of passing such law.

16. Whereas We have thought fit by Our Orders in Our Privy Council to disallow certain laws passed in some of Our colonies and plantations in America for conferring the privileges of naturalization on persons being aliens, and for divorcing persons who have been legally joined together in holy marriage: And whereas Acts have been passed in others of our said colonies to enable persons who are Our liege subjects by birth or naturalization to hold and inherit lands, tenements, and real estates, although such lands, tenements, and real estates had been originally granted to or purchased by aliens antecedent to naturalization; it is Our will and pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may hereafter be passed by the Legislative Council and Assembly of the said province under your government for the naturalization of aliens, nor for the divorce of persons joined in holy marriage, nor for establishing a title in any person to lands, tenements, or real estates in Our said province originally granted to or purchased by aliens antecedent to naturalization.

17. You are to give warrants under your hand for the issuing of public monies for all public services, and We do particularly require you to take care that regular accounts of all receipts and payments of public monies be duly kept; that the same from time to time be duly audited by Our Executive Council, and that copies thereof, attested by you, be transmitted every half year, or oftener if there should be occasion, to Our Commissioners of Our Treasury or to Our High Treasurer for the time being, and duplicates thereof by the next conveyance; in which accounts shall be specified every particular sum raised or disposed of, to the end that We may take such measures as We may deem necessary for the examination of the said accounts, and that We may be satisfied of the right and due application of the revenues of Our said province of Upper Canada, and with the probability of the increase or diminution of it under every head and article thereof.

18. Whereas

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 4.
(Appendix.)

The King's Instructions.

18. Whereas by an Act of the Parliament of Great Britain passed in the fourth year of Our reign, intituled "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies and Plantations in America from being declared to be a legal Tender in payment of Money, and to prevent the legal Tender of such Bills as are now subsisting from being prolonged beyond the Periods limited for calling in and sinking the same," it is enacted, that no paper bills or bills of credit should be created or issued by an act, order, resolution, or vote of Assembly, in any of Our colonies or plantations in America, to be a legal tender in payment; and that any such act, order, resolution, or vote for creating or issuing such paper bills, or bills of credit, or for prolonging the legal tender of any such then subsisting and current in any of the said colonies and plantations, should be null and void: And whereas by another Act of Our said Parliament, passed in the thirteenth year of Our reign, intituled "An Act to explain and amend the above recited Act," passed in the fourth year of Our reign as aforesaid, it is enacted, that any certificates, notes, bills, or debentures which shall or may be voluntarily accepted by the creditors of the public within any of the colonies of America as security for the payment of what is due and owing to the said public creditors may be made and enacted by the General Assemblies of the said colonies respectively to be a tender to the public treasurers in the said colonies for the discharge of any duties, charges, or debts whatsoever due to and payable at or in the said public treasuries of the said colonies, in virtue of laws passed within the same, and in no other case whatsoever; it is Our will and pleasure, that you do in all things conform yourself to the provisions of the said recited Acts, both with respect to the not assenting to any bills which may be presented to you for the purpose of issuing or creating paper bills or bills of credit to be a legal tender in payment; and the assenting to any bills by which such certificates, notes, or debentures which may be voluntarily accepted in payment by the public creditors shall be made a legal tender to the Treasury for taxes, duties, and other payments to the public treasury.

19. You shall not remit any fines or forfeitures whatsoever above the sum of 10*l.*, nor dispose of any forfeitures whatsoever, until, upon signifying unto the Commissioners of Our Treasury or Our High Treasurer for the time being, the nature of the offence and the occasion of such fines and forfeitures, with the particular sums or value thereof, which you are to do with all speed, you shall have received Our directions thereon; but you may in the meantime suspend the payment of the said fines and forfeitures.

20. And your are on every occasion to transmit to Us, through one of Our Principal Secretaries of State (with all convenient speed), a particular account of all new establishments of jurisdiction, courts, offices and officers, powers, authorities, fees, and privileges, granted and settled within Our said province of Upper Canada, as likewise an account of all expenses (if any) attending the establishment of the said courts and offices.

21. It is Our further will and pleasure, that all commissions to be granted by you to any person or persons to be Judge, Justice of the Peace, or other necessary officer be granted during pleasure only.

22. You are not to suspend any of the Members of the said Executive Council, or to suspend or displace any of the Judges, Justices, Sheriffs, or other officers or ministers within Our said province of Upper Canada, without good and sufficient cause; and in case of such suspension or removal you are forthwith to transmit your reasons for the same to one of Our Principal Secretaries of State.

23. And whereas frequent complaints have been made of great delays and undue proceedings in the courts of justices in several of Our plantations, whereby many of Our good subjects have very much suffered; and it being of the greatest importance to Our service and to the welfare of Our plantations that the law be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof be effectually prevented, We do particularly require you to take especial care that in all courts where you are authorized to preside justice be impartially administered; and that in all other courts established within Our said province all Judges and other persons therein concerned do likewise perform the several duties without delay or partiality.

24. You are to take care that no court of judicature be adjourned but upon good grounds, as also that no orders of any court of judicature be entered or allowed which shall not be first read and approved of by the Justices in open court; which rule you are in like manner to see observed with relation to all proceedings of Our Executive Council of Upper Canada, and that all orders there made be first read and approved in such Council before they are entered upon the Council Books.

25. You are to take care that all writs within the said Province of Upper Canada be issued in Our name.

26. You shall take care, with and by the advice and assistance of Our Executive Council, that such prisons as may at any time be necessary, be erected, and that the same or any other already erected be kept in such a condition as may effectually secure the prisoners which now are or may hereafter be confined in them.

27. You shall not suffer any person to execute more offices than one by deputy.

28. You shall not, by colour of any power or authority hereby or otherwise granted or mentioned to be granted unto you, give, grant, or dispose of any place or office within Our said province which now is or shall be granted under the Great Seal of this kingdom, or to which any person is or shall be appointed by warrant under Our signet and sign manual, any further than that you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you as aforesaid, put in any fit person to officiate in the interval till you shall have represented the matter unto Us through one of Our Principal Secretaries

Secretaries of State, which you are to do by the first opportunity, and till the said office or place is disposed of by Us, Our heirs or successors, under the great seal of this kingdom, or until some person shall be appointed thereunto, under Our signet and sign manual, or until Our further directions be given therein. And it is Our express will and pleasure that you do give reasonable support to the patent officers in the enjoyment of their legal and established fees, rights, privileges, and emoluments, according to the true intent and meaning of their respective patents.

29. And whereas several complaints have been made by the officers of Our customs in Our plantations in America, that they have frequently been obliged to serve on juries, and personally to appear in arms whenever the militia is drawn out, and thereby are much hindered in the execution of their employments; Our will and pleasure is, that you take especial care and give the necessary directions that the several officers of Our customs be excused and exempted from serving on any juries, or personally appearing in arms in the militia, unless in cases of absolute necessity, or serving any particular offices which may hinder them in the execution of their duties.

30. And whereas nothing can more effectually tend to the speedy settling of Our said province of Upper Canada, the security of the property of Our subjects, and the advancement of Our revenue, than the disposal of such lands as are Our property upon good and reasonable terms, and the establishing of a regular and proper method of proceeding with respect to the passing of grants of such lands; it is Our will and pleasure that all and every person or persons who shall apply for any grant or grants of land shall, previous to their obtaining the same, make it appear that they are in a condition to cultivate and improve the same; and in case you shall, upon a consideration of the circumstances of the person or persons applying for such grants, think it advisable to pass the same, you are in such case to cause a warrant to be drawn up, directed to the Surveyor-General, or other officer, empowering him or them to make a faithful and exact survey of the lands so petitioned for, and to return the said warrant within six months at farthest from the date thereof, with a plot or description of the lands so surveyed thereunto annexed; and when the warrant shall be returned by the said surveyor or other proper officer, the grant shall be made out in due form, and the terms and conditions required by these Our instructions, be particularly and expressly mentioned therein. And it is Our will and pleasure that the said grants shall be registered, within six months from the date thereof, in the Register's office, and a docket thereof be also entered in Our Auditor's office; copies of all which entries shall be regularly returned by the proper officer to Our Commissioners of Our Treasury.

31. And for the further encouragement of Our subjects, it is Our will and pleasure that the lands to be granted by you, as aforesaid, shall be laid out in townships, and that each inland township shall, as nearly as circumstances will admit, consist of ten miles square, and such as shall be situated upon a navigable river or water shall have a front of nine miles, and be twelve in depth, and subdivided in such manner as shall be found most advisable for the accommodation of the settlers, and for the making the several reservations for the public uses, and particularly for the support of the Protestant clergy, agreeably to the above-recited Act, passed in the 31st year of Our reign.

32. And because great inconveniences have heretofore arisen in many of Our colonies in America, from the granting excessive quantities of land to particular persons, who have never cultivated or settled the same, and have thereby prevented others more industrious from improving such lands; in order therefore to prevent the like inconveniences in future, it is Our will and pleasure that you observe the following directions and regulations in all grants to be made by you as aforesaid; (that is to say),

That no town-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than one acre; that no park-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 24 acres; that no farm-lot shall be granted to any one person being master or mistress of a family in any township so to be laid out which shall contain more than 200 acres.

It is Our will and pleasure, and you are hereby allowed and permitted to grant unto every such person and persons such farther quantity of land as they may desire, not exceeding 1,000 acres over and above what may heretofore have been granted to them; and in all grants of land to be made by you as aforesaid you are to take care that due regard be had to the quality and comparative value of the different parts of land comprised within any township, so that each grantee may have as nearly as may be a proportionate quantity of lands of such different quality and comparative value, as likewise that the breadth of such tract of land to be hereafter granted be one third of the length of such tract, and that the length of such tract do not extend along the banks of any river, but into the main land, that thereby the said grantees may each have a convenient share of what accommodation the river may afford for navigation or otherwise.

33. And as a further accommodation to Our subjects who shall become settlers as aforesaid, it is Our will and pleasure that the said townships and the respective allotments within the same, together with the lands to be reserved as aforesaid, shall be seen and laid out by Our Surveyor-General of Lands for the said province, or some skilful person authorized by him for that purpose, which surveys, together with the warrants and grants and the respective allotments, shall be made out for and delivered to the several grantees free of any expense or fee whatever other than such as may be payable to the different officers according to the table of fees established upon grants of land made in the said province.

34. And

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 4.
(Appendix.)

The King's Instructions.

34. And in order to prevent any persons disaffected to Us and Our Government from becoming settlers in our said province of Upper Canada, it is Our will and pleasure that no warrant for surveying lands be granted by you or the Lieutenant-Governor, or person administering the government for the time being, unless the person or persons so applying for the same do, at the time of making such application, besides taking the usual oaths directed by law, also make and subscribe the following declaration in your or his presence, or in the presence of such person or persons as shall by you or him be appointed for that purpose; (that is to say)—

"I, A. B., do promise and declare, that I will maintain and defend to the utmost of my power the authority of the King in his Parliament, as the supreme legislature of this province."

35. Whereas the reserving of such bodies of land within Our province of Upper Canada, where there are considerable growths of timber fit for the use of Our royal navy, is a matter of the utmost importance to Our service; it is Our will and pleasure that no grants whatever be made of lands in any district or tract of Our said province of Upper Canada until our Surveyor-General, or his deputy lawfully appointed, shall have surveyed the same, and marked out as reservations to Us, Our heirs and successors, such parts thereof as shall be found to contain any considerable growth of masting or other timber fit for the use of Our royal navy, and more especially upon the rivers; and you are hereby entrusted to direct Our Surveyor-General of lands in Our said province from time to time with all due diligence to complete the surveys and mark out the reservations as aforesaid, in the most convenient parts of Our said province; and you are from time to time to report the number, extent, and situation of such reservations; and you are further to direct Our Surveyor-General not to certify any plots of ground ordered and surveyed for any person or persons in order that grants may be made out for the same, until it shall appear to him by a certificate under the hand of Our Surveyor-General of Woods, or his deputy, that the land so to be granted is not part of nor included in any district marked out as a reservation for Us, Our heirs and successors, as aforesaid, for the purpose herein-before mentioned; and in order to prevent any deceit or fraud being committed by the persons applying for lands in this respect, it is Our will and pleasure that in all grants to be hereafter made for lands within Our said province of Upper Canada, the following proviso and exceptions be inserted; that is to say, "And provided also, that no part of the parcel or tract of land hereby granted to the said and his heirs, be within any reservation heretofore made and marked for Us, Our heirs and successors, by Our Surveyor-General of Woods or his lawful deputy; in which case this Our grant for such part of the land hereby given and granted to the said and his heirs for ever as aforesaid, and which shall, upon a survey thereof being made, be found within any such reservation, shall be null and void and of none effect, anything herein contained to the contrary notwithstanding."

36. And whereas it is necessary that all persons who may be desirous of settling in Our said province should be fully informed of the conditions and terms upon which lands will be granted within Our said province of Upper Canada in the manner prescribed in and by the said Act passed in the thirty-first year of Our reign; you are therefore, as soon as possible, to cause a publication to be made by proclamation, or otherwise as you shall in your discretion think most advisable, of the said terms and conditions respecting the granting of lands; in which proclamation it may be expedient to add some short description of the natural advantages of the soil and climate, and its peculiar convenience for trade and navigation.

37. And it is Our further will and pleasure that all the foregoing instructions to you as well as any which you may hereafter receive relative to the passing grants of land, in conformity to the said Act passed in the thirty-first year of Our reign, be entered upon record for the information and satisfaction of all parties whatever that may be concerned therein.

38. And whereas it hath been represented to Us, that many parts of the province under your government are particularly adapted to the growth and culture of hemp and flax; it is therefore our will and pleasure that in all surveys for settlements the Surveyor be directed to report whether there are any or what quantity of lands contained within such surveys for the production of hemp and flax.

39. And whereas it has been represented to us that several parts of Our said province of Upper Canada have been found to abound with coals; it is Our will and pleasure that in all grants of land to be made by you a clause be inserted reserving to Us, Our heirs and successors, all coals and also all mines of gold, silver, copper, tin, iron, and lead which shall be discovered upon such lands.

40. You shall cause a survey to be made of all considerable landing places or harbours in Our said province, in case the same shall not already have been done, and report to Us, by one of Our Principal Secretaries of State, how far any fortifications be necessary for the security and advantage of the said province.

41. Whereas the establishment of proper regulations on matters of ecclesiastical concern is an object of very great importance, it will be your indispensable duty to take care that no arrangements in regard thereto be made but such as may give full satisfaction to Our new subjects in every point in which they have a right to any indulgence on that head; always remembering that it is a toleration of the free exercise of the religion of the Church of Rome only to which they are entitled, but not to the powers and privileges of it as an established church, that being a preference which belongs only to the Protestant Church of England.

42. And

42. And upon the principles, therefore, and to the end that Our just supremacy in all matters ecclesiastical as well as civil may have its due scope and influence;

It is Our will and pleasure, first, that all appeals to a correspondence with any foreign ecclesiastical jurisdiction, of what nature or kind soever, be absolutely forbidden, under very severe penalties.

Secondly, that no episcopal or vicarial power be exercised within Our said province by any person professing the religion of the Church of Rome, but such only as are indispensably and indisputably necessary to the free exercise of the Romish religion; and in those cases not without a licence and permission from you, under the seal of Our said province, for and during Our will and pleasure, and under such limitations and restrictions as may correspond with the spirit and provisions of the Act of the fourteenth year of Our reign, "for making more effectual provision for the government of the province of Quebec;" and no person whatever is to have holy orders conferred upon him, or have the cure of souls, without a licence for that purpose first had and obtained from you.

Thirdly, that no person professing the religion of the Church of Rome be allowed to fill any ecclesiastical benefice, or to have and enjoy any of the rights or profits belonging thereto, who is not a Canadian by birth (such only excepted as are now in possession of any such benefices), and who is not appointed thereto by Us or under Our authority; and that all right or claim of right in any other person whatever to nominate, present, or appoint to any vacant benefice, other than such as may lay claim to the patronage of benefices as a civil right, be absolutely abolished; no person to hold more than one benefice, or at least not more than can reasonably be served by one and the same incumbent.

Fourthly, that no person whatever professing the religion of the church of Rome be appointed incumbent of any parish in which the majority of the inhabitants shall solicit the appointment of a Protestant minister; in such case the incumbent shall be a Protestant, and entitled to all tithes payable within such parish; but, nevertheless, the Roman Catholics may have the use of the church for the free exercise of their religion, at such time as may not interfere with the religious worship of the Protestants; and in like manner the Protestant inhabitants in every parish where the majority of the parishioners are Roman Catholics shall notwithstanding have the free use of the church for the exercise of their religion, at such times as may not interfere with the religious worship of the Roman Catholics.

Fifthly, that no incumbent professing the religion of the Church of Rome appointed to any parish shall be entitled to receive any tithes for lands or possessions occupied by a Protestant, but such tithes shall be received by such persons as you shall appoint, and shall be reserved in the hands of Our Receiver-General as aforesaid for the support of a Protestant clergy in our said province, to be actually resident within the same, and not otherwise, according to such directions as you shall receive from Us in that behalf; and in like manner all growing rents and profits of a vacant benefice shall during such vacancy be reserved for and applied to the like uses.

Sixthly, that all persons professing the religion of the Church of Rome who are already possessed of, or may hereafter be appointed to, any ecclesiastical benefice, or who may be licensed to exercise any power or authority in respect thereto, do take and subscribe before you in Council, or before such person as you shall appoint to administer the same, the oath required to be taken and subscribed by the aforesaid Act of Parliament passed in the fourteenth year of Our reign, intituled "An Act for making more effectual provision for the government of the province of Quebec in North America."

Seventhly, that all incumbents of parishes professing the Romish religion, not being under the ecclesiastical jurisdiction of the Bishop of Quebec, shall hold their respective benefices during their good behaviour, subject, however, in case of any conviction for criminal offence, or upon due proof of seditious attempts to disturb the peace and tranquillity of Our government, to be deprived or suspended by you.

Eighthly, that such ecclesiastics as may think fit to enter into the holy state of matrimony shall be released from all penalties to which they may have been subjected in such cases by any authority of the see of Rome.

Ninthly, that freedom of the burial of the dead in the churches and churchyards be allowed indiscriminately to every Christian persuasion.

Tenthly, that the Royal Family be prayed for in all churches and places of public worship, in such manner and form as is used in this kingdom, and that Our arms and insignia be put up not only in all such churches and places of holy worship, but also in all courts of justice, and that the arms of France be taken down in any such church or court where they may at present remain.

43. You are to permit liberty of conscience and the free exercise of all such modes of religious worship as are not prohibited by law to all persons who may inhabit and frequent the province of Upper Canada, provided they be contented with a quiet and peaceable enjoyment of the same, without giving offence or scandal to the government.

44. It is Our will and pleasure to reserve to you the granting of licences for marriage, letters of administration, and probates of wills, as heretofore exercised by you and your predecessors, and also to reserve to you and all others to whom it may lawfully belong, the patronage and right of presentation to benefices; but it is Our will and pleasure that the person so presented shall be instituted by the Bishop or his commissary duly authorized by him.

45. You are to take especial care that God Almighty be devoutly and duly served throughout your government, that the Lord's day be duly kept, and the services and prayers

 appointed

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appointed by and according to the book of Common Prayer be publicly and solemnly performed throughout the year.

46. You are to take care that the churches which are or may be hereafter erected in Our said province of Upper Canada be well and orderly kept.

47. You shall recommend to the Legislative Council and General Assembly of the province of Upper Canada to settle the limits of parishes in such manner as may be deemed most convenient.

48. You are to use your best endeavour that each minister be constituted one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that, after notice given of a vestry, he omit to come.

49. It is Our will and pleasure that you recommend to the Legislative Council and Assembly of Our said province of Upper Canada to make due provision for the erecting and maintaining of schools where youth may be educated in competent learning, and in knowledge of the principles of the Christian religion.

50. And it is Our further will and pleasure that no person shall be allowed to keep a school in the province of Upper Canada without your licence first had and obtained; in granting of which you are to pay the most particular attention to the morals and qualifications of persons applying for the same; and in all cases where the school has been instituted or appointed for the education of members of the Church of England, or where it is intended that the schoolmaster should be a member of the Church of England, you are not to grant such licences except to persons who shall first have obtained from the Bishop of Quebec or one of his commissaries a certificate of their being properly qualified for that purpose.

51. And it is Our further will and pleasure that in order to suppress every species of vice, profaneness, and immorality, you do forthwith cause all laws made against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's Day, swearing, and drunkenness to be strictly put in execution in every part of the province of Upper Canada; and that for this purpose you do direct that the constables and churchwardens of the several parishes do make presentment upon oath of any of the vices before mentioned to the justices of the peace in their session, or to any other of the temporal courts; and you are earnestly to recommend to the Legislative Council and Assembly to provide effectual laws for the restraint and punishment of all such of the afore-mentioned vices against which no laws are as yet provided, or in cases where the laws already made are found to be insufficient; and in order to discountenance vice and promote the practice of virtue to the utmost of your power, We do hereby strictly command and enjoin you to appoint no person to be a justice of the peace, or to any trust or employment, whose notorious ill life or conversation may occasion scandal.

52. You are not to present any Protestant minister to any ecclesiastical benefice within Our said province, by virtue of the said act passed in the 31st year of Our reign, and of Our commission to you, without a proper certificate from the Bishop of Quebec, or his commissary, of his being conformable to the doctrine and discipline of the Church of England.

53. And you are to take especial care that the table of marriages established by the canons of the Church of England be hung up in all places of public worship, according to the rites of the Church of England.

54. It is our intention that the peltry trade of the interior country shall be free and open to Our subjects, inhabitants of any of Our colonies, who shall, pursuant to what was directed by our Royal Proclamation of 1763, obtain trading licences from the Governor of any of Our said colonies, under penalties to observe such regulations as shall be made by Our Legislature of Our province of Upper Canada for that purpose. These regulations, therefore, when established, must be made public throughout all our American possessions; and they must have for their object the giving every possible facility to that trade which the nature of it will admit, and which may be consistent with just and fair dealing towards the native Indians with whom it is carried on. The fixing stated times and places for carrying on the trade, and adjusting modes of settling tariffs of the price of goods and furs, and, above all, the restraining the sale of spirituous liquors to the Indians, will be the most profitable and effectual means of answering the ends proposed.

55. And whereas it is expedient for Our service that we should from time to time be informed of the state of the trade and fisheries as well as of the population of the said province of Upper Canada; it is Our will and pleasure that you do transmit to Us through one of Our Principal Secretaries of State, and to Our Committee of Our Privy Council for Trade and Foreign Plantations, for their information, yearly and every year, a full and particular account of the state of the fur and peltry trade; the nature and extent of the several fisheries carried on by Our subjects or others, either on the lakes or rivers of the said province; the state of the cultivation, particularly specifying the quantity of grain, hemp, and flax produced; and of any other important branch of trade which may in your opinion be undertaken and advantageously carried on by Our subjects; the number of inhabitants, distinguishing them under the different heads of men, women, and children; inserting in such account the number of persons born, christened, and buried, and any extraordinary influx or emigration from our said province, specifying at the same time the number of slaves and the number of Our subjects capable of bearing arms in the militia; the number and tonnage of shipping and craft employed upon the lakes and rivers in or contiguous to the province of Upper Canada, together with any information on these or any other points of the like nature which may be proper to be communicated to us.

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56. And whereas you will receive from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, and of the plantations, a commission constituting you Vice-Admiral of Our said province of Upper Canada; you are required and directed carefully to put in execution the several powers thereby granted to you.

57. Whereas it is absolutely necessary that We be exactly informed of the state of defence of all Our plantations in America, as well in relation to the stores of war that are in each plantation, as to the forts and fortifications there, and what more may be necessary to be built for the defence and security of the same. You are from time to time to transmit an account thereof with relation to Our said province of Upper Canada, in the most particular manner; and you are therein to express the present state of arms, ammunition, and other stores of war belonging to the said province, either in any public magazines or in the hands of private persons, together with a state of all places either already fortified, or that you may judge necessary to be fortified for the security of Our said province; and you are to transmit the said accounts to Us by one of Our Principal Secretaries of State, and also duplicates to Our Master-general or principal officers of Our Ordnance; which accounts are to express the particulars of ordnance, carriages, balls, and powder, and all other sorts of arms and ammunition now in Our public stores; and so, from time to time, of what shall be sent to you or bought with the public money, and to specify the time of the disposal and the occasion thereof, and other like accounts half-yearly in the same manner.

58. And in case of distress in any other of Our plantations, you shall, upon application of the respective governors to you, assist them with what aid the condition and safety of Our said province under your government can spare.

59. If any thing shall happen which may be of advantage or security to Our province under your government, which is not herein or by your commission provided for, We do hereby allow unto you, with the advice and consent of Our said Executive Council, to take order for the present therein; provided nevertheless, that what shall be done be not repugnant to Our Commission or Instructions, and to the said Acts passed in the fourteenth and thirty-first year of Our reign; giving unto Us by one of Our Principal Secretaries of State speedy notice thereof, that you may receive Our ratification, if We shall approve the same; provided always, that you do not, by colour of any power or authority hereby given you, commence or declare war without Our knowledge and particular command therein, except it be for the purpose of preventing or repelling hostilities, or unavoidable emergencies, when the consent of Our said Executive Council shall be had, and speedy notice given thereof to Us by one of Our Principal Secretaries of State.

60. And whereas great prejudice may happen to Our service and to the security of Our said province by your absence or the absence of the Lieutenant-Governor for the time being; you shall not upon any pretence whatsoever come to Europe without having first obtained leave for so doing from Us under Our signet and sign manual, or by Our order in Our Privy Council.

61. And whereas we have thought fit by Our Commission to direct, that in case of your death or absence from Our said province, and in case there be at that time no person commissioned or appointed by Us to be our Lieutenant-Governor, or appointed by Us to administer the government within the province, in the event of the death or absence of you and of Our Lieutenant-Governor of the said province, the senior member of the Executive Council who shall be at the time of your death or absence residing within Our said province of Upper Canada, subject to such other nomination and appointment by you under the great seal of Our said province as in Our said Commission is in that behalf mentioned, shall take upon him the administration of the government, and execute our said Commission and Instructions, and the several powers and authorities therein contained, in the manner hereby directed. It is nevertheless Our express will and pleasure, that in such case the person so administering the government shall forbear to assent to any acts but what are immediately necessary for the welfare of Our said province, without Our particular orders for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the members of Our said Executive Council, nor any judges, justices of the peace, or other officers, civil or military, without the advice and consent of the majority of the said Executive Council; and he is by the first opportunity to transmit to Us, by one of Our Principal Secretaries of State, the reasons of such alterations, signed by him and the Council: And our will and pleasure is, that the above Instructions with respect to such senior Councillor shall also be equally observed by and be binding upon such other Executive Councillor as may be nominated and appointed by you under the great seal of Our said province by virtue of Our said Commission in that behalf.

62. And whereas by Our different Commissions we have appointed you to be Our Governor and Commander-in-Chief of Our Provinces of Upper Canada and Lower Canada, Our Province of Nova Scotia, Our Islands of Prince Edward and Cape Breton, as well as of Our Province of New Brunswick; and it is Our intention that the Lieutenant-Governors commanding in Our said Provinces of Upper Canada, New Brunswick, and Nova Scotia, and the Islands of Prince Edward and Cape Breton, should have and enjoy the full salaries, perquisites, and emoluments granted to them and arising from their respective governments, in as full and ample a manner as if the said governments were under distinct governors-in-chief. It is therefore Our will and pleasure that you shall not at any time or times, when you shall be resident and commanding in chief in either of Our said provinces of Upper

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Canada, Nova Scotia, or New Brunswick, or the Islands of Prince Edward and Cape Breton, have or receive any part of the said salaries, perquisites, or emoluments; but that the same shall continue to be paid and satisfied to the Lieutenant-Governors of Our said Provinces and Islands respectively in the like manner as they usually are during your absence therefrom.

63. And you are upon all occasions to send to Us, by one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the condition of affairs within your government.

(A true copy.)

(signed) J. Joseph.

(G.)

Oath taken by Executive Council

Copy of the Oath taken by every Member of the Executive Council.

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

You shall keep secret the King's counsel, and all that shall be communed by way of counsel in the same, and shall not discover it by word or writing, or in any otherwise, to any person out of the same Council, or to any of the same Council if it touch him or be party thereof.

You shall not gift, meed, good, or promise of good, by any man, or by promise of any other person, accept or take, for any promotion, favouring, letting, or hindering any matter or thing to be treated or done in the said Council.

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

You shall withstand any person or persons, of whatever condition, estate, or degree, that should attempt or intend the contrary; and, generally, you shall observe, keep, and do all that a good and true councillor ought to do unto his sovereign lord, or his representative in this province.

(signed) John Beikie,
Clerk, Executive Council.

(H.)

Address to the King.

Address to His Majesty on the subject of the Legislative Council.

To the King's most Excellent Majesty.

Most gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly represent, that we have applied ourselves with the greatest diligence, during the present Session of the Provincial Parliament, to various subjects of great interest to our constituents; and although our proceedings have been unavoidably interrupted to a degree altogether unprecedented, by the trial of controverted elections, and although many of the members of this House have laboured under the disadvantage of having been without parliamentary experience; yet the necessary measures on the subjects to which we have alluded have been brought to a satisfactory conclusion, and completed as far as depended on this House, and have been sent to the Legislative Council. It is with no ordinary mortification and regret, however, that we find our exertions during a most laborious session rendered unavailing in respect to most of these measures, by the rejection of them by the Legislative Council. Among such as have shared this fate, are Bills to protect the agricultural interests of this Province from a ruinous foreign competition;—to provide for the just and equal distribution of the property of persons dying intestate;—to secure an impartial trial by jury, and to take from the sheriffs, who hold their offices during pleasure, the power which they now possess of packing juries;—to relieve an excellent and meritorious class of your subjects from burthens and penalties which are imposed by the Militia Laws of this Province, and which are oppressive on them, and which in time of peace are altogether unnecessary;—to improve the system of our common and district schools, and to increase the public funds for their support;—to amend the charter of King's College, in conformity with Your Majesty's gracious recommendations, and with the wishes which have at different times been strongly expressed to Your Majesty by your faithful subjects in this province, so as to put that institution into operation on just and liberal principles;—to provide for the sale of the clergy reserves, and the application of the monies arising therefrom to objects of common benefit and great utility to Your Majesty's subjects in this Province, in accordance with Your Majesty's gracious invitations, and with the well-known and often expressed wishes of Your Majesty's subjects;—to promote the peace, freedom, and independence of elections of Members of Parliament, by adopting the mode of voting by ballot;—to grant 100*l.* per annum for five

years

years to the Prantham and Bath Academies, institutions of education established by the voluntary contribution of the people, and on liberal principles.

All these measures, and others which we will not trouble Your Majesty with enumerating, have been rejected by the Legislative Council without amendment, and the labours of this House, during a session which we think we may justly declare has been distinguished for unprecedented diligence and application to public business, almost entirely baffled and rendered useless by the course pursued by the Legislative Council. If there were any reason to hope that these difficulties could be obviated, or materially diminished in future, we should not trouble Your Majesty; but the experience of years convinces us, that on many subjects of great and general interest there is such a disagreement of opinion between the Legislative Council, as now constituted, and the representatives of the people, as to bring us to the conclusion, which indeed the Legislative Council itself has expressed in relation to one of the most deeply interesting of these subjects, namely, that the Legislature of this province cannot concur in any measure that will be satisfactory to Your Majesty's subjects in this province. We are aware that Your Majesty has been officially informed by his Excellency Sir John Colborne, that, "composed as the Legislative Council is at present, the province has a right to complain of the great influence of the Executive Government in it; that it consists of seventeen members, exclusive of the Bishop of Quebec; that of these, from accidental causes, not more than fifteen ever attend to their legislative duties; that thus, out of the members generally present, six are of the Executive Council, and four hold offices under the government; and that his Excellency had therefore intimated his intention of recommending to Your Majesty to increase the Legislative Council." And it was no doubt with a desire to remedy this evil, equally felt by the people and his Excellency, that Your Majesty has since added to their number. But it is our duty to assure Your Majesty that this change has not abated the evil of which we have such serious causes to complain, while it has, on the contrary, produced that further division of responsibility amongst its members which lessens the consciousness of individual accountability, without establishing any community of feeling or sentiments of respect between them and the people.

We do not wish to advert to this unpleasant and mortifying condition of our public affairs, in language that shall be disrespectful or offensive to the Legislative Council; nor do we presume to prescribe to Your Majesty what expedient should be adopted to afford relief in the premises to Your Majesty's dutiful and loyal subjects in this province, who, we are confident, desire that Your Majesty's attention should be called to it, and that we should humbly leave it to Your Majesty's wisdom to apply a suitable remedy.

In connexion with this subject, we feel bound to represent to Your Majesty, that it is the earnest desire of Your Majesty's faithful subjects, that Your Majesty's Government in this province should be conducted by the advice of those who should be actually and practically responsible for their proceedings, and who would, as a consequence, be likely to recommend and favour such public measures as may be most desired by Your Majesty's subjects, and in their opinion most conducive to their interests. We behold Your Majesty, in the administration of the affairs of the great Empire which Providence has committed to Your Majesty's hands, graciously consulting the wishes of your faithful people, as expressed by their representatives, in the choice of responsible advisers, to manage, under Your Majesty, the affairs of the Government; and we have been accustomed to regard it as an essential and invaluable feature of the glorious constitution of our mother country. The same principle we wish to see applied in the practice of our Colonial Government; until that is done, we cannot expect that the administration will give satisfaction to Your Majesty's subjects, or that there will be any real and permanent harmony between the Government and the representatives of the people. It is true, that we might withhold the annual grant for the support of the Government as a mark of our dissatisfaction with this state of things, and as a means of procuring redress; but being anxious to evince our forbearance and desire to avoid as long as possible contention and difficulty, as well as to show our confidence in Your Majesty's paternal regard for your faithful people in this province, and gracious attention to their constitutional rights; and being reluctant to resort to a measure which we are aware must greatly embarass the Government, until all other constitutional means of seeking redress have been tried and proved unavailing, we have preferred thus to appeal to Your Majesty for Your Majesty's gracious and effectual interference in our behalf; and have, notwithstanding our just dissatisfaction with the existing state of things, and notwithstanding the pecuniary distress which prevails in the province, granted, for the present year, the necessary supplies for the support of the Government, in the confident hope that effectual steps will immediately be taken for the removal of these obstacles to the peace, welfare, and good government of the province. When it is considered that the ministers who, sometimes in rapid succession, fill the Colonial department under Your Majesty are strangers to our province, and too distantly situated to acquire, through channels, often contradictory and interested, a true and correct knowledge of the wants, wishes, and genius of Your Majesty's Canadian people, the practical need of local responsibility becomes more apparent and imperious.

(signed) Marshall S. Bidwell,
Speaker.

Commons House of Assembly,
15th day of April 1835.

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 4.
(Appendix.)

Address to the King.

On passing the above Address, the Yeas and Nays were as follows:

Yeas.—Alway, Bruce, Chisholm, Duncombe of Oxford, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Lount, Mackintosh, Mackenzie, Mac Micking, Moore, Morrison, Park, Perry, Roblin, Rymal, Shaver, Shibley, Smith, Thorburn, Waters, Wells, Wilson, and Yager - - - - - - - - 26

Nays.—Brown, Caldwell, Mac Crae, Mac Donell of Glengary, Mac Donell of Northumberland, Mac Lean, Mac Nab, Merritt, Morris, Richardson, Robinson, Rykert, Solicitor-General, Walsh, Wilkinson - - - - - - 15

(I.)

To the King's most Excellent Majesty.

Most gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, in full assurance of Your Majesty's earnest desire to promote the welfare of your people, beg leave humbly to address ourselves to Your Majesty upon a matter of the deepest interest to your faithful subjects in this province.

We learn with extreme apprehension and regret, that at the instance of the Lords Commissioners of Your Majesty's Treasury, Your Majesty has been advised to entertain the intention of disallowing two Acts of the Legislature of this Colony, which were passed more than two years ago; the one for increasing the capital stock of the bank of Upper Canada, and the other for incorporating a second banking association in this province under the name of the Commercial Bank of the Midland District.

We humbly represent, that although the disallowance of these Acts may appear to be authorized by the letter of the Statute of the British Parliament, passed in the thirty-first year of the reign of Your Majesty's Royal Father, intituled "An Act to repeal certain Parts of an Act passed in the fourteenth year of His Majesty's reign, intituled 'An Act for making more effectual Provision for the Government of the Province of Quebec in North America,' and to make further Provision for the Government of the said Province;" yet it is contrary to its spirit and meaning and the principles of a free government. We believe that this provision was intended to remedy any evil which might be occasioned by the Royal Assent being given in the colony to a provincial Act that should be found incompatible with the rights and interests of other portions of the empire; but we cannot think it was intended to give the power of interference with our internal affairs. Against such an interference we respectfully, but plainly and solemnly protest, as inconsistent with those sacred constitutional principles which are essential to a free government; since it is manifest, that if Your Majesty's Ministers, at a distance of more than four thousand miles, and not at all controllable by or accountable to Your Majesty's subjects here, and possessing necessarily a slight and imperfect knowledge of the circumstances of this country, the wants and habits and feelings of the inhabitants, and the mode of transacting business among us, can dictate a different course, in relation to measures affecting ourselves only, from that which the people by their representatives, and with the concurrence of the other branches of the Provincial Legislature, have chosen, we are reduced to a state of mere dependence upon the will and pleasure of a Ministry that are irresponsible to us, and beyond the reach and operation of the public opinion of the province; and no one can rely upon our provincial laws, although they may be constitutionally and deliberately formed, but the most unhappy uncertainty and want of confidence will prevail and extend their disastrous influence over all our business transactions.

We respectfully claim the same right in behalf of Your Majesty's subjects in this province, to be consulted in the making of laws for their peace, welfare, and good government, which our fellow subjects in Great Britain enjoy in respect to the laws to which their obedience is required. And although, from the necessity of the case, power must be granted to the head of the empire of preventing colonial laws being adopted and enforced which are incompatible with treaties between Your Majesty's Government and foreign states, or with the just rights of any other of Your Majesty's colonies; yet, with these exceptions, we humbly submit, that no laws ought to be, or rightfully can be, dictated to or imposed upon the people of this province to which they do not freely give their consent through the constitutional medium of representatives chosen by and accountable to themselves.

The force of our humble and dutiful remonstrance against the principle of an interference of Your Majesty's Ministers with our internal affairs, we are not willing to diminish, by insisting upon the inconveniences and evils likely to follow from the exercise of the power which the letter of the British statute, before quoted, gives to Your Majesty to disallow the provincial acts which we have mentioned; but we cannot refrain from declaring our painful and settled conviction, that the disallowance of these Acts, after they have been for a long time in operation, so that the most frequent and ordinary as well as the most extensive and important transactions of business in the province depend upon their continued existence, would be attended with confusion and distress beyond description, without any benefit to the province, and without any advantage whatever to any portion of Your Majesty's dominions.

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

We beg to renew our assurances of entire devotion to Your Majesty's person and Government.

ARCHIBALD M'LEAN,
Speaker.

Commons House of Assembly,
3d March 1834.

Address to the King.

Yeas:—Berczy, Bidwell, Boulton, Buell, Burwell, Campbell, Chisholm, Clark, Cook, Crooks, Duncombe, Elliott, Fraser, A., Fraser, D., Hornor, Howard, Jarvis, Lewis, Macdonald, A., M'Donald, D., Macnab, Merritt, Morris, Perry, Randal, Robinson, Samson, Shaver, Van Roughnet, Willson, J. Wilson, W., - - 31. Nay:—Mr. Ketchum.

(K.)

Address of Commons House of Assembly.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to request that your Excellency will cause to be laid before this House, with as little Delay as possible, an entire copy of what is generally termed "The King's Instructions" to the Governors of Upper and Lower Canada; and also copies of any other instruction not heretofore laid before this House, touching the duties or responsibilities of the Executive Council of this Province; as also any instructions from His Majesty's Government touching the administering the government of this Province by any Executive Councillor in the event of the death or removal from the Province of the Governor, Lieutenant-Governor, or person administering the Government; and also copies of any bond or agreement between your Excellency and any of your present Executive Council, or between any two or more of the said Council, by which it is stipulated in what manner the government shall be administered, or who shall administer the government of this province in case of the above-named occurrence.

MARSHALL S. BIDWELL,
Speaker.

Commons House of Assembly,
23d March 1836.

Gentlemen,

I herewith transmit as much of the information desired by the House as I possess.

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

(L.)

Committee Room, House of Assembly,
Monday 28th March 1836.

Present:—Messrs. Perry, Chairman.
Duncombe.
Morrison.
Roblin.
Norton.

Robert Baldwin Sullivan, Esq., called in, and interrogated.

Evidence before Select Committee of House of Assembly.

Question 1. Are you senior member and presiding Councillor of the Executive Council?—*Answer.* Yes.

Q. 2. Is there any written agreement existing between yourself and any of the other members of the Executive Council by which it is stipulated on your part in what way the government should be administered in the event of the death or removal from the province of the Lieutenant-Governor?—*A.* There is no agreement in existence by which it is stipulated how the government of the province shall be administered in the event mentioned in the question. At the time the Council were about to be sworn in I expressed a wish that it might be understood that, in either of the events mentioned, it was my intention to resign my place as Executive Councillor, as it was not my desire, in any event, to fill the situation of administrator of the government. At my request this intention was expressed in writing, and I signed it.

Q. 5. Did

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(Appendix.)

Evidence before Select Committee of House of Assembly

Q. 3. Is the instrument you mention under seal or witnessed?—*A.* It is neither under seal nor witnessed.

Q. 4. Into whose hands did you deliver the document?—*A.* Into the hands of the Hon. William Allan.

Q. 5. Did any other person know of the existence of the document?—*A.* Yes; it was not intended that my intention should be secret. His Excellency the Lieutenant-Governor was present when it was read and delivered to Mr. Allan.

Q. 6. Did His Excellency the Lieutenant-Governor write the Document, or was it written by His Excellency's Order?—*A.* I proposed that my intention should be expressed in writing, and I wished that the writing should be drawn up by some person other than myself; upon which His Excellency, being present, was kind enough to draw it up.

Q. 7. Was the writing intended to be legally binding upon you?—*A.* Certainly not.

Q. 8. What was the object or intention of the paper in question, if it was not intended to be legally binding?—*A.* It was intended for my own satisfaction, that it might not be said that I had it in view to fill the situation of administrator of the government.

Q. 9. Do you think you could constitutionally resign in case of either of the above events, and give place to another who could administer the government?—*A.* I could transmit my resignation to His Majesty's Government, and decline taking upon myself the office of administrator of the Government. I think it is the constitutional right of any individual to decline taking office upon himself; and as to giving place to another, that is not the act of the person declining office, but of the law.

Q. 10. Do you not think that in either of the above events taking place you would be the administrator of the government without being appointed in any way?—*A.* The senior Executive Councillor would, upon taking the oaths of office, be invested with the administration of the government without any further appointment.

Q. 11. Do you think that upon your resignation, as above stated, the administration of the government could be assumed by any other member of the Council?—*A.* I think it could; either upon my resignation or upon my refusal to take the oath of office.

Committee Room, 11th April 1836.

Hon. Augustus Baldwin called in, and examined.

Question 1. Are you one of the present Executive Council?—*Answer*. Yes.

Q. 2. Have you any knowledge of a paper signed by Mr. Sullivan in relation to the administration of the government in the event of the death or absence from the Province of the Lieutenant-Governor; and were you present when such paper was executed?—*A.* I was present when a paper was signed by Mr. Sullivan for the purpose of Mr. Allan's becoming Senior Councillor in the event alluded to.

Q. 3. At whose suggestion was the paper drawn up and signed?—*A.* Mr. Elmsley's.

Q. 4. Into whose hands was the paper, after execution, delivered?—*A.* I think it was into Mr. Allan's hands.

Q. 5. Who drew it up?—*A.* Sir Francis Head drew it up.

Q. 6. What was the understood purpose of the paper?—*A.* That the administration might not devolve upon Mr. Sullivan in case of either of the above events.

Q. 7. What objection was there to Mr. Sullivan's administering the government thus referred to?—*A.* I know of none other than Mr. Allan had preferable claims from his age and long standing in society. Mr. Sullivan made no objections when the thing was suggested, but immediately said he would acquiesce.

Q. 8. Are the Committee to understand that the agreement or paper alluded to was drawn up at the Government House?—*A.* No; it was drawn up in the Executive Council-chamber. We went there to meet the Governor before sworn into office.

(P.)

UPPER CANADA.

SCHEDULE of PATENTS for LAND, constituting ENDOWMENTS to the Church of England in this Province, that have been completed.

No.	Name of the Minister.	Name of the Parsonage and Situation.	Land forming the Endowment.			Number of Acres.
			Lot.	Con.	Township.	
1	The Hon. and Venerable John Strachan, D.D., &c.	City of Toronto -	6, 9 22 17	2 3	York, from the Bay -	800
2	Rev. C. Matthews -	York, E. Y. S. - -	14	2	York, E. Yonge-street -	200
3	Rev. T. Phillips, D.D.	Mimico, in Etobicoke	3 & 4 W^{t} p^{t} 3 4	1 Rg^{e} 2 2, 3, & 4	Etobicoke - -	205
4	Rev. A. N. Bethune -	Cobourg - -	Part 15 ¼ 15 27 E. ½ 2	B. A. 6 7	Hamilton - -	About 400
5	Rev. M. Harris -	Perth - -	17 4	7 1	Bathurst - - Drummond - -	400
6	Rev. R. F. Grout -	Grimsby - -	11, 12, 13, 14	6	Grimsby -	400
7	Rev. R. H. D'Olier -	Peterborough - -	17 40 15, 16 4 Town Lots	2 13 3 - -	Smith - - Monaghan (Park Lots) Peterborough - -	About 420
8	Rev. F. Evans -	Woodhouse - -	¾ 1 ¼ 2 Part 6 10	5 1 4	Woodhouse - -	402
9	Rev. John Anderson -	Waterloo (Bertie) -	6 & 7	5 & 6	Bertie - -	400
10	Rev. Wm. Betteridge	Woodstock (Blandford)	2 16	1 5	Oxford, West - - Do. East - -	400
11	Rev. John Miller -	Ancaster - -	39, 40	5	Ancaster - -	400
12	Rev. H. Patton -	Kemptville, Johnstown District -	15, 16 16	1 6	Oxford, J^{n} D^{t} - -	450
13	Rev. S. Armour -	Cavan - -	17 10	4 10	Cavan - -	400
14	Rev. G. Mortimer -	Thornhill (Home Dis^{t})	N. ½ 27	1	Vaughan - -	105
15	Rev. W. Macaulay -	Picton (Prince Ed. D^{t})	N. E. p^{t} blk.	D.	Sophiasburgh - -	400
16	Rev. R. Blakey -	Prescott - -	18 & 19, and Commons between.	4	Augusta - -	450
17	Rev. W. H. Gunning -	Elizabeth Town -	19, 20	5	Elizabeth Town -	400
18	Rev. F. Mack - -	Wellington Square, Nelson - -	6 10	2 4	Flambro' East - -	400
19	Rev. J. Coghlan -	Port Hope - -	Part 9 27 6	1 4 8	Hope - - Do. - -	36 400
20	Rev. B. Cronyn -	London (Township) -	Part 15 15 16	3 7 3	London - - Do. - - -	375 4½
21	Rev. B. Cronyn -	London (Town) -	Part of Town Plot of London, on which the Church of England now stands - - 12, 13	C.	London (Township) -	4 7/10 400
22	Rev. V. P. Meyerhoffer	Markham - -	9 19	5 9	Markham - - Vaughan - -	400

Schedule of Patents for Land, constituting Endowments to the Church of England, &c.—*continued.*

No.	Name of the Minister.	Name of the Parsonage and Situation.	Land forming the Endowment. Lot.	Con.	Township.	Number of Acres.
			Blk. C. adjoining Kingston (Town)	- -		18
23	The Rev. G.O. Stuart, Archdeacon of Kingston -	Kingston - -	¾ 12, 13 ¾ 14	4	Kingston (Township) -	700
			43	3	Ernest Town -	
24	Rev. Thomas Creen -	Niagara - -	126, 127, 128, 130	- -	Niagara (Township) -	400
25	Rev. John Cochrane -	Belleville - -	16, 17, Part 4	3 1	Thurlow - -	418
26	Rev. G. Archbold -	Cornwall - -	19, ¾ 38	8	Cornwall (Township).	410
			Also a Strip of Land between the Town of Cornwall and the Second Concession of the Township of Cornwall.			
27	Rev. J. Radcliff -	Warwick - -	15, 25	1	Warwick - -	400
28	Rev. S. Givens -	Napanee - -	15, 16	4	Richmond - -	400
29	Rev. D. E. Blake -	Adelaide - -	12	1	Adelaide (Nth Egrt Rd)	400
			25	1	— (South ditto)	
			8 & 9	Front-street	— (Village) -	
30	Rev. James Clark -	St. Catherine's -	3	5 & 6	Grantham - -	400
31	Rev. J. Short -	Beckwith - -	17	1	Beckwith - -	400
			N. E. ½ 21 W. ½ 26	2		
32	Rev. R. Rolph -	Amherstburgh -	80, 81	7	Malden - -	400
33	Rev. Job Deacon -	Adolphustown -	24, 25	1	Adolphustown (Township)	164
			6, 7, 8	North of 3d Street	— (Town) -	
			6, 7, 8	South of 4th Street		
34	Rev. W. Leeming -	Chippewa - -	72, 88, 89, 106	- -	Stamford - -	400
35	Rev. A. Palmer -	Guelph - -	C. Divn A. Resve Lot between C. and River Speed 14, 15, Divn A. -		Guelph (Township) -	86
			Centre Part of St. George's Square - -		Guelph (Town) -	Perches 54 ⅓
		Broken -	Rs 2, 3, 4	10	Puslinch - -	326
			3, 4	11		
36	No Minister yet appointed.	Thorold - -	98, 99, 100, 121	- -	Thorold - -	400
37	Ditto - -	Louth - -	11, 12	4	Louth - -	300
			12	5		
38	Ditto - -	Fredericksburgh -	9, 10, 11	2	Fredericksburgh -	250
39	Ditto - -	Bath (Midland District) - -	¼ 12, 13 ¾ 14	4	Ernest Town -	400
40	Ditto - -	Williamsburgh -	18, 19	4	Williamsburgh -	400
41	Ditto - -	Richmond (Bathurst District) -	24	5	Goulborn - -	400
			17	9	Fitzroy - -	
42	Ditto - -	Clarke - -	20, 27	2	Clarke - - -	400
			Part 34	2	— given by S. Wilmot, Esq. -	15
43	Ditto - -	Darlington - -	25, 31	1	Darlington - -	400
44	Ditto - -	Town of Barrie, Home District -	Six Town Lots	- -	Barrie - -	420
			10	8	Innisfil - -	
			28	13		
			10	14		

Secretary and Registrar's Office, Toronto,
5th February 1836.

D. CAMERON,
Secy & Regr.

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Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 4.
(Appendix.)

Schedule of late Endowments of Parsonages and Rectories.

THE following RECTORIES have been endowed since the Receipt of the foregoing STATEMENT.

No.	NAMES.	———	Acres.
45.	Rev. John Gamble Geddes, Hamilton (Gore District).	Lot No. 6, in 13th Concession, and lot No. 2, in 14th Concession, of East Flamborough - - - -	400
46.	Rev. John Grier, Ameliasburgh	No. 96 and 102, in the 2d Concession of Ameliasburgh - - -	400
47.	Rev. J. G. Beek, Lindsay, Williamsburgh.	Part of the centre Commons in 1st and 2d Concession; Williamsburgh, 37½ acres; the centre Commons between 18 and 19, in 1st, 3d, and 4th Concession of Matilda, 163 acres; lots No. 19, in 6th Concession, Matilda - - -	400½
48.	Rev. Edward J. Boswell, Carleton-place.	No. 26, in 2d Concession, and No. 2, in 7th Concession, of Ramsay - -	400
49.	Rev. Mark Burnham, St. Thomas.	Lot 9, in 1st Concession, and 17, in 4th Concession, Township of Southwold -	400
50.	Rev. A. H. Burwell, Bytown -	Lot 17 and 18, in 1st Concession on the Ottawa, in Gloucester - - about	400
51	Rev. James Magrath, Toronto -	Lot 23, in 2d Concession, and lot 29, in 4th Concession, East Hurontario-street, Chinguacousy - - - -	400
52.	Rev. James Padfield, March -	No. 2 and 32, in 4th Concession, on the Rideau, Nepean - - -	400
53.	Rev. Robert Lugger, Brantford	No. 3, in 2d Concession, and No. 9, in 3d Concession, of Burford - - -	400
54.	Rev. Richard Flood, Delaware -	No. 22, in 1st Range, North of the Longwood Road, and No 16, in 1st Concession, Carradoc - - -	435
55.	Rev. William Johnson, Sandwich.	No. 3, East of River au Puce; front half, No. 1, between River Puce and River Peche, in Maidstone; and lot 8, broken front, Tilbury West - - about	400
56.	Parish Church in Chatham -	Lots 8 and 15, in 1st Concession of Tilbury West, and lot 2, between Belle River and River Ruscum, in the Township of Rochester - - about	400

RETURN of PROPERTY surrendered by certain CLERGYMEN of the CHURCH of ENGLAND, and others; showing the value of said Property, with the Lands granted in lieu thereof, intended as Endowment.

NAMES.	———	———	Acres.
		Received in lieu:	
Rev. James Coghlan -	Part of Lot No. 9, in the 1st Concession of Hope, 36 acres, with messuage or dwelling-house surrendered; value 1,060*l.* 6*s.* 3*d.*	Lot No. 27. 2 Con. Hope -	200
		27. 8 „ „ -	200
		2. 9 „ Cavan -	200
		S. ½ 9. 9 „ ditto -	100
		E. ½ 16. 5 „ Emily -	100
		N. ½ & S. E. ¼ 3. 6 „ Seymour	150
		and N. part 2. 5 „ ditto -	70
			1,020

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Schedule of late Endowments of Parsonages and Rectories.

Return of Property surrendered by certain Clergymen of the Church of England—*continued.*

NAMES.	———	———	Acres.
		Received in lieu :	
Rev. George Mortimer -	N. ½ 27, West side Yonge-street, in the 1st Concession of the Township of Vaughan, 105 acres; value 750*l.*	14. 3 Con. Puslinch R. ½ 16. 3 „ ditto - 30. 1 „ ditto - 22. 12 „ Innisfil. - 27. 6 18. 7 12. 8 „ Essa - 20. 8	336 200 800 1,336
Rev. Benjamin Cronyn -	Part of Lot No. 16, in the 3d Concession of London, containing 4 acres and 34 poles, with messuage or dwelling-house, outhouses, offices, and buildings; value 1,180*l.*	12. 2 part 15. 3 31. 3 15. 11 20. 12 „ London 15. 13 15. 15 12. B. 2. 7 20. 2 36. 2 „ Nissowri 31. 3	1,396 496 1,892
Rev. Francis Evans -	S. W. ¼ of Clergy Reserve, Lot No. 2, in the 3d Concession 50 acres, and the south part of No. 1, in the 3d Concession, Woodhouse, 50 acres; value 600*l.*	Lots 2 9 } 7 „ Walpole 16 38 „	800
Rev. Philip Mayerhoffer -	Rear part of Lot No. 17, in the 5th Concession of Markham, 70 acres; value 250*l.*	Lot 19. 5 „ Markham	200
Rear-Admiral Vansittart -	A house, two acres, and two lots of land in Blandford, and 26 acres in Oxford, East, value 935*l.*, for the Church at Woodstock.	3,690 acres in the township of Bexley, District of Newcastle.	

(R.)

Letter from J. Joseph, Esq. to P. Perry, Esq.

Sir, Government House, 4 April 1836.

I have laid your letter of the 2d instant before the Lieutenant-Governor, and have the honour to forward to you, by his Excellency's command, the document therein applied for.

I think it right to add, for the information of the Committee, that a rejoinder to the Lieutenant-Governor's answer to the Address of the Citizens of Toronto was left at the Government-House in a sealed cover, and returned unread to Mr. George Ridout, who had brought up and read to his Excellency the Address; that gentleman, however, disclaimed all participation in the Rejoinder, and forwarded it to Mr. Jesse Ketchum, one of the subscribers.

I have the honour to be, &c.

Peter Perry, Esq., M.P.,
Chairman, &c.

(signed) J. Joseph.

(S.)

Rejoinder from Citizens of Toronto to Reply of Lieut.-Governor.

Rejoinder to the Reply of the Lieutenant Governor to the Citizens of Toronto, which has this day been laid before His Excellency.

May it please your Excellency,

We thank your Excellency for replying to our Address, "principally from the industrious classes of the city," with as much attention as if it had proceeded from either of the branches of the legislature; and we are deeply sensible, in receiving your Excellency's reply, of your Excellency's condescension in endeavouring to express yourself in plainer and more homely language, presumed by your Excellency to be thereby brought down to the lower level of our plainer and more homely understandings. But we beg leave, in justification of those

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those classes, to assure your Excellency, that any comparison which may have passed in your Excellency's mind between them and the more unfortunate and less favoured in the parishes of the parent State, is by no means founded in truth. The industrious classes of this city have for many years been seriously impressed with the duty and importance of acquiring knowledge, for the general diffusion of which they have, by their own efforts and at their own expense (with the aid of generous and patriotic friends), so far successfully laboured as to be able to appreciate good writing and fair reasoning. We desire respectfully to inform your Excellency, in the plain and homely language of industrious men, that any supposed necessity for this great condescension of your Excellency could not have existed in any degree, had not past administrations sadly neglected our claims to the blessings of general education. Lest your Excellency should doubt our sufficient apprehension of the matter (though we have practically felt and suffered from the evil), we humbly refer your Excellency to the language of our honest and honoured representatives at the opening of the present Session of our Parliament:—"We have also been anxious in past years to make the means of education general and easily available, but it has only lately become known to the legislature that a bountiful provision in lands was made by the Crown about 40 years ago, though since deteriorated by a recent secret unfavourable exchange for inferior lands. The University of King's College was grounded on Royal Charter, sought for and granted in 1826, upon principles so exclusive and sectarian as to render it deservedly unacceptable to the great body of the people for whose benefit it was professedly intended; and although the most reasonable modifications were suggested by a series of resolutions in 1829, yet it is now, for the first time, that your Excellency has been enabled to announce from His Majesty's Government any specific proposition respecting it. Nor ought we to fail to notice, that large appropriations have been made out of the University fund, not to the district and township schools, undeservedly neglected, but to sustain Upper Canada College in this city, in which the sons of all the wealthiest families are educated, and which ought, therefore, to be supported without so questionable an encroachment on public funds."

To this statement we can add, the untiring efforts of our representatives for the sale of the clergy reserves, and the appropriation of their proceeds to the purposes of general education, have hitherto proved unavailing; and although a philosophical apparatus, purchased out of the taxes gathered from the people in the year 1800, has ever since been unused, mouldering and decaying in a garret in the hospital, yet when the industrious classes, after cleaning and repairing it, humbly solicited his late Excellency Sir John Colborne for the use of it in their institute, it was peremptorily refused.

We therefore humbly pray your Excellency, under these mortifying and humiliating circumstances, to accept the above painful facts and extracts from the records of our Parliament, as an apology for any alleged necessity for your Excellency's gracious condescension in using plainer and more homely language for the level of our understandings.

But it is because we have been thus maltreated, neglected, and despised in our education and interests, under the system of government which has heretofore prevailed, that we are now driven to insist upon a change, which cannot be for the worse. In the further language of our Commons House of Assembly, we can aver that "*the uniform experience of nearly half a century has forced the conviction, confirmed by the history of nations, that no richness of soil, or salubrity of climate, no wealth in public lands, or industry and economy among a deserving people, can insure their peace, welfare, and prosperity, without the possession of those suitable institutions which will yield cheap, honest, and responsible government.*"

Now, your Excellency is pleased to answer us, on this occasion, by declaring, that the system of government which has prevailed from the time of Simcoe is the best for us, although it has, by its vices, reduced us to so deplorable a condition of grievances, that even your Excellency recognizes it, this day, in the following just and sententious language to us: "*The grievances of this province must be corrected—impartial justice must be administered—the people have asked for it; their Sovereign has ordained it; I am here to execute His gracious commands: delay will only increase impatienee.*" Thus is the exigency of our affairs frankly admitted by your Excellency in both the civil and judicial departments; and surely it is the province of wisdom not merely to relieve the present exigency, but to remove the causes which have produced it in the past, and will, if suffered to continue, reproduce it in the future; for the like causes will ever produce the like effects. However much, therefore, we might commend the intention of your Excellency to see that "*the grievances of this province* are redressed, and *impartial justice administered*," we are determined, by means of institutions better organized and directed, to prevent the recurrence of such wrongs; because it is wiser to prevent evil than to hazard the correction of it after it has arisen, or has, perhaps, become inveterate.

Your Excellency is pleased to say, "I am here to execute," &c.; but your Excellency's predecessors throughout the history of this country have made similar professions, yielding, however, nothing but bitter disappointment. The issue of the administration of a Gore, a Maitland, and a Colborne, has been equally disastrous; each in its commencement holding forth expectations as flattering as those from your Excellency, but each finally aggravating our need for "*grievances to be redressed, and impartial justice to be administered.*"

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But the very fact that your Excellency has begun like your predecessors is a reason for apprehending the same result; for it would be offensive to your Excellency to assume that they were less wise, impartial, and honourable than any who may ever succeed them. The hopes of amelioration from each successive Governor have been uniformly delusive; and candour obliges us to assure your Excellency, that, even in this early period of your government, our condition has become more deplorable than ever, and the very nature and stability of our institutions involved in alarming uncertainty.

While our condition has been thus growing worse, under a succession of new Governors from England, they have been responsible to the Minister in Downing-street. With our plain and homely understandings, we cannot comprehend how a responsibility to Downing-street having failed of any good with all your predecessors, should be all availing in your present government; for it is the same responsibility in nature and degree; it is regulated by the same instructions; it is rendered to the same distant Government, 4,000 miles off, and guarded by such a system of secret despatches, like a system of espionage, as to keep in utter darkness the very guilt, the disclosure of which could alone consummate real and practical responsibility.

Dalhousie and Aylmer in Lower Canada, and Gore, Maitland, and Colborne in Upper Canada, have severally misgoverned their respective provinces. The two former have been impeached by the people, through their representatives, and their very crimes, instead of meeting punishment, have raised them to higher honours. And although the three latter have severally retired from our country after misconducting our affairs, under a nominal responsibility to Downing-street, till they had engendered an imperious necessity "for the correction of our grievances, and the impartial administration of justice," yet in every case they have been promoted higher, in direct proportion to the complaints of the people, without any redress for their wrongs, or even censure of their oppressions. We do not mean, in our plain and homely statement, to be discourteous, by declaring our unalterable conviction, that a nominal responsibility to Downing-street, which has failed of any good with the above gentlemen of high pretensions to honour, character, and station, cannot have any magic operation in your Excellency's administration, which, should it end as it has unhappily begun, might make us drink the cup of national misgovernment to the very dregs, without (as experience proves) redress on our part, or retribution on yours. "Facts are stubborn things." It is a mockery to invite us to rest our future hopes on an ineffectual, merely nominal, responsibility, that has proved a broken reed, which it would be folly ever again to rest upon. Your Excellency has been pleased solemnly and publicly to declare, that, being determined to hold an irresponsible, or, more strictly speaking, an acceptable Executive Council, you hold yourself responsible for their acts as well as your own; and considering the sort of Council you have about you, we cannot foresee the magnitude to which your Excellency's responsibility may extend. On your Excellency's account, therefore, as well as our own, we do humbly and heartily desire to see you surrounded by confidential servants not likely to involve your Excellency or dissatisfy the country. We do not, however, understand how the Council can be called "*non-responsible*," when your Excellency voluntarily places yourself as a substitute, answerable for their misdeeds to the Minister at Downing-street. But who can avail himself of this responsibility, in order to seek any redress? Can it be reasonably required, that one of a community "*whose whole revenue does not equal the private fortune of many an English commoner*," shall carry his complaint 4,000 miles off, transmit the evidence, rebut any unjust offence, fee lawyers and agents, in a long, tedious, protracted litigation, in Downing-street, worse than a suit in Chancery, where, before the matter can be investigated, one Minister succeeds another so rapidly as to defy continuous inquiry?

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

It is easy to say, when wrong is done by the Executive Council of the Province to any individual or individuals, the Governor is responsible for them to the Minister at *Downing-street;* but for all practical ends, it might as well be said at our *antipodes*. Your Excellency asks us, with reference to your late Council, "Is it usual for one person to insist on bearing another person's blame?" It seems, may it please your Excellency, to have been usual to do so; for you insist upon being answerable for the acts of your Council against their will. But, inasmuch as it appears to your Excellency, as well as to our plain and simple

simple minds, unreasonable for "one man to insist on bearing another person's blame," we the more earnestly insist that the Executive Council should bear their own blame, and not saddle it upon your Excellency, however graciously disposed your Excellency may be to assume it. Your Excellency is pleased to say, that "the political party which demands responsibility for my Council know perfectly well that the power and patronage of the Crown are attached to it; and it is too evident that if they could but obtain this marrow, the empty bone of contention, namely, responsibility to the people, they would soon be too happy to throw it away." Respecting these strictures of your Excellency on the purity of their motives (which we deem most patriotic and honourable), we forbear to offer any remark. "*Charity thinketh no evil.*" But, confining our views to what can be gathered from the representations of your late Council, we had rather that the power and patronage of the Crown were exercised by your Excellency, after receiving the conscientious advice of your sworn advisers, known and acceptable to the people, than by your Excellency's unadvised and arbitrary pleasure; and we think the case rendered even worse by the interference of a Minister 4,000 miles off, too distant from the scene of government, and too unacquainted with our complicated localities, to form a judgment upon which he ought to decree, or with which the people interested ought to be satisfied. What your Excellency is pleased to call "*the marrow of the bone*," is constitutionally intended to nourish, enrich, and benefit the "industrious classes," and the whole community; and your Excellency's candour will, no doubt, pardon our reluctance wholly to confide (without the advice of your Council) to your Excellency, as "a stranger lately arrived among us, ignorant even of the political differences of the parent state, and avowedly unacquainted with the wants and condition of this province."

We beg leave to assure your Excellency, that the "*bone*" to which your Excellency alludes, has been in the keeping of successive Governors responsible to the Minister in Downing-street, and at one time it abounded with "*marrow*," and was even the nucleus for much solid and valuable nutriment, all intended to form a source of national wealth, to be improved, husbanded, and applied for our peace, welfare, and good government. It is with profound, and, we greatly fear, with unavailing regret, we inform your Excellency, that while subject to the above custody and responsibility, the "bone" had been picked so bare as to leave little besides the "marrow" behind.

Under these circumstances, we hope your Excellency will commend the "*industrious classes*" and others for so far learning wisdom from woeful experience, as no longer to confide their best present and future interests, their civil and religious liberties, and all that endears a man to his country or to the world, to a succession of Governors nominally responsible at Downing-street to a succession of ever-changing Ministers: it is unreasonable to expect it; we should betray our country to consent to it.

We cannot altogether agree with your Excellency, that "the only consolation which should support an honest man in an arduous duty is the reflection that he is ready to atone for every error he commits, and that he is subject to arraignment if he offends." The highwayman and the pirate might and often have pleaded the same, have ever been ready to make atonement by restitution, and, after "arraignment," expiated their crimes according to law. But a Statesman, a Governor, or a King is presumed to be influenced by higher motives and by more exalted principles. The discharge of even an arduous duty cannot and ought not to be satisfactory to us, if performed in an unconstitutional way. In some countries, the end gained, however valuable, might be so tainted by the means as to make it treason. We desire not only to be governed well, but to be governed constitutionally; at the very least, according to the present charter of our liberties. The fear of personal liability to "atonement" or "arraignment" is a very subordinate protection against the abuse of power; when the complaint is made against a person, entrenched in authority and armed with patronage, whose very breath confers influence and office, or takes them away, whose liability is to the very Minister who is his patron, and is naturally disposed to view even his aberrations with a favourable and excusing eye. On that account, among others, we desire in our government some higher security than a disposition to atone, or a liability to arraignment, in its nature and circumstances almost impracticable, and almost always unsuccessful.

It is on this account, may it please your Excellency, we desire to see every Governor surrounded by confidential advisers, who, from their local knowledge, can supply with sworn advice, as the surest means of preventing error, or the humiliating necessity of "atonement" or "arraignment" for it. According to Holy Writ, "in a multitude of councillors there is safety;" it is, therefore, natural for us rather to wish to see the management of our affairs by your Excellency with the aid of an acceptable Council, than by your Excellency alone. Your Excellency must take advice upon assuming a new government in a country in which you are a stranger; and it has been to us a source of painful mortification and disappointment to find that your Excellency was consulting irresponsible individuals, neither possessing nor entitled to political confidence, even to the humiliating exclusion of your sworn advisers, provided by law and selected by yourself. Hence it is that there has scarcely been a single act of your administration satisfactory to the community your Excellency perhaps intended to serve.

It is against ourselves and our friends engaged in the common cause of constitutional government that your Excellency seems to direct the charge of preventing your "rooting

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to
Lord Glenelg,
21st April 1836.

Enclosure No. 4.
(Appendix.)

Rejoinder from Citizens of Toronto to Reply of Lieut. Governor.

up the tree of abuse, because they have *built and feathered their* nests in its branches." In this "tree" many indeed have "built and feathered their nests;" but heretofore, reformers have never been allowed even to perch upon its branches, repose in its shade, or partake of its fruit. The ultra tories, who have unhappily held your Excellency's ear and confidence, have enjoyed a complete monopoly; and it is an historical fact, that our Governors, among the rest, have "built and feathered their nests," and then carried their accumulated wealth, with themselves, out of the country. We trust your Excellency will feel on this subject how unjust it is that a community (as your Excellency observes) whose public revenues do not exceed the income of many a commoner in England, should be called upon to pay for the administration of even an irresponsible government a sum almost equal to that received by the President of the United States, with a transcendent wealth and power that put our comparative condition to shame.

We are surprised at the information your Excellency gives us, that the Executive Council of the province is "*sworn to be dumb;*" for we always thought they were sworn to advise the King and his representative upon our affairs. Supposing your Excellency were so far to unseal their mouths as freely to receive their advice, we see no difficulty in its being given secretly, yet responsibly. In England ministers give their advice under an oath of secrecy, and are still responsible. There can be, therefore, no greater inconsistency in such a relation subsisting between your Excellency and your Council. Actions often indicate more strikingly than words; and although your Councillors cannot reveal what they *say*, the whole country can see what is *done*.

We care not how dumb they are *out* of the Council, if their mouths are not sealed *in* it; and the province is allowed to feel and enjoy the manifest fruits of their counsel, without knowledge what it was. The Council should be responsible for giving good advice, while your Excellency would retain enough of responsibility by deciding upon it. We should not the better esteem a Judge who refused to listen to an argument before he gave a judgment, or a jury who sealed their ears against the charge of a Judge, in order to manifest their self-sufficiency in giving a verdict. The Judge condescends to hear the argument of a counsel, the jury listens to the Judge's charge, and your Excellency should, as seems to our "plain and homely" minds, listen on all subjects to the conscientious advice of the sworn advisers, selected by yourself for their "talents and integrity."

We have carefully read, as your Excellency recommended, the Constitutional Act, and although your Excellency assures us that by it "a House of Assembly and Legislative Council and Lieutenant-Governor are appointed, but that it creates no Executive Council," yet we read so clearly, in three several places, almost the very same comprehensive words, viz. "with the consent of such Executive Council as shall be appointed by His Majesty, His heirs and successors, within such province, for the affairs thereof," that we must believe some evil and irresponsible advisers have put into your Excellency's hand a mutilated copy of our constitution. We cannot reconcile your present declaration with the reply to your late Executive Council, in which your Excellency distinctly admits that the most liberal construction which can possibly be put upon that Act amounts to this, "that, as an Executive Council was evidently intended to exist, the remnant of the old ought not to be deemed totally extinct, until its successor was appointed." However, this latent intention of His Majesty to create a Council for each of the *provinces* of his Canadian dominions was soon clearly divulged in a most important document, commonly called "*The King's Instructions*," in which the Executive Council was regularly constituted and declared as follows: "Whereas We have thought fit that there should be an Executive Council for assisting you, or the Lieutenant-Governor, or person administering the government of the said province of Upper Canada," * * * * * * "and to the end that our said Executive Council may be assisting to you in all *affairs relating to our service*, you are to communicate to them such and so many of our instructions, *wherein their advice is mentioned to be requisite*, and likewise all such others from time to time as you shall find convenient for our service to be imparted to them."

It is therefore as plain as law can be written, that the Constitutional Act provided for the appointment, by His Majesty, of an Executive Council, and that the King has accordingly created such a Council, "to the end that they might be assisting to your Excellency in all affairs relating to His Majesty's service." This Council, so organized, is now as much a part of our constitution as the great Council of Parliament. The law allows the people to elect the House of Assembly, and gives the King the power of summoning whom he pleases to the Legislative and Executive Councils: all are alike created or provided for by this Act, though it does not specify by name the particular individuals to constitute either of them.

We welcome the concession of your Excellency to the merit of the able and enlightened *Simcoe*, to whose memory we would cheerfully erect a monument. We never said that that justly revered representative of the King either did or could alter the law. But we still think that an able and enlightened man, who assisted in passing the law, amidst all the debates upon it, and who was first commissioned to put it into operation amongst us, was of all men best qualified to explain that law, and its intended scope and application. *Simcoe*, with all his personal knowledge about the law and lawgivers, declared that it was intended

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intended to give us, not a mutilated constitution, but one "the very image and transcript of that of Great Britain." Your Excellency, on the contrary, after the lapse of nearly half a century, asserts, that neither the law nor the lawgivers (of whom Simcoe was one) ever gave or intended to give what Simcoe, in the name of the King, solemnly announced from the throne.

In England our fellow subjects have a King, with his Executive Council (commonly called his Privy Council), a House of Lords, and a House of Commons. In this Country we have corresponding institutions, viz., a representative of the King, with an Executive Council, a Legislative Council, and a House of Assembly. We only ask that these institutions should be put into operation in a manner corresponding to what is practised in England, and, consequently, that the Executive Council, under oath, should as fully and freely advise your Excellency on affairs here as the Privy Council, under oath, advise His most gracious Majesty. This is what the Constitutional Act implies; it is what *Simcoe* announced; it is what our liberties require; and what nothing, without our own consent, can lawfully abridge or take away.

If your Excellency will not govern us upon these principles you will exercise arbitrary sway, you will violate our charter, virtually abrogate our law, and justly forfeit our submission to your authority.

We have the honour to be, Sir,
Your Excellency's obedient humble servants,

(Signed)

Jesse Ketchum.	Timothy Parsons.
James H. Price.	Wm. Lesslie.
James Lesslie.	John Mills.
Andrew Mac Glashen.	E. T. Henderson.
James Shannon.	John Doel.
Robert Mac Kay.	John E. Tims.
M. MacLellan.	Wm. J. O'Grady.

(T.)

Letter from R. Baldwin, Esq. to Peter Perry, Esq.

Sir, Front Street, 12th April 1836.

In answer to your letter of this day, in which, after referring to a paragraph in the Lieutenant-Governor's Reply to the Address from the Citizens of Toronto, you add, "as you and your late colleagues are charged with having first entered into an arrangement clearly forewarning you of the extent to which you would be counselled, and then altogether in a body disputing it, I write this communication that you may give any justification of your conduct you may desire." I beg to state, that the expressions to which you allude seem to be understood by the Committee in a sense much more extensive than could have been intended by the Lieutenant-Governor, for though, as stated in my letter to you of the 16th ultimo, his Excellency frankly avowed his dissent from my views of the constitution, so far from his giving me the least reason to suppose that I was never to offer my advice except when called upon for it, or that my view of the practical administration of the Government under the constitution was not again to be recurred to, he himself "suggested, as an inducement to me to accept of a seat in the Council, the *increased* facilities which, by my place in the Executive Council, *would be afforded towards the more efficiently representing and urging* my views, his Excellency declaring that his doors should at all times be open to me, and that he should be happy to listen and give his most serious consideration *to any subject* which *I* might *at any time* think it important *to lay before him.*" And indeed the whole tenor of my official intercourse with his Excellency was inconsistent with the presumption that my advice was never to be given except it was asked.

Another circumstance which would seem to show that a sense has been put upon the Lieutenant-Governor's words which they could scarcely have been intended by him to bear is, that his Excellency alleges "that we parted on a point of dry law;" he could not therefore intend to impute to us the breach of any agreement, either express or implied.

Again, his Excellency more than once declared that he should not have been at all surprised had the representation proceeded from me. Whereas, had it been any breach of a supposed previous understanding, I was as much a party to that understanding as either of my colleagues, Mr. Dunn or Dr. Rolph, and of course equally involved in the consequences.

But, not to multiply reasons, I need only add, as finally conclusive upon this subject, that his Excellency's words, understood in the sense alluded to, would be wholly inconsistent with the fact. It was never understood previous to our being sworn in, nor did any thing whatever transpire previous to that period which could have given his Excellency any ground for supposing it to be understood by us, either that we were not to offer our advice whenever we thought it proper to do so, or that the subject of the adoption of my views of the constitution was to be dropped.

In fine, I can safely assert that, had his Excellency given me the slightest hint that he expected that I was never to offer my opinion except when required to do so, I should have unhesitatingly rejected the proposal to join the Executive Council on such terms; but the whole tenor of the conversations which I had the honour of holding with his Excellency previous to my being sworn in, to say nothing of the express assurances above alluded to, excluded such a supposition from once suggesting itself to my mind. I therefore feel bound to state, that any other construction put upon the terms on which I accepted office

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than such as is to be gathered from the statement contained in those paragraphs of my former letter above quoted is wholly erroneous.

I have the honour to be, Sir,
Your obedient humble servant,
Robt. Baldwin.

To P. Perry, Esq.,
Chairman of the Committee, &c. &c.

Letter from
R. Baldwin, Esq. to
Peter Perry, Esq.

Committee Room, 13th April 1836.

Robert Baldwin, Esq., called in and examined.

Evidence of
R. Baldwin, Esq.

Question 1. On what day were the Hon. John Henry Dunn, Dr. Rolph, and yourself sworn into office as Executive Councillors?—*Answer.* On Saturday the 20th of February last.

Q. 2. Was the Lieutenant-Governors's note to you, a copy of which you appended to your letter to Mr. Perry of the 16th of March last, received by you previous to your being sworn in?—*A.* It was not.

Q. 3. When was it received?—*A.* At ten o'clock in the evening of the day on which we were sworn in. But I was given to understand that an accidental circumstance had occasioned its not having been delivered at an earlier period on the same day.

Q. 4. Is it such a note as you had reason to expect from the conference mentioned by you in your letter to Mr. Perry, in which it was settled to be written?—*A.* I conceive not; I cannot pretend to recollect the exact terms of the draft written by his Excellency on that occasion, and then read to us; but I do not hesitate to say that it materially differed from the note I afterwards received. Dr. Rolph happened to be with me at the time I received the note, and I at once expressed my entire dissatisfaction with its contents, and proposed taking it back to the Lieutenant-Governor, and refusing to receive it. I was, however, persuaded by Dr. Rolph and Mr. Dunn, whom I called to see upon the subject on the Monday after that, as it could not be that his Excellency intended any thing disingenuous by us, and as the public would no doubt put a liberal construction upon the letter, it was better, more particularly as we had been actually sworn in, to let it pass without further difficulty. I must, however, add, that when the draft was read over to us by his Excellency, as he did not seem quite satisfied with the wording, it was understood that he was at liberty to alter its phraseology, retaining of course its spirit and substance; and I certainly attributed the difference between the draft read to us and the note which I afterwards received entirely to his Excellency's being unable, from his want of practical acquaintance with political life, fully to comprehend the difficulties which I felt in yielding to his request to join his council, and not to the slightest desire on his part to deviate from the spirit of the understanding. Such was certainly my impression at the time; but had I supposed it possible that such application of the unexpected terms in which his Excellency's note was couched as is now attributed to his Excellency could have been intended, I should certainly have returned the note, and insisted on such a one as I had reason to expect, or, if this had been refused, have resigned on that ground alone.

Q. 5. In what respect do you conceive the draft read to you and the note afterwards sent to differ?—*A.* The draft was more explicit as to the unfettered terms upon which I took office; and although I could not say it contained no declaration of the confidence his Excellency would place in our advice when "required," it was by no means the prominent feature in the draft, and I can safely say could only have been understood both by myself and my colleagues merely as a general expression of confidence, and not as a limitation of the duties expected of us; and I feel convinced that his Excellency could have used it for no other purpose, because he had no reason to suppose that we could have understood it in any other, and to imagine the contrary would be to attribute to his Excellency that he made use of terms to us to which he applied one sense at a time when he knew us to receive themin another, without explaining the sense in which he intended them to be understood.

Q. 6. It appears from his Excellency's answer to the Address of the House of Assembly of the 26th of March that the note which he wrote to you, of which the following is an extract,—"I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it,"—was written during the negotiation between his Excellency and the Council previously to their taking office, and in fact was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note; is that the case, and is that the true inference, according to your understanding?—*A.* For the facts I refer to my previous answers and my letter to Mr. Perry of the 16th ult.; and as to the inference, it is of course a matter of opinion; but I cannot for my own part suggest any construction of the passage referred to consistent with those facts.

Q. 7. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—*A.* The oath of office was administered to the under clerks in the Council-office, it having been ascertained on inquiry that they had not previously been sworn to secrecy.

Q. 8. It has been alleged that his Excellency, in his reply to the city corporation, intended to be understood as referring to the late Council when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated." Is such a charge warrranted by the fact?—*A.* As far as regards myself I distinctly assert that it is not the fact, and I have no doubt that it is not the fact as respects any of my former colleagues.

Dr. Rolph called in and examined.

Evidence of Dr. Rolph.

Question 1. On what day were the late Executive Council, of which you were a member, sworn in?—*Answer*. On the 20th of February last.

Q. 2. Have you any knowledge of a letter addressed by his Excellency to Mr. Robert Baldwin relative to the terms on which you and your colleagues took office? if so, state what you know. —*A*. I was present with Mr. Robert Baldwin and the Honourable Mr. Dunn on the 19th of February last at the Government-house, when Mr. Robert Baldwin informed his Excellency that we were desirous, before joining the Executive Council, to receive a written assurance from his Excellency of the unfettered terms upon which we entered into office, lest it should be supposed by the public that in doing so we had compromised the principles which we have heretofore avowed and acted on. To this suggestion his Excellency acceded, and drafted a note to that effect, adding, that, as the phraseology might be improved, he would without delay prepare and transmit it to Mr. Baldwin, who would send copies to me and Mr. Dunn. We were sworn into office in the afternoon of the following day, and I heard nothing more of this letter (except the uneasiness of Mr. Baldwin at not having received it) until 10 o'clock at night, when I was in company with Mr. Baldwin, and the letter was received. Upon reading it Mr. Baldwin immediately noticed, as I did myself, the unexpected change, not only in the language, but in the substance of the letter, and Mr. Baldwin would have returned it, had I not expressed my reluctance to question the ingenuousness of the Lieutenant-Governor, and enter upon a discussion which might seriously interfere with the harmony of the Council. Had I supposed that the word "require" could have been intended to abridge the great and unlimited latitude before given by his Excellency, I should certainly not have consented to be sworn into office, had the letter been received on the 19th, and I should have resigned, on receiving a copy of it, on the 22d, from Mr. Baldwin. The sole object of the Letter, and all it was intended to embrace, was the admission that we joined the Council without changing our principles.

Q. 3. It appears from his Excellency's answer to the Address of the House of Assembly of March 26th, that the note which he wrote to Mr. Baldwin, of which the following is an extract,—"I shall rely on your giving me your unbiassed opinion on all subjects respecting which I may feel it advisable to require it,"—was written during the negotiation between his Excellency and the Council previously to their taking office, and in fact was part of the negotiation, and implies that it contained the conditions of their taking office, and that they took office after the communication of that note; is that the case, and is that the true inference according to your understanding?—*A*. I confess I understand the passage given me to read to mean that the letter sent to Mr. Baldwin was the conclusion of the negotiation on the part of his Excellency, and intended to convey to Mr. Baldwin, for the information of himself and his colleagues, the terms upon which his Excellency would accept our services, and that after the receipt of that letter we went into office on those terms, and then disputed them. But such certainly was not the case: the letter in question was wholly independent of the negotiation, and not even mentioned till it was so far concluded that we waited on his Excellency on the 19th merely to receive a more formal and united invitation to his Council. We did then receive such an invitation, and the object of the letter was then suggested by Mr. Baldwin, and promised by his Excellency, for the simple purpose of enabling Mr. Baldwin and his colleagues to repel any presumption of abandoning their principles on taking office.

Q. 4. Were any steps taken having a tendency to guard against the divulgement of the proceedings in Council upon this matter?—*A*. The junior clerks were sworn to secrecy, as it had not before been done.

Q. 5. It has been alleged that his Excellency, in his reply to the City Corporation, intended to be understood as referring to the late Council when he represented that the new theory respecting the powers of the Executive Council "had been secretly promulgated;" is such a charge warranted by the fact?—*A*. It is wholly unfounded as regards myself, and every thing which passed between me and other members of Council satisfies me that it is as equally unfounded as respects them.

(U.)

To his Excellency Sir F. B. Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

Address from Grand Jury to Lieut.-Governor.

We, the undersigned grand jurors, representing the Home District at the Spring Assize now holding, respectfully beg to assure your Excellency that the liberal policy designed to be pursued, and the paternal solicitude manifested by His Majesty's Government towards this province, as communicated to the Legislature soon after your arrival here, have been hailed by us as the harbingers of our prosperity and happiness.

No. 9.
Sir F. B. Head
to
Lord Glenelg,
21st April 1836.

Enclosure No. 4.
(Appendix.)

Address from
Grand Jury to
Lieut.-Governor.

We greatly regret that a system of political excitement hath of late years been organized in this province, engendering bitter animosities in the breasts of those whose welfare and happiness imperiously require that they should dwell together in amity, and producing party feuds too frequently ending in breaches of the peace. We are well aware that the prevalence of this system has already produced results unfavourable to the developement of our internal resources, and to the introduction among us of the redundant wealth and population of Great Britain; but the recent expressions of confidence in your Excellency's administration which we have heard, and in which we cordially concur, lead us to hope that the people will not long remain blinded to their own interests, but will be convinced that the most effectual mode of serving themselves consists in upholding the constitution, and directing their attention to the improvement of the land we live in, rather than to the consideration of abstract questions of government, and of theoretical changes in our constitution; changes in which very many well-educated members of the community discover no elements of good, but discern, on the contrary, the seeds of discord and confusion, producing in due season the dismemberment of this colony from the parent State, and the establishment therein of democratic institutions, uncongenial to the habits and sentiments of its British population.

We would have felt a difficulty, particularly as our especial duty is of a judicial character only, in thus expressing our opinions to your Excellency, were we not confident that they are participated in by a numerous body of the freeholders in the district we represent.

J. S. Macaulay (Foreman).
Æ. Moodie.
William Crookshank.
Andrew Mercer.
G. W. Thomson.
Francis Boyd.
John Ellah.
Silas Burnham.
Thomas D. Harris.
Alexander Burnside.
Thomas Cooper.
William Campbell.
W. Laughton.
George Gurnett.
George B. Willard.
E. O. Gapper.

(A true copy.) J. Joseph.

His Excellency's Reply.

Reply of Lieut.-
Governor to
Grand Jury.

Gentlemen,

If the important object I have in view were to obtain applause, nothing could be more gratifying to my feelings than the approbation of so well-educated a body of gentlemen as the grand jury of the Home District; but, without offence, I must declare that the strict performance of my duty requires that I should neither be stimulated by popularity nor deterred by clamour. In maintaining the liberties of the inhabitants of this province but little has been left by our Sovereign either to my judgment or discretion, and if it be true "that the recent expressions of confidence in my administration which you have heard, and in which you cordially concur, lead you to hope that the people will not long remain blinded to their own interest," this happy effect has proceeded from no exertions of mine, but simply from my having repelled our enemies by pointing to the Constitutional Act of this province.

If that noble charter had not existed there can be no doubt but that the representative of His Majesty would have been overcome, and that the inhabitants of Upper Canada would now be under the ignominious tyranny of a secret metropolitan "Cabinet;" but your Constitution has proved to be impregnable, and at this moment no people bewail the fact more keenly than those who have lately been nearly crushed in their endeavours to undermine it.

(A true copy.) J. Joseph.

No. 10.
Sir F. B. Head
to
Lord Glenelg,
27th April 1836.

No. 10.

(No. 28.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, U. Canada, 27th April 1836.

I have the Honour to transmit to you a Copy of a Letter which Mr. Papineau, Speaker of the Assembly of the Lower Province, has addressed to Mr. Bidwell, Speaker of the House of Assembly of Upper Canada. 15th March 1836.

I conceive that the traitorous and revolutionary Language it contains, as well as the insulting Terms in which it speaks of your Lordship, need no Comment; but I will only observe, that although the Letter is dated 20th of March, it was detained by Mr. Bidwell until a few Hours before I prorogued the Legislature, and then by him laid before the House of Assembly of this Province.

I take this Opportunity of mentioning to your Lordship, that the House of Assembly lately appointed Three Commissioners to meet Mr. Papineau and other Two Commissioners from the Lower Province; and that the Individuals named for this unconstitutional Object were Mr. Speaker Bidwell, Mr. Perry, the Chairman of the Committee, to whom was referred my Correspondence with the Executive Council (a Gentleman who has lately uttered most violent Language against me, as well as against the British Government), and Mr. Dunn, His Majesty's Receiver General of this Province, and late Member of my Executive Council.

This Arrangement being published in the Newspapers, I felt it my Duty to send for Mr. Dunn, and having informed that Gentleman that I considered it necessary he should at once write me a Note that I might publish, I, at his Request, wrote him a Memorandum of what I deemed it necessary he should say; namely, that he had been appointed without his Consent, and did not intend to act.

I enclose to your Lordship Mr. Dunn's Letter, which I do not consider at all satisfactory, as he seems to assert that by his Appointment the Assembly "have *conferred an Honour* upon him." 8th April. 12th April.

When I wrote to your Lordship a Letter, "private and confidential," in which I begged your Lordship not to dismiss Mr. Dunn, Mr. Markland, and Mr. Robinson from their Offices, on account of the serious Embarrassment they had caused to His Majesty's Government in this Province, I informed these Gentlemen that I had done so, but told them frankly, that if the slightest further Attempts were made by them, either latently or avowedly, to embarrass me, by espousing the revolutionary Party which was opposed to me, I should feel it my Duty to retract the Request I had made to your Lordship; and as I certainly do consider Mr. Dunn's Appointment to meet Mr. Papineau in that Light, and as I am not satisfied with his Letter to me on the Subject, I feel it my Duty to retract the Request which I made to your Lordship.

I have the Honour, &c.

The Right Hon. Lord Glenelg, &c. &c. &c. (Signed) F. B. Head.

First Enclosure in No. 10.

Enclosure No. 1.

Mr. Speaker Papineau to Mr. Speaker Bidwell.

Sir, House of Assembly, Quebec, 15th March 1836.

In the Exposition of the Extent and Nature of the Reforms demanded by the People of this Province, and in the Resolutions of their Representatives, which I transmit to you by Order of the House of Assembly, we hope a Proof will be found of the Earnestness with which we are endeavouring to secure the Establishment and Recognition of the political Rights of our Colonial Fellow Subjects as well as of our own.

To whatever Extent the Blessings of a just, cheap, and responsible System of Government are obtained by us, to that Extent and Amount will the People

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Sir F. B. Head
to
Lord Glenelg,
27th April 1836.

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of the other British North American Colonies also participate in the same Blessings.

They cannot but readily understand how various and how grinding are the Abuses which distract this Province, when they are told that for many long and painful Years the People have directly by Petitions, or through their Representatives, in Terms of no common Emphasis, and by Majorities so overwelming, that one might say, without Impropriety, unanimously impugned the Administration of Affairs in every Department of the public Service. They have demanded the Adoption of Measures alone adequate to the Cure of the various Abuses which have sprung from imperfect Institutions, acknowledged by a Committee of the House of Commons so far back as 1828 to have been viciously administered. So late as the Year 1835 it was admitted, both in the House of Commons and in the House of Lords, on the Ministerial as well as on the Opposition Benches, by Men the most opposite in their Opinions on every Question of domestic or European Policy, with a Concert which could arise from no other Cause than the clearest Evidence of the Fact, that nothing efficient had as yet been done in Canada to remedy acknowledged Abuses —Abuses denounced by this House, denounced by His Majesty's Government, repeatedly denounced by Committees of the House of Commons, which enjoined responsible Ministers to see that they should cease.

These Ministers we impeach as being unwilling to effect the good Work of Peace and Conciliation when charged so to do. We impeach them for their Instructions of the 17th July 1835, devised with a view to impose a Government upon us which will be more irresponsible than it has ever been in Time past; more prodigal of our Lands and Taxes, which constitute the common Fund; more oppressive by the Number of its Agents, and their excessive Emoluments, out of all just Proportion to the Value of the Services rendered; and more servile on account of its most direct Dependence on Downing Street, where they never understand,—where they are unwilling to understand,—that the State of Society all over Continental America requires that the Forms of its Government should approximate nearer to that selected under propitious Circumstances, and after mature Consideration, by the wise Statesmen of the neighbouring Union, than to those into which Chance and past Ages have moulded European Societies.

We crave your Attention to the Contradictions manifested in these Instructions of the Colonial Minister above alluded to. They first theoretically acknowledge a few protecting Axioms of public Colonial Law, the salutary Operations of which they practically obstruct, and then fritter them down to Insignificance by Niceties and hypothetical extreme Cases, which the Minister creates to justify the Exceptions he chooses to make to their Application.

Thus the Minister of the Day admits that Parliamentary Legislation on the part of Great Britain on any exclusively internal Subject in any British Colony possessing a Representative Assembly, is, as a general Rule, unconstitutional; yet by Canada Trade Acts, Tenures Acts, Smuggled American Land Company Acts, this general Rule has been repeatedly grossly violated. By the first of these Acts, temporary Taxes imposed during the late War, for the Duration of that War and no longer, as a Means of aiding Great Britain to preserve a Resting-place on this Continent, have been ungratefully and oppressively revived and made permanent by the Imperial Parliament. It is true that the Government of Upper Canada induced a bribed or unwary Parliament to petition for the Revival and Continuance of those Taxes; but a treacherous Governor of this Province withheld from this Assembly the Information of this Fact transmitted to him to be communicated to the Representatives of the People of this Colony. For Years the Assemblies of both the Canadas have been endeavouring to settle this important Question; but the useful Bills to provide for the Appointments of Commissioners have until now been rejected by the Legislative Councils of the one or the other of these Provinces in turn.

By the other Imperial Acts, Property affected in its Incidents and Conditions of Possession and Transmission has been rendered insecure. An odious Monopoly which retards the Settlement of the Country has been created; the Administration of Justice has been impeded by an Attempt to introduce a Second System of Laws, in a Country where Courts are constituted, and Judges commissioned and sworn to administer a different System of Laws.

Of

Of this unconstitutional Parliamentary Legislation on the Part of Great Britain on Subjects of an exclusively internal Nature, in a British Colony possessing a Representative Assembly, this House has repeatedly but hitherto ineffectually complained.

Were we to resign ourselves to a degrading System of Servitude, do you hope, do you believe, that the Ministerial Policy which would degrade us would consent to concede to you an ennobling System of Freedom to that Extent you deserve, under which the rapid and easy Expansion of the moral, intellectual, and industrial Capacities of the robust and rapidly accumulating Population in the several Provinces would soon reveal how vast are their combined Strength and Resources when no sinister and baneful Influence is busy sowing Dissensions, or exciting by Misrepresentations hurtful Prejudices amongst those who have so many great and common Interests. If Misrule went on unchecked in any of these neighbouring Colonies without exciting our Sympathy, your Ills would soon become our Ills, and ours would reach you in turn. If, however, you are free from improper and unconstitutional Parliamentary Legislation, we rejoice that such is your happier Lot. If you have to complain of Evils similar to ours, or of any other Evils, all constitutional Means in the Power of the People of this Province would readily be resorted to to aid you in their Removal. Such good Offices it is the Duty of every Colony to tender and to accept in turn.

The present Colonial Minister, who is forced to acknowledge the correct Axiom that British Colonies possessing a Representative Assembly are of right freed from the Legislation of the Imperial Parliament, is so attached to the Privileges enjoyed by his Predecessors in Office, of mis-governing these distant Possessions, that he hesitates not to lay bare (in his Instructions to Sir Francis Head) in all its naked Deformity the Colonial System as it is understood and expounded in Downing Street. The Inferences which are manifestly to be deduced from these encroaching Instructions are, that in the most minute Details every thing, though of an exclusively internal Nature in British Colonies having Representative Assemblies, must be carefully kept under the Patronage, Direction, and official Legislation of the Colonial Office. The Remonstrances of near a Million of People in the Canadas, constitutionally expressed by their Representatives, disturb too much the set Doctrines and Practices traditionally transmitted from Tories to Whigs, from Lord North to Lord Glenelg, to expect the Concession of any remedial Measures which the Sufferers claim.

The People of the Canadas, labouring under the accumulating Wrongs proceeding from an Act of Parliament, unite as one Man in demanding that that Act be amended in such of its Provisions as relate to their Legislative Councils, which they denounce as the Cause and Mainspring of all the Heartburnings, Distractions, and Sufferings in these Provinces. The Colonial Minister, Four thousand Miles distant from the Scene of our Sufferings, and naturally unable, from the Multiplicity of his Avocations, to become acquainted with the Extent of our Wrongs, arrogantly tells the Assemblies that have declared that all remedial Measures short of rendering the Seats in the Legislative Councils dependant on popular Election, will be futile and unsatisfactory—that "the "King is most unwilling to admit as open to Debate the Question, whether "One of the vital Principles of the Provincial Government shall undergo "Alteration." These deceitful Agents, the Royal Commissioners to whom those Instructions were addressed, told this Assembly, on the other hand, that they are not precluded from entering on an Inquiry on this grave Subject. Instead of freely communicating those Instructions to the Legislature of this Province on its being convened, on whose Determinations they would not but have had great Influence, the Royal Commissioners carefully withheld these Instructions, and it was not until after nearly Four Months Session that the Representatives of this Province by chance learned the suppressed Truths from the Newspapers of the Day, and thus for Months have we been unfairly deprived of all Means of protesting and remonstrating at an early Season against the tyrannical Tendencies of these Downing Street Despatches—against the gross Errors of Fact which they contain—against the untenable Assumption that the Councils created by the Act of 1791 have any Analogies either with the aristocratical Institutions of Great Britain and Ireland, or with the Councils of other British Colonies—and against the Heinousness of the Conduct of this pretended Liberal Minister, who casts off and derides the prophetic Warnings of Charles James Fox, of the Miseries that Mr. Pitt's

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pseudo-aristrocratical Councils were to entail on these Colonies; and were it not that this base Dissembling had thus lulled us into false Security, our Complaints would, ere now, have been before the Imperial Parliament.

The Act of 1791 was Part and Parcel of the now repudiated Policy of Mr. Pitt, to build up an Aristocracy in this Hemisphere, and to strengthen its Power. The Population of these Northern Colonies has quintupled since the passing of that Act. The Soil of America repudiates a privileged Aristocracy; yet the Sages who have our Destinies entrusted to their Care tell us, that "they "will not close the Avenue to an Inquiry respecting which for the present "they perceive no reasonable Ground of Doubt; but they may possibly "take into their Consideration at some future Time the best Means to discard "the Views of a Million of People who ask for *Elective Councils*, who desire "to see nothing rationally to envy in the Institutions of their Neighbours, and "who have a Right to claim, if they see fit, and who would beneficially enjoy "as much of political Freedom, as was the Lot of the most favoured of the "British Subjects *within the Limits of Colonies founded by Charters of "Incorporation.*"

These Sages tell us, moreover, that if, contrary to their Forebodings, they are driven by our Importunities to propose Amendments to the Statute of 31st Geo. 3. Chap. 31., it would not be in accordance with the Views and Wishes of the *living* Generation, oppressed by its Enactments, but in accordance with the Views of its bribed and pensioned and long-sinecured Framers. To Menaces such as these we can only reply, that we value too highly a Representative Form of Government to sanction any Attempt to infringe our Constitutional Rights; and such violent Attacks on those Rights could not but excite Feelings ruinous to the Interests of the Parent State on this Continent.

For a long Number of Years the Government of this Province and its Officers have been in continued Minorities in the House of Assembly. Their blind Obstinacy to the same oppressive and illiberal Policy brought at last the Administration into such thorough Contempt, and so disgusted the Mass of the People and their Representatives, that these, on the 21st February 1834, resolved, "That the public Functionaries of the Colony are com-"bined as a Faction, and induced by Interest alone to contend for the Support "of a corrupt Government, inimical to the Rights and opposed to the Wishes of "the People;" and had recourse further to the extreme though constitutional Remedy of withholding the Supplies until the numerous Grievances detailed in the Ninety-two Resolutions, then adopted, should be redressed, and the Remedies demanded to prevent their Recurrence be granted.

The then Governor in Chief, in an angry and unparliamentary Speech, with which he closed the Session of 1834, endeavoured, but in vain, to throw a Censure and create Odium on these deliberate Opinions of the House of Assembly of this Province, asserting groundlessly that the Sentiments of the Constituency did not respond to the solemn Declarations of their Representatives, and that the People were attached to the Government as it was constituted and administered. General Elections soon followed, and the Result was, that not a single Candidate connected by Office to the Provincial Government could secure a Seat, whilst those who were returned have repeatedly declared their Adherence to the Principles avowed in those Resolutions, in a Proportion of Eighty out of Eighty-eight Members, the full Number of the Representatives.

Instead of grappling with Evils of such a Magnitude and old standing as those against which we complain, Lord Glenelg has thrown together raw and undigested Ideas, as to the Means of checking some of the minor Abuses. Policy such as this might be considered a disingenuous Effort to uphold by mild Palliations the System which generates these and greater Abuses. But, on the other hand, open and violent Attacks are directed, in those menacing Instructions, against the most necessary and just Rules by which free-born British Colonists have striven to protect themselves against improper Interference on the Part of meddling Colonial Ministers. With this View importunate Solicitations are renewed to obtain Appropriations for Ten Years, under the Plea that Lower Canada would thus be more connected with the other Members of the British Empire.

We

We, on the contrary, consider, that were we to succumb in this Assault against the Policy that generally prevails in the Colonies, which was wisely adopted to protect Colonists against the natural and habitual Partiality of Downing Street in favour of its Nominees, the calamitous Concession would separate us from and exhibit us in a most unenviable Comparison with most of our Sister Colonies; that the Precedent which we would establish would expose many Colonies hitherto in a great Measure free from the evil-working System, to be assailed by the same Demands, Sophistries, or Menaces to which we have been unfairly exposed for the last Fifteen Years, during the protracted Controversies and Discussions on the Financial Question arising out of the Pretensions of the Colonial Ministers.

The Attempt to create Classes and Distinctions among Public Officers, (some of whom would be absolutely uncontrolled in whatever Excesses they might run for their Salaries, and others submitted to annual Discussions,) is so shallow and preposterous a Scheme to consolidate the present vicious System that it scarcely requires Refutation.

Lord Glenelg seems not to understand that however great is the Rank, Station, and Importance of a Colonial Minister, and of all other Ministers of His Majesty, His Crown Officers and Legal Advisers, they hold their large Emoluments of Office by a more precarious Tenure than Colonial Officers subject to the annual Vote of the Assemblies. In order that Responsibility should attach to the Acts of the highest Officers of State, the British Constitution, in Principle and Practice, has wisely entrusted to the Representative Branch of the Legislature the Power of the Purse, to use it as they think right and proper. The Commons have established their Right to interfere as well in Matters of State as Legislation, by reserving to themselves sufficient large annual Appropriations to enforce on the most unwilling Government Obedience to its Recommendations. They, moreover, have secured the Responsibility of the highest Functionaries, by the Establishment of a proper Tribunal to bring to the most condign Punishment, yea, even to the Forfeiture of Life, any of those, who in the Discharge of their official Duties had become the Oppressors of the People.

Although the Civil List be granted for the Life of the King, all the Officers connected, with the Exception of a few of the Officers of the Household attached to the Royal Person, are, to use the improper Expressions of Lord Glenelg, daily Beggars, not on the King's good Will, but on the Commons, whose Wishes call them to Office, or turn them out of Office, in some Cases after a few Days, in others after Years of Service, but in every Instance on a Lease revocable at Will. In giving Despatches for the Direction of a Government to Upper Canada, when a permanent Appropriation was procured by Misrepresentation and Surprise, and when the utmost Discontent and Indignation have existed as well against the Government, and that Assembly which had surrendered its Power and just Influence, and thus betrayed the Rights of its Constituents, how can Lord Glenelg pretend that an Appropriation for a long Period would produce Contentment in Lower Canada, where the Demand has for Fifteen Years been invariably resisted?

In many other Respects might these Instructions be commented on to prove a deep-laid Plot, and a wicked Determination among those who penned them, not to consent to any rational Reforms in the Colonies, in opposition to the blind Prejudices and routine Business of Downing Street; but this hurried Commentary in the midst of the Fatigues attendant on a lengthened Session will, I hope, suffice.

Elected and solemnly pledged to procure a Redress of the Grievances under which the People of this Province suffer, and to carry out the Principles laid down in the Resolutions transmitted herewith, the practical Operations of which can alone prevent a Recurrence of these Evils, we have been assailed and denounced by the Enemies of a responsible Form of Government. Those interested in the Continuance of the present System of Misrule have been actively engaged in misrepresenting our Views, in the Hope of sowing Division and Animosity among the People of these Colonies, and by those Means crushing therein the Cause of Reform.

No. 10.
Sir F. B. Head
to
Lord Glenelg,
27th April 1836.

Enclosure No. 1.

In Defence of Principles which are dear to the Mass of the Inhabitants of British North America, we hesitate not to publish them to the World, satisfied that our Views need only to be known to be respected.

In the Position which this Province has long taken in Defence of Colonial Rights, she has acted from no factious Opposition, nor from any local Prejudices; all she requires is direct Responsibility to her People in the several Departments of the State, and Economy in her Government. Should she succeed in obtaining these, there cannot be a Doubt but the People of the other British Provinces must obtain the same Extent of political Power and Liberty.

In the Hope, Sir, that the Assembly of which you are the Organ will co-operate with the Representatives of this Province in procuring a better Colonial System of Government for all, I beg to assure you of the Readiness with which the Assembly of Lower Canada will use all constitutional Means in its Power to advance the mutual Interests of the British North American Colonies.

I have the Honour, &c.

To M. S. Bidwell,
Speaker of the House of Assembly
of Upper Canada.

(Signed) L. J. Papineau,
S. H. A.

Enclosure No. 2.

Second Enclosure in No. 10.

Sir,

Toronto, 8th April 1836.

The Bill alluded to by His Excellency this Morning is not a new one, but the Renewal of a similar Bill which has passed the Assembly for several Sessions, I believe, in the same Shape, and for the same Purposes.

My Name was inserted therein without my Knowledge or Consent, and however much I may desire to assist in any Measure to promote and facilitate any Object of common Interest and Improvement to both Provinces, I should feel unwilling to act as Commissioner, seeing others in the Province much more competent on so important a Matter; and having already as much Duty to perform for the Public as I can very well execute, independent of which, I of course could not accept the Honour conferred upon me by the Assembly unless by the Leave and Approbation of His Excellency the Lieutenant Governor.

I have the Honour, &c.

John Joseph, Esq., Civil Secretary,
&c. &c. &c.

(Signed) John H. Dunn.

Sir,

Government House, 11th April 1836.

I have laid your Letter of the 8th Instant before the Lieutenant Governor, and am commanded by His Excellency to inform you, that he will feel it his Duty to transmit it to Lord Glenelg for his Lordship's Information.

I have the Honour, &c.

The Hon. John Henry Dunn,
Receiver General.

(Signed) J. Joseph.

Enclosure No. 3.

Third Enclosure in No. 10.

Sir,

Toronto, 12th April 1836.

As my Communication of the 8th Instant is to be forwarded for the Information of Lord Glenelg, I beg Leave further to add, that I was not aware of any such Bill having passed the Assembly, directly or indirectly, till I observed it mentioned in one of the Newspapers, and am to this Moment ignorant of the

the Provisions of the Act, unless, as I presume it to be similar to former Bills, appointing Commissioners to meet Commissioners on the Part of Lower Canada. I must confess that the only Subject in which I feel a lively Interest connected with the Measure, is the Improvement and Continuation of one of the most important Works in which this Province could be engaged, viz. the Navigation of the River St. Lawrence. I have always felt a sincere Desire for the Improvement of Upper Canada, and I think that it will be admitted by the Province, that both my Time and Means, which I could ill spare, have been employed to promote Improvement, and this I imagine may have induced the Assembly to select me as Commissioner.

No. 10.
Sir F. B. Head
to
Lord Glenelg,
27th April 1836.

Enclosure No. 3.

I have, &c.

(Signed) John H. Dunn.

No. 11.

(No. 29.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

No. 11.
Sir F. B. Head
to
Lord Glenelg,
28th April 1836.

My Lord, Toronto, 28th April 1836.

I have the Honour to enclose to your Lordship a Copy of the Minutes of the Executive Council, by which it will appear that in withholding Assent to the Money Bills, and in declining to grant the Contingencies of the House of Assembly, I acted with the Advice of my Council.

One of my Reasons for not granting the Contingencies was the Knowledge that a large Sum would be granted out of them by the Assembly to send an Agent to England, which I have good Reason for knowing they had determined to do.

I have just learned that Mr. Robert Baldwin, one of the late Executive Council, leaves Toronto this Day for London. It is stated that he goes there for the Recovery of his Health; but it is acknowledged by his Party that he will be prepared to answer any Questions which the Government may feel disposed to put to him.

The System of sending Agents from the British North American Colonies, and their being received by the Government, is one which I feel confident your Lordship will discountenance.

The House of Assembly, or the Legislative Council, or the Executive Council, or any Individual in the Colony, have a constitutional Mode of making Accusations against the Governor, to which Accusations he also has a constitutional Opportunity to reply. Should this not be deemed sufficient, and should the novel Course of receiving Agents be adopted, then I submit that in common Justice the Party complaining should appoint one Agent, and the Party complained of another, but that one should not be heard without the other. The Inconvenience of such a System must be so apparent, that I feel confident your Lordship will not approve of it.

The mere Fact of its being supposed that the revolutionary Party have an Agent at Home, who is successfully undermining the Character and Influence of the Lieutenant Governor, will give great Importance in this Country to Mr. Baldwin's Residence in London; and I therefore hope, that should he directly or indirectly communicate with the Colonial Office, that your Lordship will give him that Style of Answer, a Copy of which, transmitted to me, and published in this Country, would at once put an end to these Sort of left-handed Attacks upon the Constitution.

I have the Honour, &c.

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

(Signed) F. B. Head.

No. 11.
Sir F. B. Head
to
Lord Glenelg,
28th April 1836.

Enclosure No. 1.

Enclosure in No. 11.

In Council, 20th April 1836.

His Excellency the Lieutenant Governor, having ordered the Council to be specially summoned to meet this Day at One o'Clock P. M., came down, and laid before them divers Bills which had passed the Two Houses of the Legislature, and which had been sent up to His Excellency for the Royal Assent.

His Excellency stated, that no Supply Bill for the Purpose of enabling His Excellency to administer the Government has passed the House of Assembly; and that from the apparent Disposition of the House, it was not probable that any such would be passed.

Several Bills for the Appropriation of Monies for divers Purposes throughout the Province, a great Part of which was to be expended by Commissioners appointed by the House of Assembly, appearing amongst the above Bills, as passed by the Two Houses, His Excellency stated, that in his View the House of Assembly ought not to be permitted to appropriate public Money for such Purposes as they may choose, leaving the ordinary Supplies unprovided for. That such a Course would, in all Probability, produce wanton Repetitions of the same Measures on the Part of the House, and leave the Government utterly defenceless; and His Excellency expressed his Opinion, that therefore the Money Bills which had passed the Two Houses of the Legislature ought not to receive the Royal Assent, but should be reserved for the Consideration of His Majesty's Government: His Excellency nevertheless desired the Opinion of the Council thereupon.

Upon which, the Council were unanimously of opinion, that the Course proposed by His Excellency was the best that, under the Circumstances, could be adopted, and that the Refusal of the House to grant to His Majesty the ordinary Supplies implied such a Want of Confidence in the Government, and so strong a Desire to impede its Administration, that His Excellency was fully justified in preventing all Outlay of the public Monies, until such mutual Harmony could be restored between the House of Assembly and the Government, as would enable both to exercise their respective Functions for the public Benefit.

His Excellency also desired the Advice of the Council on the following Points:

1st. In case a Bill covering the Advance made on the Addresses of the House of Assembly for the last Session should not pass, and should the House address His Excellency to desire a further Advance for the contingent Expenses of this Session, would the Council recommend His Excellency to accede to the Request of the House?

Upon which, the Council were of opinion that, in such Case, His Excellency should refuse to make any further Advance.

2d. In case such Bill should pass, and His Excellency be required to make an Advance, on the Address of the House, and their Promise to make the same good?

On this Point the Council were of opinion, that the Want of Confidence in the Government, implied by a Refusal of the House to grant the ordinary Supplies, forbids His Excellency to repose in that Body the Disposal of public Money, without the same should be authorized by Act of Parliament.

(Signed) R. B. Sullivan, P. C.

No. 12.

(No. 30.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

No. 12.
Sir F. B. Head
to
Lord Glenelg,
4th May 1836.

Enclosures.

My Lord, Upper Canada, Toronto, 4th May 1836.

I HAVE the Honour to forward for your Lordship's Information Six loyal Addresses which have been presented to me since I transmitted my Despatch No. 26., of the 21st ultimo, in which I enclosed those which had been received up to that Date.

I have the Honour to be, &c.
(Signed) F. B. HEAD.

(A.)

Sir, Perth, 22d April 1836.

Herewith I have the Honour to transmit an Address from the Magistrates and Inhabitants of the Town of Perth and its Vicinity to the Lieutenant Governor Sir Francis Bond Head, which I request you will be pleased to present to His Excellency.

I have the Honour to be, &c.
JOHN A. H. POWELL.

J. Joseph, Esquire,
Secretary.

(B.)

To His Excellency Sir F. B. Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of Perth and its Vicinity, beg leave, at this Period of great political Excitement, to convey to your Excellency our respectful Attachment. Sensible of the Difficulties that surround your high and important Station, we view with unqualified Admiration the manly, upright, and constitutional Course pursued by your Excellency; more particularly conspicuous when the Council on whom your Excellency placed such implicit Reliance thought proper to assume a Position as untenable as it was ill-advised and unconstitutional. It is at a Period like the present, when the Majority of the House of Assembly openly avow Sentiments which we lament to term Anti-British, that the Firmness of Character and manly Avowal of your Excellency's Principles will, with the loyal and unprejudiced Population of this rising Colony, be justly and fairly appreciated. Your Excellency's Administration has been thus far marked with constitutional Decision, and a Desire to carry into effect the liberal Intentions of His Majesty's Government towards the People of this Province. You have strictly guarded the Prerogative of the Crown without infringing upon the Liberties of the People. Your Excellency, with becoming Candour, placed your Instructions before the Representatives of the People, and your Candour was treated with Discourtesy. The Proceedings of that Body appear to us so flagrantly unconstitutional, coupled with their disrespectful Demeanour in the Instance noticed, as to occasion much and serious Alarm as to their Intention. We are constrained to use strong Language, for we cannot but perceive the degraded State the Majority of the House of Assembly would have placed us in, had a Lieutenant Governor who would have cheerfully acceded to their Dictum succeeded the much and deservedly respected Sir John Colborne. We have indeed great Reason to be thankful that we have nothing to fear whilst your Excellency continues administering the Government of this Province as you have commenced; extending to all Classes that Liberty and Protection which our inimitable Constitution confers.

(465 *Signatures.*)

No. 12.
Sir F. B. Head
to
Lord Glenelg,
4th May 1836.

Enclosures.

(C.)

To His Excellency Sir F. B. Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Inhabitants of the River Trent and its Vicinity, beg leave to assure your Excellency that we should prefer pursuing our several Occupations, and leave the Discussion of Politics to others, but that there are Times in which it behoves every one having a Stake in the Country to come forward in defence of its Institutions. Such we consider the Case at present, when we have Reason to believe that factious and discontented Individuals are using their Endeavours to impose upon the Credulity of the unsuspecting to sign Petitions to the Provincial Parliament to stop the Supplies; alleging that your Excellency is "about to bring the Country into worse Bondage than that of Russian Serfs or Algerine Slaves."

Sir, the Deception is too gross to be swallowed by Men of even inferior Capacities; as British Subjects we know that your Excellency can do no such Thing, and moreover we feel confident that you have no Disposition to do so. Since you have been among us we have seen with Pleasure that your Excellency has endeavoured to uphold the just Prerogatives of the Crown, which is a full Assurance to us that you will never trample upon the Rights of the People.

We deem it therefore our Duty most respectfully to assure your Excellency, that in appreciating the Difficulties with which you are at present surrounded we fully concur in all the Measures your Excellency has taken to uphold the Constitution as by Law established. "That the Constitution should be maintained in its Purity" was the last public Pledge given by our late esteemed Lieutenant Governor, and confirmed by your Excellency in first meeting your Provincial Parliament. All we want is internal Improvement, to enable the Commercial and Agricultural Interests to prosecute their several Avocations in Advantage and Security.

In conclusion, we beg to express to your Excellency our Thanks for the Wisdom, Firmness, and Integrity which have hitherto marked your Administration of the Government of this Province; and we beg to assure you of our firm Determination to uphold by all constitutional Means in our Power the future Administration of your Excellency, whilst it be conducted on the same Principles of Justice, Firmness, and Moderation by which it has hitherto been characterized.

River Trent, 19th April 1836.

(351 *Signatures.*)

(D.)

To His Excellency Sir Francis Bond Head, K. C. H., &c. &c., Lieutenant Governor of Upper Canada, &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the North-east Part of the Township of Toronto and its Vicinity, beg leave to express to your Excellency our deep Regret at finding Persons calling themselves "The Reformers of Upper Canada" attempting to embarrass your Excellency, at the Commencement of your Administration of the Government of this Province, by interfering with your Excellency's Right in the Appointment of your Executive Council.

Enjoying, as we do, "Peace in all our Borders," we are greatly surprised to find that a few restless Individuals, should attempt to interfere with your Excellency's just Prerogative, thereby creating an unnecessary Alarm and Excitement in the Minds of the People.

Ardently attached to the Institutions and Government of Great Britain, we are determined to support your Excellency in the Administration of the same; and as far as in us lies, to oppose a Separation from what is called "The baneful Domination of the Mother Country."

From the candid, firm, and upright Manner in which your Excellency has acted since your Arrival amongst us we are persuaded of your Excellency's Anxiety for

for the Improvement of the Province, and feel confident that (if your Excellency is only allowed Time) you will use every Effort to promote the Welfare and Happiness of the People.

Township of Toronto,
29th April 1836. (73 *Signatures.*)

(E.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Freeholders and Householders of Brantford and its Vicinity, beg leave to assure your Excellency, that we have witnessed with great Pain and Astonishment the Impediments thrown into your Excellency's Path in the Administration of Affairs in this Province, which, under the wise and paternal Instructions of our beloved Monarch, augured so propitiously for the future Advancement of this Province in Wealth, Prosperity, and Renown. We assure your Excellency of our Determination to support your Excellency against the factious Machinations of designing Men, who have long endeavoured to harass and embarrass the Government in all its Proceedings, by their reiterated Attempts to introduce organic Changes, subversive of the Principles of that glorious Constitution under which we have the Happiness to live.

Individually and unitedly we congratulate your Excellency on your Arrival amongst us, and fervently pray that by the Assistance of Divine Providence you may become the hallowed Instrument of Diffusing throughout the Province the Blessings of good Government and Peace, of which your firm Conduct since the Commencement of your Administration is a sure and happy Presage.

(357 *Signatures.*)

(F.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, Inhabitants of the Town of Port Hope in the Newcastle District and its Vicinity, beg leave, at this eventful Crisis in the Affairs of this Province, to assure your Excellency of our firm Attachment to the Principles of our excellent Constitution, and of our Admiration of the manly Firmness and Candour displayed by your Excellency in resisting a factious Opposition when you were about to carry into effect the benevolent Intentions of the Home Government.

We feel it to be our imperative Duty, in the present alarming Posture of Affairs, while your Excellency is assailed on the one Hand by the Enemies of our Constitution, on the other deprived of the Assistance of those from whom you had a Right to expect Support, to offer to your Excellency this Expression of our Determination to maintain inviolate our happy Connexion with the Mother Country, on which the Prosperity of this Colony manifestly depends.

It affords us sincere Gratification to observe, that since your Excellency assumed the Government of this Province, you have evinced, by your dignified and spirited Replies to the Agitators of imaginary Grievances, that sound Judgment and Firmness of Purpose so peculiarly necessary to meet the Difficulties with which you were surrounded.

We trust that the Assurance which we feel warranted in offering to your Excellency, *that a large Majority of the intelligent Inhabitants of this Province approves of the Course your Excellency has pursued*, will "strengthen your Hands," and encourage your Excellency to continue your fearless Resistance of every Attempt of disloyal, ambitious, or misguided Men to overturn our Constitution; and we earnestly hope that neither the disingenuous Opposition of former Friends, the Apathy of lukewarm ones, nor the virulent, unmanly,

No. 12.
Sir F. B. Head
to
Lord Glenelg,
4th May 1836.

Enclosures.

and disgraceful Attacks of the Enemies of all Order, will operate in any degree to deter your Excellency from the steady Reform of Abuses, the Improvement of our local Systems of Polity, and the Developement of our dormant Resources, by the Promise of which your Excellency has cheered our Hearts, and perfected our Confidence in your Principles and Views.

(252 *Signatures.*)

(G.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Order of Merit, and Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's loyal Subjects inhabiting the Township of Lanark in the District of Bathurst, beg leave to approach your Excellency, and express Attachment to our beloved Sovereign, our Reverence for the Laws, and our Thankfulness for the Blessings of the Constitution under which we live.

Studiously engaged in the Labour necessarily attendant on a new Settlement, we have hitherto neither found Time nor Inclination for mixing in the political Strife of Parties agitating this Province; but, having witnessed a Crisis arrive which demands from every loyal Subject an unequivocal Expression of public Opinion, seeing Attempts made to shake the social Edifice, and inspire the peaceable and loyal Subjects therein with the Belief that their Rights are invaded, we feel ourselves called on to state our firm Belief that such Attempts are uncalled for, and calculated to raise an unnecessary Excitement throughout the Province.

We feel Pleasure in stating our Conviction, that during the short Time your Excellency has administered the Government of this Province you have given a sure Pledge, that, whilst you will uphold the Prerogatives of the Crown, you will neither yourself intrench on the Liberties of the Subject nor allow others to do so; and as we admire the manly, straight-forward Conduct of your Excellency, we feel it incumbent on ourselves to declare, that, as Subjects of the British Crown, and *born* on the *British Soil*, we hold it as the first of our Constitutional Duties to preserve inviolate the Rights and Prerogatives of the Crown, as well as to watch for the Liberties of the Subject, and on all Occasions to endeavour to strengthen the Link of Connexion with the Mother Country; convinced that the fostering Care of the Parent Government has been the chief Cause of the Prosperity of this rapidly rising Portion of His Majesty's Dominions.

We most sincerely deplore that any Difference should have arisen between your Excellency and the late Executive Council, such an Event being calculated to afford a *Pretext* for the disaffected and turbulent, disturbing that Peace and Harmony so necessary to the Prosperity and Happiness of this young and rising Country, and of deterring Emigrants, possessed of Wealth and Intelligence, from taking up their Abode amongst us; but, whilst we deplore the Event, we cannot but respond to the Opinion of your Excellency, that, as Governor, under the Constitutional Act, of this Province, you are responsible for all and every Act of your Government; and that in vain would you attempt to shift that Responsibility to the Shoulders of any Man, or Body of Men, however high their Standing or Office within the Province; and therefore consider your Answer to the Representations of the late Executive Council as dictated by Necessity, and warranted by a lively Sense of an imperative Duty.

We would beg leave to add, that having witnessed Attempts made to open a Communication from Upper Canada by Way of New York to the British Ports, we would humbly express our Opinion, that such a Measure would be calculated to injure the *vital* Interest of these Provinces; and therefore pray your Excellency to withhold the Royal Assent, should such Measure assume the Shape of an Act of the Legislature.

In Name and by Appointment of the Inhabitants of Lanark publicly assembled.

Matthew Leech, J.P., Chairman.

Lanark, 20th April 1836. William Gordon, Secretary.

No. 13.

(No. 32.)

No. 13.
Sir F. B. Head
to
Lord Glenelg,
8th May 1836.

EXTRACT of a DESPATCH from Sir F. B. HEAD, K.C.H., to LORD GLENELG, dated Toronto, 8th May 1836.

I HAVE had the Honour to receive your Lordship's Despatch, No. 40, dated 22d March; and as I know it to be my Duty to receive with silent Submission all Expressions of your Lordship's Disapprobation of my Conduct, I will only observe, that my Speech on my Arrival was delivered, not, as your Lordship seems, I know not why, to consider, in the "Council Chamber," but from the Throne in the Hall of the Legislative Council, from which the Speeches of the Lieutenant Governors of this Province have always been delivered.

With respect to the serious Charges, of my having "disregarded the express "Injunctions of the King," of my having "avowed in the most public "Manner that in thus divulging the precise Terms of my Instructions I "was acting in opposition to His Majesty's Orders," and of my having "thereby contributed a little to impugn the Respect due to the Royal Autho-"rity," I have only to state, that had I been ordered to give to both Branches of the Legislature Lord Gosford's Epitome of the Appendix to my Instructions, I should have been too happy to have done so, but I was desired to give "the Substance," which I accordingly did, in your Lordship's Phraseology instead of in my own.

As my Instructions embraced a Reply to every possible Subject of Complaint in both the Canadas, I had hoped it would have occurred to your Lordship, that from Want of diplomatic Experience I was incompetent, on my sudden Arrival here, to write safely upon all these Subjects in my own Words; much less could I take upon myself to withhold any Part of His Majesty's Answer to the Two Legislative Branches of this Province, merely because Lord Gosford had deemed it proper to do so at Quebec.

No. 14.

(No. 33.)

No. 14.
Sir F. B. Head
to
Lord Glenelg,
8th May 1836.

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H. to Lord GLENELG.

My Lord, Toronto, 8th May 1836.

I HAVE had the Honour to receive your Lordship's Despatch No. 41, dated 22d March, in which you inform me that you decline acceding to the Two principal Requests contained in my Despatch of 5th February, and state, that until you shall receive this Reply you must decline the Responsibility of laying my Resignation before the King.

Were I to be guided by my own Interests and deliberate Opinion, I should not hesitate to declare, that the Sentiments contained in my Despatch alluded to have never deviated for a Moment from the Terms in which they were respectfully expressed; but as your Lordship has been pleased to observe, that "the high Opinion you entertain of my Character and Principles is sufficient "to prevent you doing me the Injustice of believing that, at so early a Period, "and without indisputable Necessity, I will abandon the important Trust so "recently committed to my Charge," I will at once prove to your Lordship that I am not a mercenary Man, and that I am willing once again to renounce my Interests and my Wishes in obedience to your Lordship's Request.

I therefore abandon all Claim for Compensation for having given up my Prospects and permanent Salary in England, and for extraordinary Expenses exceeding Two thousand Pounds; I abandon all Claim for an Increase of Salary; and though I declare that my present Income is inadequate, I leave it entirely to your Lordship to increase or diminish my Means, as you may think most advisable; and though I must own I think, in common Justice, my Services in this Province should be rewarded, yet I bow to your Lordship's Decision, that my Salary should only cover my annual Expenditure.

No. 14.
Sir F. B. Head
to
Lord Glenelg,
8th May 1836.

To the Request I made for Compensation to my Family by an Accession of Civil Rank (which I now beg to receive free of Fees), I however continue respectfully but firmly to adhere; and although the Tenor of your Lordship's Despatches, Nos. 40. and 41., induces me to believe that I have, in your Lordship's Estimation, fallen into the common Error of a Man's overvaluing his own Services, yet I trust your Lordship will, on the Receipt of this Despatch, do me the Justice to inform my Family, without Hesitation, of your final Determination on the Subject.

I have the Honour, &c.
(Signed) F. B. HEAD.

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

No. 15.
Sir F. B. Head
to
Lord Glenelg,
11th May 1836.

No. 15.

(No. 35.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

My Lord, Toronto, 11th May 1836.

I HAVE the Honour to forward to your Lordship Eight more Addresses which I have received, One of which, namely, that from the Midland District, bears the Signatures of Forty-three Magistrates.

Enclosures (A.) to (H.)

In consequence of the Promulgation of my Speech, District Addresses requesting me to dissolve the House of Assembly have vigorously commenced, which I expect will show still more clearly the Reaction throughout the whole Province that has taken place in the Public Mind; for it is worthy of remark, that not a single Address has yet reached me in favour of the House of Assembly.

I have now no Doubt whatever that I have Power to obtain a Constitutional instead of a Republican House of Assembly, and that we can discard Bidwell from the Chair. There can also be no Doubt but that these Objects should be effected before it is possible that the Intelligence of my Removal from the Government of this Province can arrive here.

It is therefore my Intention, as soon as the People's Eyes are sufficiently opened to the Conduct of their Representatives, to dissolve the Assembly; which Event I expect will take place within a Month.

I have the Honour, &c.
(Signed) F. B. HEAD.

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

Enclosures referred to in No. 15.

(A.)

(A.)

Address of the Inhabitants of the Township of Plympton, W.D., to His Excellency the Lieutenant Governor of the Province of Upper Canada.

To Sir Francis Bond Head, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's loyal and dutiful Subjects, residing in the Township of Plympton in the Western District, take leave most respectfully to convey to your Excellency the strongest possible Assurances of our firm Attachment to the existing Institutions of our Country, our Respect for its Laws, and Submission to its Rulers.

Convinced,

Convinced, as we are, that where there is no Obedience there can be no Government (and consequently no Security to be derived from those Principles in which originated the social Compact, viz., Security of Person and of Property), we beg to express to your Excellency our Determination, to the utmost of our feeble Abilities, to maintain and to inculcate *that* Obedience, as the most effectual Means of securing to ourselves the Benefits which we enjoy under the Patronage of a paternal Government, as well as of frustrating the base Designs of those who would deprive us of them with a view solely to a transient and vulgar Popularity; and who, like the ominous Birds of the Storm, delight in the Breakers of the sunken Ledges and the treacherous Reef, but mourn at the laughing Bosom of a quiescent World.

At a Time when such Men are found endeavouring to disturb the Elements of Society, Men of "Perseverance, of Cunning, and of Falsehood," as has been justly observed by your Excellency's respected and beloved Predecessor, we feel that it cannot be unacceptable to our Rulers to receive the Assurance of a Township *unanimous* in Feelings connected with good Government, Tranquillity, and social Happiness.

We think, with your Excellency, that the past must be forgotten, and the future alone looked forward to for the *full* Development of those Blessings which a bountiful Providence has bestowed, and of which the Infidel and the Demagogue would deprive us. And we confidently feel, from the Firmness which your Excellency has already displayed, and the Vigour of Mind which Fame has long assigned to your Excellency, that the vile Efforts of the wicked and the desperate will be rendered abortive, and that this our adopted, fair, and fertile Country will continue prosperous, prospering, and happy.

We desire not to trespass upon that Time which your Excellency's multifarious Duties must demand, and shall therefore merely add, that we hope your Excellency will consider this Expression of our Sentiments as coming from those who, having uttered them with Sincerity, shall retain them with Fidelity.

Signed on behalf of a public Meeting held at
Plympton, the 23d Day of April 1836,

George Hyde, Chairman.

Thos. L. Crooke, Secretary.

(B.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of Upper Canada.

May it please your Excellency,

We, the undersigned Inhabitants of the Township of Darlington, in the Newcastle District, viewing with Regret the political Excitement which has been kept up by a Faction of discontented and ambitious Men, as well during the Administration of your much respected Predecessor as since your Excellency has assumed the Reins of Government of this Province, feel ourselves at this Time called upon to tender to your Excellency our sincere Thanks for, and warm Admiration of the firm, able, and dignified Manner in which you have met the factious Opposition of those who, for the Gratification of their own private Ends, have made use of the Power which they have unfortunately acquired for the Purpose of raising a Spirit of Discontent and systematic Opposition to the Measures of Government among the Inhabitants of this Province.

We are well aware that the Prevalence of this System, which appears to have had its Origin in, and to be carried on in concert with, the disaffected of our Sister Province, has materially retarded the Improvement of this Portion of His Majesty's Dominions; at the same Time, we feel assured that a

 Majority

No. 15.
Sir F. B. Head
to
Lord Glenelg,
11th May 1836.

(B.)

Majority of the Inhabitants of Upper Canada view with Disgust and Dissatisfaction the Acts of a Party, who, regardless of the Ruin and Distress which they must bring upon the Country, have, by their recent Measures, so clearly evinced the Motives by which they are influenced.

We cannot but admire the decided, at the same Time conciliatory, Course pursued by your Excellency during the late conflicting Discussions, and the ready Pledge which you have given of your Willingness to redress all real Grievances will, we trust, be properly appreciated by all Parties. However embarrassing it must have been to your Excellency to be deprived of the Services and Opinions of Gentlemen, who, by long Experience, had no doubt acquired a Knowledge of the State and Interests of the Province, still we cannot say that we feel Regret that your Excellency should have been pleased to take to yourself a new Set of Advisers as Members of your Executive Council, as many of us have seen and felt the baneful Effects of long-continued and irresponsible Power, when entrusted to a few Individuals extensively connected by Family Ties throughout the Province.

That your Excellency may continue to show a fearless and determined Opposition to such Innovations and Changes as would tend to destroy our happy Constitution, is the fervent Prayer of the undersigned, His Majesty's Loyal Subjects of the Township of Darlington.

(133 *Signatures.*)

(C.)

(C.)

To His Excellency Sir Francis Bond Head, K.C.H., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

The Inhabitants of the Township of North Crosby, in the Johnstown District, beg to offer to your Excellency their Thanks for your faithful and talented Administration of the Affairs of this Province since your Arrival amongst us.

We are proud to hail in the Representative of a Sovereign who reigns in all our Hearts a firm Guardian of the British Interest; and we confidently anticipate that under your Excellency's Auspices the British Inhabitants of this fine Colony will be able to secure a true and equitable Representation of their Feelings in the Commons House of Assembly.

We assure you of our Desire zealously to unite with your Excellency in your gracious Determination to uphold the Liberties of His Majesty's Subjects in this Colony, and to prevent all Encroachments on the Prerogatives of the Crown inconsistent with the free Spirit of our unrivalled Constitution.

Isthmus, North Crosby, 23d April 1836.

(46 *Signatures.*)

(D.)

(D.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, the undersigned Freeholders and Inhabitants of the Township of Orillia, beg to approach your Excellency at the present Crisis to express our devoted Attachment to the excellent Constitution under which we have the Happiness to live, and to that Connexion with the Parent State which is at once the Strength, the Security, and the Glory of this Province.

We beg to testify our entire Approval of the dignified, manly, and honourable Conduct which, in regard to the Part taken by certain Members of the late Executive Council, your Excellency has lately displayed.

We

We place entire Confidence in the Efforts which your Excellency has made and is still making to forward every Improvement, and to promote the best Interests and true Happiness of the People of this rising and important Province.

Orillia, 23d April 1836.

(71 *Signatures.*)

(E.)

Sir, Kingston, 3d May 1836.

(E.)

I have the Honour of now addressing you in order to state that Anthony Manahan, Esquire, has been requested to present to His Excellency the Lieutenant Governor an Address from the Magistrates of the Midland District, of which Body he is himself a Member.

I have the Honour, &c.

J. Joseph Esquire, &c. &c. &c.

JOHN MACAULAY,
Q^r Sess. M. Dist.

Sir, Toronto, 10th May 1836.

In presenting the Address, with the Delivery of which I was charged by my Brother Magistrates of the Midland District, I omitted to state to His Excellency that I am aware of the Intention of several other of the Bench of Magistrates of that District to join in the Expression of their Gratitude to His Excellency for the dignified and uncompromising Manner after which he treated the undue Interference of the Representatives of the People with the defined Prerogatives of the Crown; and I may add that a Duplicate of the Address will be transmitted bearing the Signatures of the whole Bench, with Two or Three Exceptions.

I have the Honour, &c.

John Joseph, Esq.

A. MANAHAN, J.P.

Sir, Belleville, 23d April 1836.

Unable to attend the General Quarter Sessions to be held at Kingston this Month, in consequence of the Election for the County which will commence on the 25th Instant, and desirous to co-operate in any Address which may be voted by the Magistrates of this District in Sessions to His Excellency Sir Francis B. Head, our Lieutenant Governor, expressive of our Loyalty and Attachment to the British Crown and Constitution, and approving of His Excellency's dignified and uncompromising Conduct in the Administration of the Affairs of this Province since his Accession to the Government, we request you will be pleased to affix our Signatures and signify to the Court our willing Assent to any such Address, particularly as we deem such a Course, although novel, yet necessary at a Time of unjustifiable Excitement upon the Merits of that Administration.

We are, Sir,

T. PARKER, J.P.
WILLIAM KITCHESON, J.P.
EDWARD FIDLAR, J.P.
ELIJAH KITCHESON, J.P.
G. N. RIDLEY, J.P.
THOS. D. APPLEBY, J.P.

Anthony Manahan, Esq.

A. MARSHALL, J.P.

My dear Sir, Saturday Afternoon.

I had not Time to sign the Address of the Magistrates of our District to the Lieutenant Governor this Morning, and will therefore thank you to attach my Name to it.

Yours very truly,

A. Manahan, Esq., Kingston.

H. SMITH.

No. 15.
Sir F. B. Head
to
Lord Glenelg,
11th May 1836.
(E.)

My dear Sir, Napane, 26th April 1836.

I have lost no Time in getting the Magistrates to sign a Paper expressing their Opinion that they should address the Governor as you proposed. I still want Mr. Caton's Name to it, and if I do not send it down To-day by Mr. Detlon I will send it to you To-morrow by Post.

I am sorry to learn that some of our Roman Catholic Friends in Belleville are among Mr. M'Nab's most powerful Opponents, particularly Mr. O'Reilly, Mr. Martin Ryan, and Mr. Hugh M'Ginnis.

It was my Intention to have gone to Kingston this Day, and to have applied to the Lord Bishop, begging of him, if he thought proper, to write to those Gentlemen a Line of Advice on the Subject, but as Sickness in my Family and other Circumstances prevent me from going, perhaps you would see the Propriety of making this Application to his Lordship, and if you did, I have no Doubt but an Application or Representation from you would have much greater Weight with his Lordship than any thing I could say on the Subject.

Our Address to the Governor will, I hope, be pretty numerously signed; we have not yet got in the Subscription Lists from the Country, but we have got about 200 Signatures to it here. I hear they have got an Address up in Camden which is well supported by the Reformers.

I am, &c.
Anthony Manahan, Esquire. Allan Macpherson.

N.B. Should you be enabled to procure the Advice mentioned, and that you will send the same under Cover to me, I will forward it without any Expense to the Parties, or perhaps you might send it under Cover to Parker at once.

We, the undersigned Justices of the Peace in and for the Midland District, are of opinion, that an Address should be presented to His Excellency the Lieutenant Governor from the Magistrates of the Midland District in General Quarter Sessions assembled, expressive of their Disapprobation of the present Excitement raised against His Excellency's Administration of the Government of this Province.

Allan Macpherson, J.P.
G. H. Detlon, J.P.
John Embury, J.P.
John Portt, J.P.
Jacob B. Chamberlain, J.P.
Arch. M'Neill, J.P.
22d April 1836. Arch. Caton, J.P.

We agree to the foregoing Proposition of the Gentlemen Magistrates of the County of Hastings.

A. Manahan, J.P.
Jas. Macfarlane, J.P.
Colin Mackenzie, J.P.
John Strange, J.P.
Arch. Macdonnell, J.P.
William Simkins, J.P.
Jacob Rombough, J.P.
Samuel Clark, J.P.
Peter Davy, J.P.
Elijah Beach, J.P.
Thomas Askew, J.P.
Lawrence Hershmer, J.P.
Alex. Cowan, J.P.
Robert Richardson, J.P.
W. H. Gray, J.P.

Kingston, 27th April 1836.

No. 15.
Sir F. B. Head
to
Lord Glenelg,
11th May 1836.

(F.)

(F.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's faithful Subjects, the undersigned Magistrates of the Midland District, beg leave to approach your Excellency with the Expression of our unfeigned Gratitude to His Majesty, our good and gracious King, for having appointed your Excellency to administer the Government of this Province at this especial Time.

Under Circumstances of unusual and uncalled-for Excitement and Embarrassment your Excellency's dignified, dispassionate, and firm Conduct in the Management of public Affairs here merits, and is, in some Degree, recompensed by our warmest Thanks. Your Excellency's calm and deliberate Manner of meeting these Embarrassments, and the solid Reasoning with which you sustain the constitutional Ground which your Excellency has taken up, cannot fail to have a salutary Effect in repressing the Growth of political Error, and in confirming the People of this Province in their Attachment to His Majesty's Government, and Contentment with their favoured Condition.

Fervently hoping that it may be so, we have but to add the respectful Assurance of our anxious Desire to maintain the Constitution and Laws of the Province, and our happy Connexion with the Mother Country, pure and inviolate.

W. Simkins, J.P.
S. Clark, J.P.
John Strange, J.P.
Gervase Yeomans, J.P.
G. H. Detlon, J.P.
Jacob Rombough, J.P.
Lawrence Hershmer, J.P.
Robert Richardson, J.P.
Thomas Askew, J.P.
Isaac Fraser, J.P.
J. Marks, J.P.
Alex. Cowan, J.P.
Peter Davy, J.P.
A. Pringle, J.P.
A. Manahan, J.P.
Thomas Parker, J.P.
William Kitcheson, J.P.
Edward Fidlar, J.P.
Elijah Kitcheson, J.P.
George N. Ridley, J.P.
Thomas D. Appleby, J.P.
Anthony Marshall, J.P.
Allan Macpherson, J.P.
John Embury, J.P.
John Portt, J.P.
Jacob B. Chamberlain, J.P.
Archibald M'Neill, J.P.
Archibald Caton, J.P.

By their Authority,
A. Manahan.

Court House, Kingston, 27th April 1836.

(G.)

(G.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's faithful Subjects, the undersigned Magistrates of the Midland District, beg leave to approach your Excellency with the Expression of our unfeigned Gratitude to His Majesty, our good and gracious King, for having appointed your Excellency to administer the Government of this Province at this especial Time.

Under Circumstances of unusual and uncalled-for Excitement and Embarrassment, your Excellency's dignified, dispassionate, and firm Conduct in the Management of public Affairs here merits, and is, in some Degree, recompensed by our warmest Thanks.

 Your

No. 15.
Sir F. B. Head
to
Lord Glenelg,
11th May 1836.

(G.)

Your Excellency's calm and deliberate Manner of meeting these Embarrassments, and the solid Reasoning with which you sustain the constitutional Ground you have taken up, cannot fail to have a salutary Effect in repressing the Growth of Political Error, and in confirming the People of this Province in their Attachment to His Majesty's Government, and Contentment with their favoured Condition.

Fervently hoping that it may be so, we have but to add the respectful Assurance of our anxious Desire to maintain the Constitution and Laws of the Province, and our happy Connexion with the Mother Country, pure and inviolate.

Court House, Kingston, 27th April 1836.

(43 *Signatures.*)

(H.)

(H.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, Inhabitants of the Townships of Nichol and Woolwich, in the Gore District, beg leave respectfully to congratulate your Excellency upon your Appointment to the high Office of Lieutenant Governor of Upper Canada, and upon your Arrival in the Province to assume its arduous and important Duties. We also beg leave humbly to state that we highly approve the liberal and enlightened Policy disclosed by your Excellency as intended to be applied to all Branches of His Majesty's Service and to the Encouragement of such useful practical Improvements as will tend to the Production of happy and beneficial Effects upon the future Prospects and Advancement of this Province.

We view with unmingled Satisfaction and Approval your Excellency's energetic Determination to foster the growing Interests of this Province, " by looking steadily forward to its future Prosperity and Improvement, by attracting into Upper Canada the superabundant Capital and Population of the Mother Country, and by encouraging internal Peace and Tranquillity," thereby promoting its true Interests by adding to the Number of its Inhabitants, and encouraging in them a laudable Spirit of Enterprise and Improvement, and trust that no unwise or illiberal Policy may mar the full and unrestricted Application of your Excellency's Resolve. The Tract of Country we inhabit has recently benefited in a peculiar Degree by the Influx of Emigration and the Introduction of Capital from Great Britain ; and we believe the universal Feeling of the Country will respond to the Expression, that to elevate us to the exalted Rank of a great and important agricultural and commercial People, we require but the Adoption of such a liberal and encouraging Line of Policy as will throw open the native Fertility and vast Resources of the Country to be fostered and developed by the Industry, Wealth, and Energies of an increased Population.

We further beg leave to represent that to afford efficient Encouragement to Emigration, and as a Means of attracting British Subjects and others emigrating to the United States into Upper Canada, we respectfully call your Excellency's Attention to the Formation of such a salutary and efficacious Code of Regulations for the Disposal of the Waste Lands of the Crown as will give every desirable Facility to intending Purchasers, both as regards Information and their Disposal at such a reasonable Price as will insure to the Settler a speedy Return of the Capital invested from the Cultivation of the Soil.

To provide for the increasing Emigration to this Section of the Province we beg respectfully to direct your Excellency's Attention to the Survey and Sale of the Tract of Land in the Rear of the Townships of Nichol and Woolwich (marked

(marked upon the Map as "Reserved Lands") which from the Fertility and natural Advantages of the Soil, the Healthiness of the Climate, and its Proximity to rapidly increasing Settlements, will immediately be sought after as offering many Advantages to the industrious and enterprising Settler.

(183 *Signatures.*)

No. 15.
Sir F. B. Head
to
Lord Glenelg,
11th May 1836.

(H.)

No. 16.

No. 16.
Sir F. B. Head
to
Lord Glenelg,
14th May 1836.

(No. 36.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H. to Lord GLENELG.

My Lord, Toronto, 14th May 1836.

I HAVE this Morning received your Lordship's Despatch, No. 43., dated 30th March, in which your Lordship has been pleased (in confirming the Appointment of Messrs. Dunn, Baldwin, and Rolph as Executive Councillors) to express your Approbation of the Course I adopted with reference to the Conditions attempted to be attached by Mr. Baldwin to his Acceptance of the Post of Executive Councillor.

I cannot express to your Lordship the Satisfaction I have derived from this Communication, as it indicates a Determination to support me in the arduous Duties I have had to perform.

I have no Fear whatever of crushing the Republicans in this Province, and of re-animating the Constitutionals, if I receive from your Lordship a Continuance of this Support.

I have the Honour, &c.
(Signed) F. B. HEAD.

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

No. 17.

No. 17.
Sir F. B. Head
to
Lord Glenelg,
16th May 1836.

(No. 37.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H. to Lord GLENELG.

My Lord, Toronto, Upper Canada, 16th May 1836.

IN case your Lordship should deem it advisable to remove me from the Government of this Province, in consequence of the Request contained in my Despatch of the 5th of February, and respectfully repeated in No. 33., dated the 8th Instant, I am desirous calmly to bring before your Lordship's most serious Consideration the Importance and urgent Necessity of sending out my Successor immediately, as I can practically assure you that nothing can be a greater Disadvantage to the Lieutenant Governor, as well as to the Province, than his arriving, as I did, ignorant of all the various Branches and Departments in which the Affairs of this Province are conducted.

I beg leave, moreover, to observe, that not only would my Successor reap Advantage by having a little Leisure for Observation and Reflection before he be actually called upon to determine upon the important Subjects which require his Decision, but that I myself am becoming every Day seriously embarrassed by the Uncertainty in which I exist.

During the Three Months of Suspense which elapsed between the first Expression of my Request, dated 5th February, and your Lordship's Reply, I managed, with considerable Difficulty, to advance against the Republicans, hampered by Preparations to retreat, at a Moment's Warning; but I foresee that the Measures I shall shortly have to take must unavoidably assume every Day a more decisive Character, and I therefore hope your Lordship will see the Propriety of coming at once to a final Decision on my Case.

With your Lordship's Decision I am perfectly prepared to rest satisfied, but as I feel I did not sufficiently explain the Grounds of my Request, I beg leave to do so by the following short Statement. At the Time I was requested to

No. 17.
Sir F. B. Head
to
Lord Glenelg,
16th May 1836.

assume the Government of Upper Canada I was in the Receipt of the following Emoluments :—

	£	s.	d.
Salary of an Assistant Poor Law Commissioner - - -	700	0	0
Allowance of 1*l.* 1*s.* per Day - - - -	383	5	0
Allowance of 9*s.* per Day in lieu of travelling - -	164	5	0
Pay and Allowances to my Son as Clerk - - -	180	0	6
Total Annual Income which I gave up at the Request of His Majesty's Government -	1,427	10	6

The following is a List of Fines, Fees, and Expenses which were subsequently imposed upon me :—

	£	s.	d.
For my Commission - - - - -	212	0	0
For travelling Expenses for myself and Suite, with Outfit -	800	0	0
Paid Sir John Colborne for a Part of his Furniture, &c. -	1,050	0	0
Extra Expenses in England for Furniture, &c. &c. to be brought out - - - - -	1,000	0	0
	3,062	0	0
Deduct Allowance granted to me by His Majesty's Government to defray the above Expenses -	300	0	0
Total Amount of Fees and Expenses -	2,762	0	0

Having given up a permanent Income of 1,427*l.*, and having incurred Expenses of 2,762*l.*, I requested, in my Despatch to your Lordship of the 5th of February, that my Allowance might be made equal to that of my Predecessors; but as that Request did not meet with your Lordship's Approbation, I abandoned it, adhering to the Request of an Accession of Civil Rank, free of Fees.

If this Request be deemed also inexpedient, I have begged, and still earnestly desire, to be permitted to retire, on Two Grounds :—

1st. That I have not sufficient Means to enable me to maintain my Station, encumbered as I am by a Military Rank inferior to that of various Officers under my Command.

2d. That in justice to my Family I cannot consent to transport them to this Country, from which, after my Services are worn out, I shall return deeply in Debt, besides having lost my Income and Prospects in England. As far as the Public Service is concerned, I will pledge myself to tranquillize Upper Canada; but I frankly declare to your Lordship that I cannot afford to injure my Family, and that the least Remuneration I respectfully require is Civil Rank, free of Fees.

If this be deemed more than my Services are worth, I shall retire from the Colonial Service with at least the Consciousness of having served it faithfully.

I conclude by again asking your Lordship to do me the Favour to inform my Family whether they may come to me, on the Terms I have mentioned, or I to them.

I have the Honour, &c.

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

F. B. Head.

I believe nothing would tend more to show the Republicans here His Majesty's Determination to support me against them than the Mark of Favour I have solicited.

No. 18.

No. 18.
Sir F. B. Head
to
Lord Glenelg,
19th May 1836.

(No. 38.)

Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg.

My Lord, Toronto, Upper Canada, 19th May 1836.

I have the Honour to transmit to your Lordship an Address which was this Morning presented to me by a Deputation from the Electors of this City, with my Answer thereto.

I would direct your Lordship's Attention to the Fact, that at the last general Election for the City the total Number of Votes that were polled amounted to 512, and that to the present Address there are attached no less than 461 Signatures.

First Enclosure.

I have also the Honour to transmit an Address from the Electors of the County of Lenox, of which Mr. Speaker Bidwell and Mr. Perry (the Chairman of the Committee who drew up the Report on my Correspondence with my late Executive Council) are at present the Members. It will explain to your Lordship the Reaction which is taking place in this Province.

Second Enclosure.

I may also observe that I have this Evening received official Information that Twelve hundred Electors of the Gore District are coming down in a Body to Toronto, to present to me in person an Address strongly supporting me in the Measures I have adopted.

I have theHonour, &c.

The Right Hon. Lord Glenelg, F. B. Head.
&c. &c. &c.

First Enclosure in No. 18.

Enclosure No. 1.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We the Inhabitants, Electors of the City of Toronto, beg to renew to your Excellency the Expression of cordial Approbation of your Conduct in the Administration of the Government, which, on the Occasion of your Excellency's Difference of Opinion with the late Executive Council, we had the Honour of submitting to you.

The Sentiments expressed by us then remain unchanged, but the State of Affairs has since that Time materially altered. Notwithstanding the Expression of public Opinion on that Question, and although the Arguments justifying your Excellency's Course are yet unanswered, the House of Assembly, without regard to the mischievous Consequences which must result from such a Procedure, and in the Absence of any such Emergency as alone could justify them in adopting it, allowed the Time fixed for the Prorogation to arrive without making any Provision for the public Service. This Measure, as might well have been expected, has had the Effect of preventing any other Bills being passed for the Expenditure of public Money, and has, for the Time, put a Stop to the Course of much needed Improvements. In consequence the Business of this City is already suffering: the Mechanics, who before found ample Employment, are leaving by Hundreds, and every Man among us is feeling the Stagnation of Improvement and active Employment, which the Want of the usual Supplies has caused. That your Excellency should recede from the Conclusion which you have adopted is not only undesired by us, but we should deprecate any Abandonment of your declared Policy. That the present House of Assembly will meet the Wishes of their Constituents, and change their Line of Conduct by following one which would give to the Country the immediate Benefit of those Measures which your Excellency's Instructions, communicated by Message, had intimated, and which the Country requires, is, in our Opinion, not to be hoped. We are therefore left to the Prospect of a Loss of valuable Time and of severe Pressure on all Classes of Society throughout the Province, so long as the present Representatives continue to hold their Seats. There is one obvious Remedy presents itself, a Remedy which, however, rests in the

No. 18.
Sir F. B. Head
to
Lord Glenelg,
19th May 1836.

Enclosure No. 1.

Royal Prerogative; and we appeal to your Excellency to give the Case your careful Consideration, and to take such speedy Measures for our Relief as the Necessities of the Country seem to require.

We avoid referring particularly to many other Considerations of public Affairs which tend strongly to fortify our Appeal, as we are satisfied that they will not be overlooked by your Excellency, and that the State of the Province is such as renders the Relief we pray for alike necessary and just.

(461 *Signatures.*)

Gentlemen,

No one can be more sensible than I am that the Stoppage of the Supplies has caused a general Stagnation of Business, which will probably end in the Ruin of many of the Inhabitants of this City. And in proportion as the Metropolis of the Province is impoverished the Farmer's Market must be lowered, for how can he possibly receive Money when those who should consume his Produce are seen flying in all Directions from a Land from which Industry has been publicly repelled?

But I am guiltless of the Distress which Upper Canada must shortly most bitterly endure; for in my legislative Capacity I have never lost an Opportunity of entreating that I might be assisted in attracting into this Province, by Tranquillity, the Wealth and Population of the Mother Country. In this simple peaceful Doctrine I have, however, been opposed by a fatal Declaration, which emanated, I regret to say, from the Metropolitan County, that "the Constitution was in danger!" and that the *grand Object* was to "*stop the Supplies!*"

Well, Gentlemen, this "grand Object" has been gained for you, and what, I ask, has been the Result?

The Clerks and Messengers in the Government Offices, who during a long Session have laboured unremittingly for the Public Service, are now surrounded by their Families perhaps pennyless. Money, which would not only have improved your Roads, but would have given Profit and Employment to Thousands of deserving People, is now stagnant; the Sufferers in the late Wars have lost the Remuneration which was absolutely almost in their Hands; Emigration has been arrested; and instead of the English Yeoman arriving with his Capital in this free British Country, its Mechanics in Groups are seen escaping from it in every Direction, as if it were a Land of Pestilence and Famine; all just Claim for Assistance from the Mother Country has vanished; every Expectation of Relief from internal Industry is hourly diminishing.

In the flourishing Continent of North America the Province of Upper Canada now stands like a healthy young Tree that has been girdled, its drooping Branches mournfully betraying that its natural Nourishment has been deliberately cut off.

With Feelings of deep Melancholy I acknowledge myself to have been apparently defeated. The Object of my Mission, my Exertions, my Opinions, my earnest Recommendations, have been received by Language to which I have no Desire to allude, and the "grand Object" of "stopping the Supplies" is now termed by its Promoters "the Victory of Reform."

Gentlemen, I have no Hesitation in saying that another such Victory would ruin this Country.

But this Opinion is hourly gaining Ground; the good Sense of the Country has been aroused; the Yeoman has caught a Glimpse of his real Enemy; the Farmer begins to see who is his best Friend; in short, People of all Denominations, of all Religions, and of different Politics, rallying round the British Flag, are now loudly calling upon me to grant them constitutional Redress.

When the Verdict of the Country shall have been sufficiently declared, I will promptly communicate my Decision.

Second Enclosure in No. 18.

No. 18.
Sir F. B. Head
to
Lord Glenelg,
19th May 1836.

Enclosure No. 2.

To His Excellency Sir Francis Bond Head, Knight, Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

It was with Feelings of Gratification and Delight that we, the Inhabitants of the County of Lenox, learned that the Choice of our Monarch in appointing your Excellency to the Administration of this Province had fallen upon a Personage who, by the most vivid Displays of Energy and Talent in Matters which had long engaged the Attention of the Imperial Parliament, had so successfully won his Way to public Opinion.

In common with all His Majesty's loyal Subjects within the Province we are deeply interested in the proper Administration of the Government thereof, and consequently it becomes our Privilege, upon any vital or important Measure, to declare to your Excellency our unbiassed Opinion with Candour and even-tempered Independence.

It was with Satisfaction we observed the Course pursued by your Excellency, on assuming the Reins of the Provincial Government, in endeavouring to do away with all Causes of Party Complaint, by calling to your Council Men of acknowledged Talent and Integrity, which, we conceive, was a sufficient Earnest of the intended Impartiality of your Excellency's Administration.

Relying on the Purity of your Excellency's Intentions, it was with Surprise and Regret unmixed that we observed Men possessing the Acquirements of those who composed your late Council should so hastily and perseveringly insist upon a new Construction of the Constitution of that Body; and that it is our unqualified Opinion that the Interpretation given by your Excellency of the Non-responsibility of the Executive Council to the People is in perfect Accordance with the Spirit of our Constitution, and has been explained by your Excellency in a Manner so lucid as must satisfy every observant or well-regulated Mind.

We would express to your Excellency that we are strongly attached to the Constitution as granted in 1791 by George the Third, of revered Memory; that we are desirous to maintain our Connexion with the Parent State, and to uphold inviolate the Charter of our Colony; and that it is with the proudest Feelings of Satisfaction we have perceived the uniform, energetic, and uncompromising Character which has hitherto marked your Excellency's Administration, thus tending to realise all the Ends we so ardently desire.

Our confident Hope is, that when the present transitory State of public Excitement has passed away, your Excellency will be able to devote all the Energies of your Mind for effecting such temperate Reforms as our Government may require, and perfecting such Measures as will tend to the Development of the agricultural and commercial Resources of this interesting and much favoured Colony.

(461 *Signatures.*)

Napanee,
19th April 1836.

No. 19.

No. 19.
Sir F. B. Head
to
Lord Glenelg,
28th May 1836.

(No. 40.)

Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg.

My Lord, Toronto, 28th May 1836.

I have the Honour to transmit to your Lordship a Copy of a Gazette Extraordinary, by which it will appear that I this Day dissolve the Provincial Parliament. The new Elections will be concluded on the 27th of June.

The Number of Signatures attached to the loyal Addresses I have received already amount to 24,100. Many others are on their Way.

I have the Honour, &c.

The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

(41.)

No. 19.
Sir F. B. Head
to
Lord Glenelg,
28th May 1836.

Enclosure No. 1.

Enclosure in No. 19.

Upper Canada Gazette Extraordinary.

Toronto, Saturday, 28th May 1836.

By Authority.

F. B. Head, Lieutenant Governor.

William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. &c. &c.

To Our beloved and faithful Legislative Councillors of Our Province of Upper Canada, and to Our Knights, Citizens, and Burgesses of the House of Assembly of Our said Province, called and chosen to Our present Parliament of Our said Province, and to all Our loving Subjects to whom these Presents shall come, Greeting.

Whereas We have thought fit, by and with the Advice of Our Executive Council of Our Province of Upper Canada, to dissolve the present Provincial Parliament of Our said Province, which stands prorogued to the Fourth Day of July now next ensuing.

Now know ye, that We do for that End publish this Our Royal Proclamation, and do hereby dissolve the said Provincial Parliament accordingly. And the Legislative Councillors, and the Knights, Citizens, and Burgesses of the House of Assembly, are discharged from their Meeting and Attendance on the said Fourth Day of July next ensuing

In testimony whereof We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed. Witness Our trusty and well-beloved Sir Francis Bond Head, K. C. H., &c. &c. &c., Lieutenant Governor of Our said Province, at Toronto, this Twenty-eighth Day of May in the Year of our Lord One thousand eight hundred and thirty-six, and in the Sixth Year of Our Reign.

F. B. H.

Samuel P. Jarvis, Clk. Crown in Chancery.

By Command of His Excellency in Council,
D. Cameron, Secretary.

F. B. Head, Lieutenant Governor.

William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, &c. &c. &c.

To all to whom these Presents shall come, Greeting.

Whereas We are desirous and resolved, as soon as may be, to meet Our People of Our said Province of Upper Canada, and to have their Advice in Provincial Parliament: We do make known Our Royal Will and Pleasure, and we do hereby summon and call together an Assembly in and for the said Province, to meet on the Sixteenth Day of July now next ensuing: And We do hereby further declare, that, with the Advice of Our Executive Council for the Affairs of this Province, We have this Day given Orders for the issuing out Writs in due Form, for summoning and calling together an Assembly in and for the said Province, which Writs are to bear Teste the Twenty-eighth Day of May instant, and to be returnable on the Sixteenth Day of July now next ensuing.

In testimony whereof We have caused these Our Letters to be made Patent, and the Great Seal of Our said Province to be hereunto affixed. Witness Our trusty and well-beloved Sir Francis Bond Head, K. C. H., &c. &c. &c., Lieutenant Governor of Our said Province, at Toronto, this Twenty-eighth Day of May in the Year of our Lord One thousand eight hundred and thirty-six, and in the Sixth Year of Our Reign.

F. B. H.

Samuel P. Jarvis, Clk. Crown in Chancery.

By Command of His Excellency in Council,
D. Cameron, Secretary.

No. 20.

No. 20.
Sir F. B. Head
to
Lord Glenelg,
28th May 1836.

(*Private.*)

Copy of a Despatch from Sir F. B. Head, K. C. H., to Lord Glenelg.

My Lord, Toronto, 28th May 1836.

My official Communication of this Day's Date will inform your Lordship that I have dissolved the Provincial Parliament.

Of course a most violent Contest will take place, and I need hardly observe that it is one upon which our Possession of the Canadas may almost be said to depend.

Sensible as I am of its Importance, I feel calm and tranquil as regards its Result.

In South America Truth and Justice carried me through Difficulties even greater than those I have now to contend with, and I have the firmest Reliance that they will again be triumphant.

I enclose to your Lordship a printed Copy of an Answer I this Day gave to one of the numerous Addresses I have received.

In all my other Answers I have been cool and calm, but in this I have made an Exception, because I have long determined to notice that Letter which Papineau addressed to Mr. Speaker Bidwell.

The Fact is, Papineau as well as Bidwell, and all their Party, have long endeavoured to inculcate the Idea that the whole of the Population of the Canadas are "united to a Man;" that they only tolerate the British Government, and that consequently they can throw it off when they choose.

Now I think it highly necessary that this artful Spell should be broken, that the Truth should be proved to be a [*sic. Orig.*] and I have therefore done so effectually.

I am quite sure that my Answer will do Papineau the greatest possible Injury; for it will prove his Theory to have been false; it will re-animate the Loyalists; and as our own Militia Regiments all assemble for a few Days on the 4th of June, the Appeal will stir them up, and turn their Votes in the right Direction.

I am aware that the Answer may be cavilled at in Downing Street, for I know it is not exactly according to Hoyle; Mais, Mon Seigneur, croyez vous donc qu'on fasse des Révolutions avec de l'Eau de Rose? It is impossible to put down Republicanism by soft Words.

I have only One Moment, as the Mail is starting.

I remain, &c.

The Right Hon. the Lord Glenelg, F. B. Head.
&c. &c. &c.

Enclosure.

Enclosure.

The following is the Reply of His Excellency the Lieutenant Governor to an Address presented this Day from Electors of the Home District, praying His Excellency to dissolve the present House of Assembly.

Gentlemen, Toronto, 28th May 1836.

The Addresses I have received, requesting me to dissolve the present House of Assembly, are so numerous, the Signatures are so respectable, and the firm manly Language conveyed to me from all Parts of the Province is so strongly corroborative of a Feeling of general Disapprobation of the harsh Measure that has been resorted to by stopping the Supplies, that I shall no longer hesitate to exercise my Prerogative by dissolving the Assembly.

With respect to a certain Letter which you state was "laid on the Table of "the House of Assembly a few Hours before the Prorogation of the Legis- "ture, purporting to come from the Speaker of the House of Assembly of "Lower Canada, and addressed to the Speaker of the House of Assembly "here," I have long refrained from noticing that Document, although it has repeatedly been indignantly referred to in the Addresses of this Province; because as the Resolution of the House of Assembly of Lower Canada, dated 15th February, merely authorized their Speaker to "transmit Copies of the

No. 20.
Sir F. B. Head
to
Lord Glenelg,
28th May 1836.

Enclosure.

" foregoing Resolutions to the Speakers of the several Assemblies of Upper " Canada, and of the *Sister* Provinces, and to express the Desire of this House " cordially to co-operate with the said Assemblies in all constitutional Measures " calculated to promote the mutual Interests of these Colonies," it was evident to me that as Mr. Speaker Papineau's Duty was thus clearly prescribed to him, he was not authorized to tack to his official Communication his own private Sentiments, nor was he in any Way justified in proclaiming them in the First Person Plural as follows:

" These Ministers *we* impeach." " Were *we* to resign *ourselves* to a " degrading System of Servitude." " If Misrule went on unchecked in any " of those neighbouring Colonies without exciting *our* Sympathy, *your* Ills " would soon become *our* Ills, and *ours* would reach *you* in return." " If *you* " have to complain of Evils similar to *ours*, or of any other Evils, all consti- " tutional Means in the Power of the People of this Province would readily be " resorted to to aid *you* in their Removal. Such good Offices it is the Duty " of every Colony to render and to accept in turn."

It must be evident to every liberal-minded Man that the House of Assembly of Lower Canada did not authorize Mr. Papineau, in their Name, to express to the House of Assembly of Upper Canada the foregoing Sentiments, nor to designate His Majesty's Government as " the naked Deformity of the Colonial " System;" nor to term the Royal Commissioners " these deceitful Agents;" nor to declare " that the State of Society all over continental America requires " that the Forms of its Government should approximate nearer to that selected " UNDER PROPITIOUS CIRCUMSTANCES, and after mature Consideration *by the* " *wise Statesmen in the neighbouring Union*, than to those into which Chance " and past Ages have moulded European Societies."

What is the real Character of Mr. Speaker Papineau's Language—what is its latent Meaning—what Epithet the civilized World will give to it—whether the House of Assembly of Lower Canada will approve or condemn their legislative Name being thus taken in vain, are Opinions which were so unequivocally expressed in the House of Assembly in this Province when the Document in question was first breathed upon them, that I have no Observation whatever to make on the Subject. But as Mr. Speaker Papineau has thought proper to promulgate in this Province that " the People of the Canadas, labouring under " the accumulative Wrongs proceeding from an Act of Parliament, *unite as a* " *Man*," I feel it necessary publicly to repudiate that Assertion by declaring what the State of Opinion in Upper Canada really is.

The People of Upper Canada detest Democracy; they revere their Constitutional Charter, and are consequently staunch in Allegiance to their King.

They are perfectly aware that there exist in the Lower Province one or two Individuals who inculcate the Idea that this Province is about to be disturbed by the Interference of Foreigners, whose Power and whose Numbers will prove invincible.

In the Name of every Regiment of Militia in Upper Canada I publicly promulgate—*Let them come if they dare!*

No. 21.

No. 21.
Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

(No. 42.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

My Lord, Upper Canada, Toronto, 30th May 1836.

I AVAIL myself of the Opportunity of sending to New York by a private Hand, by transmitting to your Lordship Thirty-one more loyal Addresses, which have been presented to me since forwarding my Despatch No. 38.

The total Number of Signatures to the loyal Addresses which I have received is 24,100.

I have, &c.

The Right Hon. Lord Glenelg, F. B. HEAD.
&c. &c. &c.

No. 21.
Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

To His Excellency Sir Francis Bond Head, K. C. H., &c. &c. &c., Lieutenant Governor of Upper Canada.

May it please your Excellency.

We the undersigned, His Majesty's dutiful and loyal Subjects, Inhabitants of the Johnstown District, beg leave to present to your Excellency an Assurance of our devoted Attachment to the Person and Government of our most Gracious Sovereign, of our firm Adherence to the Constitution of this Province, and of our sincere Respect for the Person of His Majesty's Representative.

We deeply regret that when in the Outset of your Government you had, by the express Commands of His Majesty, declared your Intention to administer the Affairs of this Province according to the Principles of the Constitution, with a fixed Determination to redress any Grievances which might exist, Persons whose Station and Experience led us to expect from them a loyal and constitutional Support of your Excellency's Administration should have lent themselves to increase the Difficulties with which you are surrounded at this important Crisis, and have joined in an Interpretation of the Principles of the Constitution from which we entirely dissent, holding it to be most false, ungrounded, and dangerous, tending directly to a Disruption of the happy Connexion existing between us and the Mother Country, and to the certain Introduction of Democracy and a Republican Government.

It is with Feelings of Pain and Indignation that we have seen the captious and vexatious Annoyance and marked Disrespect offered to your Excellency, in consequence of your Condescension in minutely explaining your Views of the Constitution, and the Policy of your Government. In the midst of these ill-timed Vexations it is Matter of heart-felt Gratification that your Excellency has done your Duty to our Sovereign, to our Country, and to yourself, in acting with that conscientious Dignity, Independence, and Firmness which we have a Right to look for in the Representative of the King of Great Britain; and we cannot but admire the Clearness with which you have explained, and the sound and able Arguments with which your have supported, the Principles of that Constitution, which, could we suppose it faulty, it is, as your Excellency has well observed, not only beyond your Power to alter, but it is your Duty to enforce.

We feel assured that there is no Exaggeration in all that is said of the Resources and Prospects of this noble Colony; but we are not so dazzled by an Idea of our own Importance and Maturity as to mistake the Promise of Infancy for the Power of Manhood, or rashly to desire a Diminution of the fostering Care of the Mother Country, or of the superintending Influence of those to whom she intrusts the Management of her own important Affairs, and who are responsible to her for their Administration both at Home and Abroad. We cannot therefore think that our Rights as British Subjects can be preserved inviolate, or our best Interests be otherwise than irreparably injured, by any temporizing with the Spirit of Agitation which aims at giving Currency to such Ideas, or by yielding to such Propositions as would weaken the Strength of our Government by infusing a greater Portion of Democracy into the Constitution.

That your Excellency may continue to prosecute your Administration on Constitutional Principles, remembering the Duty due to your King and Country, furnished from Above with higher and nobler Motives than a Desire of temporary Popularity or a Fear of temporary Blame, is the sincere Prayer of your Sovereign's loyal and dutiful Subjects, and your Excellency's most respectful and most obedient Servants.

(2,628 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, the undersigned Inhabitants of the Newcastle District, beg leave to assure your Excellency that your firm and upright Conduct as the Representative of our King, lately manifested in your Determination strictly to

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Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

adhere to the Principles of the Constitution of this Province, whilst at the same Time we have your Excellency's Assurance " cautiously yet effectually to correct all real Grievances," has not failed to renew in us the warmest Sentiments of Attachment to the Crown, and to engage our firm Support to your Excellency's Goverment.

Possessing the most devoted Attachment to our Parent Country, her Institutions and Laws, and desirous that her Influence should ever predominate in all her Dependencies, we cannot too strongly deprecate any Attempt to subvert those Institutions and destroy that Influence.

Your Excellency may therefore rely upon our cordial Co-operation in your laudable and patriotic Endeavour to maintain inviolate in this Country the Advantages of British Supremacy; and we hereby pledge ourselves " Heart and Hand to join your Excellency in loyally promoting the Peace and Prosperity of the Province, in shielding your Excellency from Insult, and cheering and accompanying you in your Progress towards Reform."

(3,986 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The Petition of the Inhabitants of the Town of Kingston—

Humbly showeth,

That we deem it unnecessary on this Occasion to reiterate the Expression of our Loyalty:

That we consider the present Distress of the Province is in a great measure owing to the unwarrantable Conduct of the present House of Assembly in stopping the Supplies:

That we humbly request your Excellency will exercise the Royal Prerogative, by dissolving the present Parliament, in the Hope that at a new Election Members may be chosen, a Majority of whom will have the true Interests of the Country at Heart:

And your Petitioners, as in Duty bound, will ever pray, &c.

Kingston, 27th May 1836.

(471 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, His Majesty's faithful and loyal Subjects, Inhabitants of the Township of Kingston in the Midland District, most respectively crave leave to address your Excellency at this Time of political Agitation.

We owe it to your Excellency to express our high Sense of your dignified, manly, and firm Conduct in the Administration of the Affairs of this Government since your Accession thereto, and do assure you that we receive with unfeigned Satisfaction the repeated Assurance of your Excellency's Determination to maintain inviolate the accepted Constitution of this truly free and fine Country, at the same Time that your Excellency expresses equal Readiness as Determination to remove and remedy promptly any real Grievances which may be found to exist. On all these your Excellency's Assurances we rely with the utmost Confidence.

The Honourable Gentlemen at present composing your Excellency's Executive Council are favourably known in this Province, and highly respected for Talent and Integrity, and as such we esteem them entitled to your Excellency's Confidence in their elevated Situations.

We must not omit to assure your Excellency that we deem the present Government highly effective, and deserving of the Support and Respect of every Member of this growing Community. That we witness with unqualified Indignation

Indignation the zealous Efforts of active Leaders of a discontented Faction, who unceasingly devote their utmost Energies to the Dissemination of vicious Principles and baneful Discontents, exitious to the Growth in Population and Prosperity of this otherwise happy Colony, and contrary to the Sentiments and Feelings of a large Majority of the Inhabitants of the Province, comprising all that is loyal, wealthy, and influential in the Land. We feel assured that by Perseverance in the constitutional Course which has hitherto distinguished your Excellency's Administration their Machinations will be neutralized.

Long may your Excellency continue to rule over us with the Candour and Honesty, the Firmness and Dignity, so consistent with the high Character you have so justly attained.

Township of Kingston,
18th April 1836.

(112 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, His Majesty's faithful and loyal Subjects, Inhabitants of the Township of Loborough in the Midland District, most respectfully crave leave to address your Excellency at this Time of political Agitation.

We owe it to your Excellency to express our high Sense of your dignified, manly, and firm Conduct in the Administration of the Affairs of this Government since your Accession thereto, and do assure you that we receive with unfeigned Satisfaction the repeated Assurance of your Excellency's Determination to maintain inviolate the accepted Constitution of this truly free and fine Country, at the same Time that your Excellency expresses equal Readiness as Determination to remove and remedy promptly any real Grievances which may be found to exist. On all these your Excellency's Assurances we rely with the utmost Confidence.

The Honourable Gentlemen at present composing your Excellency's Executive Council are favourably known in this Province, and highly respected for Talent and Integrity, and as such we esteem them entitled to your Excellency's Confidence in their elevated Situations.

We must not omit to assure your Excellency that we deem the present Provincial Administration as highly effective, and deserving of the Support and Respect of every Member of this growing Community. That we witness with unqualified Indignation the zealous Efforts of active Leaders of a discontented Faction, who unceasingly devote their utmost Energies to the Dissemination of vicious Principles and baneful Discontents, exitious to the Growth in Population and Prosperity of this otherwise happy Colony, and contrary to the Sentiments and Feelings of a large Majority of the Inhabitants of the Province, comprising all that is loyal, wealthy, and influential in the Land. We feel assured that by Perseverance in the constitutional Course which has hitherto distinguished your Excellency's Administration their Machinations will be neutralized.

Long may your Excellency continue to rule over us with the Candour and Honesty, the Firmness and Dignity so consistent with the high Character you have so justly obtained.

Loborough, 20th April 1836.

(114 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, His Majesty's dutiful and loyal Subjects, Inhabitants of the Townships surrounding Kingston in the Midland District (not having attended the Public

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Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

Meeting convened at Kingston, but attending on the Court of Quarter Sessions,) thus most respectfully take leave to address your Excellency at this Time of senseless and fruitless Agitation.

We owe to your Excellency the Assurance of our high Sense of your dignified and uncompromising Conduct in your Management of the public Affairs of this Province since your Accession to the Government; and we receive with unfeigned Satisfaction your Excellency's Promise to maintain inviolate our happy Constitution, at the same Time that you evince equal Readiness as Determination to remedy any real Grievances which may be found to exist. On this Promise implicit is our Reliance.

Your Excellency's present Councillors are Gentlemen of Integrity and Talent, and in the Selection, as well as in your every Act with which we are acquainted, you have given Evidence of sound Judgment and Impartiality.

We witness with unqualified Indignation and Contempt the anxious Efforts of the zealous Leaders of a discontented Faction, who unceasingly devote their utmost Energies to the Dissemination of vicious Principles and baneful Discontents, destructive of the Growth in Population and Prosperity of this favoured Portion of His Majesty's Dominions, and contrary to the Sentiments and Feelings of a large Majority of the Inhabitants of this Province, comprising all that is loyal, wealthy, and influential in the Land.

We assure your Excellency, however zealous these Factionists have been or may continue to be, that the honest and industrious Yeomanry of Upper Canada will soon perceive the Delusion; and that they, with us and the present great Bulk of the Population of this Country, will rally round the British Standard, and constitutionally maintain our happy Connexion with our beloved Mother Country unimpaired.

We are sensible of the Designs of the Factionists; and we assure your Excellency that we shall at the next Election show to the Country our Determination to support only Constitutional Members.

Long may your Excellency guide us with the Zeal, Temper, and Determination we now most heartily thank you for.

(105 *Signatures.*)

To His Excellency Sir Francis Bond Head, K. C. H., Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, the undersigned Inhabitants of the Township of Marmora in the Midland District, most respectfully take leave to address your Excellency at this Time of needless Excitement.

We assure your Excellency of our firm Allegiance and unfeigned Attachment to the British Crown and Constitution, and our ever Readiness to support the Connexion of this Province with that Crown and Constitution at any Sacrifice.

As there is not One Radical in the whole Township, we would deem it superfluous to say more on the Subject of your Excellency's Administration of this Government, than that we cannot too highly approve of the manly and dignified Course you have pursued; and we sincerely hope your Excellency will never submit to the clamorous Brawlings of a Set of very discontented Factionists, who by undue Means are striving to embarrass your Proceedings.

Long Life to your Excellency, and God save the King, so pray his attached and faithful Subjects.

(57 *Signatures.*)

Marmora Iron Works,
20th April 1836.

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Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

The Petition of the Subscribers, Inhabitants of the District of Newcastle,

Respectfully showeth,

That while we are highly gratified at the spontaneous Expression of Loyalty which your Excellency's straightforward and manly Course during your Administration of the Government has called forth from the People of this Province, we cannot but see how utterly unavailable will be the wise and benevolent Intentions of His Majesty's Government, as evinced in Lord Glenelg's Instructions, unless that Feeling be also represented in the House of Assembly.

That with these Views, and seeing no Prospect of your Excellency's being enabled with the present House of Assembly to extricate the Province from the deplorable State into which the Stoppage of the Supplies has thrown it, and fully persuaded, from the Conduct pursued by the present House of Assembly, that your Excellency cannot, without a Compromise of the Honour and Dignity of the Crown, again meet that Body, we most cordially and respectfully request that your Excellency will exercise the Royal Prerogative, by dissolving the present House, and thereby allowing an immediate Appeal to the Freeholders of the Country.

(217 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Board of Commissioners representing the united Townships of Leeds and Lansdown, (Rear,) appointed by the People at their annual Township Meeting, with the Magistrates and other loyal Inhabitants of the said Townships, feel it to be a Duty we owe to ourselves, our Sovereign, and our Country, humbly to approach your Excellency, and to offer our grateful Congratulations on the happy and auspicious Opening of your Excellency's Administration.

We have perused with much Satisfaction the Instructions issued by His Majesty's Principal Secretary of State for the Colonies, and communicated by your Excellency to the Provincial Legislature; and we rely with Confidence on your Excellency's Determination to carry the same into practical Operation.

The greatest Grievance under which we have hitherto laboured, and which we still suffer, is, that Persons of American Birth and Predilection should be exalted to Office in this British Colony, to the Prejudice of loyal natural-born Subjects; and that Aliens by Birth and in Principle should be invested with Political Power, especially the Elective Franchise, while Thousands of loyal British Emigrants, of steady, moral, and industrious Habits, are deprived of that important Power; but we trust that, under your Excellency's Administration, these Evils will will be corrected; and that none but Persons of "undoubted Loyalty" will be permitted to fill any Office, Civil or Military, in this Province.

On your Excellency's just Determination to uphold the Prerogatives of the Crown, without entrenching upon the Liberties of the Subject, we rely with the most unlimited Confidence; and we view in your incipient Administration the Prospect of a steady, efficient, and impartial Government for this rising and important Appendage of the British Empire.

Lansdown, 20th April 1836.

Ogle P. Gowan.
C. Stafford.
John Berry.
Commissioners for the united Townships of Leeds and Lansdown (Rear).

(106 *Signatures.*)

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Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

To His Excellency Sir Francis Bond Head, K.C.H., Lieutenant Governor of Upper Canada, &c. &c. &c.

My it please your Excellency,

We the undersigned, His Majesty's loyal Subjects residing in the Front of the Townships of Leeds and Lansdown, (Front,) in the District of Johnstown, respectfully beg to approach your Excellency, as the Representative of our most Gracious Sovereign, and as the firm Defender of the Provincial Charter of our constitutional Liberties.

It is with much Pain we have viewed the wily Machinations of disappointed Individuals to cast Odium on your Excellency's Administration, and to sow the Seeds of Excitement and Ill-will, if not of Sedition, in this fertile Province; but we trust the Day is not far distant when an Opportunity will be afforded to the loyal Electors of the Colony to purify our present House of Assembly, by infusing into it a larger Portion of British Feeling, and a more sincere Regard for the common Courtesies of recognized Society, as well as greater Zeal for the public Service.

That your Excellency may be long continued to administer the Government of this Province, and to uphold the Liberties of His Majesty's Subjects therein, is the fervent Prayer of your Excellency's most obedient Servants, whose Names are written underneath.

Lansdown, 11th May 1836.

(53 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Township of Medonte, County of Simcoe, beg leave to assure you of our Fidelity and Attachment to the Person and Government of our beloved Sovereign William the Fourth, who, in appointing you to the Government of Upper Canada, and instructing you to reform whatever your Excellency may after mature Examination find amiss, has shown his fatherly Anxiety for the Welfare of his Subjects in this remote Portion of his Empire.

The Commons House of Assembly, at the Close of the Session of 1835, took upon itself, uninfluenced by public Opinion, to transmit to the Colonial Secretary of State a long Report of the Grievances under which we were supposed to suffer, and your Excellency naturally looked for the cordial Co-operation of the Assembly in the Application of such remedial Measures as might be found expedient.

Vain Expectation! Domineered over and influenced by the factious Spirit of the Majority, the House of Assembly disappointed your Hopes, and, after systematically opposing your Excellency's Government, completed the disgraceful Session of the present Year by withholding the Supplies.

It is Time that a loyal and industrious People should interpose, by humbly imploring your Excellency to apply a prompt Remedy to such factious Proceedings, by dissolving the Commons House of Assembly, that in conjunction with our Fellow Subjects we may elect to represent us in the Great Council of the Province experienced and loyal Men.

Accustomed as we are to many Privations in toiling to clear these back Woods, we have at least the Consolation of reflecting, on retiring at Sunset to our Shanties, that we have in your Excellency a Friend and Father, who will prove the faithful Guardian of our just Rights and Privileges, and shield us against the Machinations of a Faction, which, while it professes to wish for Reform, in reality longs only for Revolution.

May your Excellency, under the Protection of Divine Providence, long continue to govern His Majesty's loyal Subjects of Upper Canada.

Medonte, County of Simcoe,
16th May 1836.

(80 *Signatures.*)

No. 21.
Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned loyal Freeholders and Householders of the Township of Pickering, beg leave to present your Excellency with this our humble but sincere Address, dictated by the ardent and spontaneous Feelings of our Hearts, at this momentous Crisis in the political History of our hitherto (*until of very late Years*) peaceful Country; to assure your Excellency, not only of the Admiration which your extraordinary Talents and Decision of Character, as well as your Quick-sightedness into the main Springs of all our Troubles, has excited, but of our firm Determination to support the Views you have taken of the true Spirit and Meaning of the Constitution of this Province as by Charter established, and in an especial Manner to preserve inviolate the Integrity of the British Empire (the most glorious at this or any other Day on the Face of the Earth), even at the Risk of our Lives and Property, should such a Sacrifice be requisite, in the Vindication of our Rights, against the Underminings and insidious Attacks of a Cabal, which has been formed by a few of the most mischievous and worthless of our public Characters, whose Endeavour for several Years past has been to poison the Minds of the more illiterate Classes of our Population by every Species of Misrepresentation and Falsehood; to abuse all our most valued Institutions, including even those designed for Education and charitable Purposes; and to calumniate our best Citizens, because most staunch to the best Interests of their Country; and to bring, whenever they imagined an Occasion offered, the Imperial Government itself into Hatred, as being tyrannical and unjust; all but too evidently for the Purpose of creating Anarchy and Confusion, preparatory to the Overthrow of all we hold most sacred, and the Establishment of the very worst Description of Republicanism!

We have viewed with Delight the singular Firmness and Clear-sightedness displayed by your Excellency when assailed by all the Virulence of Party Spirit and upon all Sides, immediately upon your landing in this Country, unmindful of your high Behest in being the Bearer of glad Tidings from our beloved and most Gracious Sovereign, whose Desire it clearly is to grant every reasonable Boon, and to heal every Wound, whether real or imaginary.

We have seen with inexpressibleSatisfaction your Excellency at once draw the Teeth of the factious by becoming the chief *Reformer* in your own Person; that is, by publicly declaring your Commission to be the Removal of every Grievance, real or pretended, and to govern our fine Province strictly in accordance with the Letter and Spirit of our Great Constitutional Charter.

We have seen also with equal Pleasure the Quickness of your Perception into the Nature and Effects of that *Metropolitan* and *baneful Family Influence* to which so large a Portion of our Provincial Complaints are justly attributable; and the Manliness and Independence of your Conduct, in at once standing aloof, and snapping asunder the Cords and Meshes of the Nets that were artfully intended to have been thrown over all your Proceedings, even as they had been thrown, with too much Success, over the Proceedings of nearly all your Predecessors since the Days of the revered General Simcoe.

With Feelings of Indignation we have not Language sufficiently strong to express, we have beheld the latest Efforts of the disaffected to embarrass your Excellency's Government by withholding the usual Supplies, and that too at the Instigation of the Arch-Traitor of the Lower Province, who has dared to hint, that, when necessary, the wretched Crew under his Command will *come to the Assistance* of the still more wretched and execrable Faction here, under the Management of an Individual who is equally liable to Impeachment for treasonable Practices. We are thankful, however, that for once *that* Individual neglected his usual Caution, and became guilty of a high Breach of Privilege, by laying the infamous Communication of Papineau on the Table of our Assembly; thus clearly showing beyond the Possibility of Doubt the close Connexion which subsists between the disaffected of both Provinces; and that a regular System to overthrow our Constitution, and introduce an

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Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

accursed Democracy, has been organized. It is impossible to mistake the Signs of the Times.

Amidst these revolting Circumstances, which require no Enlargement on the present Occasion, we look with Confidence towards your Excellency. Your entire Conduct from the Commencement of your Administration has given us unmingled Satisfaction. We consider your Excellency as peculiarly well qualified to administer our public Affairs at the present Juncture, when so much Energy is required; and we cannot but feel grateful to His Majesty's Ministers for having selected one so highly gifted both by Nature and Education as the Representative of His Majesty's in this Province.

Be assured that an immense Majority of the sensible and well-informed, and in every Sense the most weighty and respectable Portion of the Population of the Province, are decidedly *with your Excellency*. For our own Parts, although our Numbers in this but partially settled Township may not be great, your Excellency has not only our most fervent Prayers and best Wishes, but may rely upon our Services in any Way they may be required for the general Good. We have only to add, that we trust your Excellency will take the earliest Opportunity of exercising your high Prerogative in an Appeal to the good Sense of the Community at large, by a Dissolution of the present House of Assembly.

(151 *Signatures.*)

To His Excellency Sir Francis Bond Head, K. C. H., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned, His Majesty's loyal and dutiful Subjects, Inhabitants of the Township of Bastard in the District of Johnstown, beg leave to approach your Excellency with Sentiments of unfeigned Respect.

We assure your Excellency that we cordially approve of your Excellency's Administration of the Provincial Government, and repose the fullest Reliance on your just Determination firmly to uphold the sacred Principles of our glorious Constitution, and cautiously, but effectually, to remove all real Grievances.

In this fixed Purpose your Excellency will be certain to find a ready and steady Co-operation from your Excellency's obedient and humble Servants.

Beverley, Township of Bastard,
25th April 1836.

(95 *Signatures.*)

To His Excellency Sir Francis Bond Head, K. C. H., &c. &c. &c., Lieutenant Governor of Upper Canada.

May it please your Excellency,

The Inhabitants of the Town of Woodstock and County of Oxford beg most respectfully to approach your Excellency, at this important Crisis in the Affairs of this Province, with the unfeigned Expression of their Loyalty to the King, of their Attachment to the Constitution, and of their Determination, as far as in them lies, to uphold your Excellency, as the Representative of their Sovereign, in the unshackled Exercise of the important Duties imposed upon you by the Royal Appointment.

The undersigned venture to claim a Participation in the Desire to witness the Removal of every acknowledged Abuse, and the Administration of pure and impartial Justice; but they are persuaded that these Ends, of paramount Interest in themselves, can only be effected by Means which the Constitution furnishes. Any Attempt of one Branch of the Legislature to infringe on the Prerogatives of another must be attended with Confusion, and, unless constitutionally resisted, and successfully repelled, must end in Anarchy and the Destruction of the social Compact. The undersigned deeply regret that such an Infringement on the Prerogative vested in your Excellency should have been attempted by the Commons House of Assembly. They are convinced that the Measures of late resorted to by the House, but especially that of stopping the Supplies, must have originated in a factious Desire to harass the Executive Government

Government, and to force the Representative of the King into an unlawful Surrender of his Rights; and therefore they, in the Exercise of their Constitutional Privilege, present their ready Assurances to your Excellency, that they are prepared to make any Sacrifice, should the Urgency of the Case demand it, in order to preserve inviolate the Constitution, and to support your Excellency in the Discharge of the high Functions of your Office as Lieutenant Governor of this Province.

The undersigned gratefully recognise in the Sentiments expressed by your Excellency in the Speech from the Throne at the Prorogation of the Parliament the Principles of a sound Policy, and they feel persuaded that your Excellency will best promote the Interests of this Province at the present Crisis by explaining to the People those several Objects alluded to by your Excellency; more particularly by ensuring to them the Benefits that must result from the Provision of a plain practical Education for the rising Generation, and the Blessings of the Christian Religion, which inculcates "Glory to God in the highest, and on Earth Peace, Goodwill towards Men.

Woodstock,
4th May 1836.

(375 *Signatures.*)

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c., Lieutenant Governor of the Province of Upper Canada.

May it please your Excellency,

We, the Inhabitants of the Townships of Nelson and East Flamboro', in the District of Gore, beg leave respectfully to address your Excellency with Sentiments of Esteem, notwithstanding the unusual Events which have recently occurred in your Administration of the Government of this Province; *Events* which could not have been anticipated when your Excellency arrived here, charged with His Majesty's gracious and special Instructions to do strict Justice to all Parties, which Instructions you, Sir, assure us you are determined to carry into full Effect.

Being convinced that there are Errors in all political Extremes, such as have unfortunately too long agitated this fine Country, and that there may be with most of us much to be forgotten and forgiven, we must highly approve of your Excellency's Conduct in not attempting to conciliate any political Party, and in fearlessly and undisguisedly pursuing a straightforward Course; and we cannot but hope that the good Sense and good Feeling of the Yeomanry and Farmers of Upper Canada, when appealed to by the Representative of their Gracious Sovereign, will induce them to banish from their Minds that political Phrensy under the Influence of which they have been led to countenance Measures hostile to their best Interests.

We solemnly assure your Excellency, that we will join Heart and Hand with you in endeavouring to promote the Peace and Prosperity of this Province, being well assured that in so doing we will render more firm and durable our Connexion with the Mother Country.

That your Excellency may long continue to fill the honourable Station you now occupy, and be enabled to accomplish every necessary and practicable Measure of Reform; that you may continue to enjoy the Confidence of our Gracious Sovereign; and finally, that you may be greeted at last by the Sovereign of all, with the Plaudit of "well done, good and faithful Servant," is the sincere Desire of your Excellency's most obedient Servants.

Nelson, 30th April 1836.

(360 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Session and Congregation of St. Andrew's Church, Aldborough, London District, in connexion with the Church of Scotland,

Beg leave to address your Excellency, and most respectfully to convey our Sentiments regarding the unexpected Resignation of the late Executive Council.

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Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

In our View, the Demand which furnishes the ostensible Cause for this Resignation was made with indecent Precepitation, and urged with uncalled for Haste. Time was not permitted to your Excellency to develop the Measures which you might well be supposed to have had in view for advancing the Interests of the Province; you were not suffered to manifest your Intentions; you were not allowed to show in what Sense you understood or in what Manner you meant to carry into effect His Majesty's Instructions. Viewing deliberately and impartially this precipitate Urgency, by which the late Councillors endeavoured to wrest from your Excellency a Portion of the Power consigned to your Hands by the Constitution, and unquestionably possessed by your Predecessors,

We feel justified in expressing our Conviction, that their Conduct betrayed a Want of Magnanimity little to have been expected from Persons of their Rank, and far from reflecting Lustre on the Character which they possessed in general Estimation. Our Views regarding the Demand itself entirely concur with your Excellency's. The Possession of Power by Persons irresponsible for the Exercise of it we consider as illegal, and strikingly opposed to the most obvious Principles of Justice; and of course we regard the Demand for such Power altogether unwarranted. The Demand in the present Case appears to us opposed both to the Spirit of the British Constitution and to its Letter, as established in Upper Canada.

We admire the Decision and Firmness which on the Occasion in question characterized your Excellency's Conduct; and we hail with unmingled Satisfaction your expressed Determination to maintain the Constitution inviolate against all Assailants, and thus to enforce on Men of all Descriptions the salutary Belief, that Power possessed and Liberty enjoyed must be *the Power* and *the Liberty* defined by the Law.

That in the firm and conscientious Discharge of the Duties consigned to you by His Majesty your Excellency shall be opposed from several Quarters we have no Doubt. That the Opposition arising will shake your Determination we do not fear. And cherishing the Confidence that, notwithstanding the Efforts of Selfishness, and the Clamours of Party Spirit, your Administration will prove eminently successful in advancing and consolidating the Interests of the Province, and therefore of the splendid Empire of which it constitutes a valuable and very improvable Portion, we remain your Excellency's most humble and most obedient Servants.

(81 *Signatures.*)

To His Excellency Sir F. B. Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, Inhabitants of the Township of Beckwith, beg leave to approach your Excellency with the Expression of our unfeigned Respect, and of our Attachment to your Excellency's Person and Government.

Plain Yeomanry and Farmers, dwelling, we may say, in the back Woods, we are fully occupied in attending to the practical Duties of our Stations, converting the Forests into Green Fields, and providing for our rising Families.

Having long experienced the Blessing of Constitutional Government, we feel no Grievance, we desire no Change, and gladly leave to others the restless Turmoil of political Agitation.

Regretting as we did the Loss of our late truly paternal Governor Sir John Colborne, it was with sincere Gratification that we found him succeeded by one so resolved to devote himself to the best Interests of our Country as your Excellency, and so well able to carry his benevolent Resolution into effect.

With such Feelings and Sentiments, how great must be our Surprise and Indignation at hearing that the House of Assembly have dared to apply to your Excellency the most odious Appellations; that they have preferred against you the most false Accusations; and that, in order to embarrass your Excellency's Government, they have ventured upon the high-handed and in our History hitherto unknown Measure of "stopping the Supplies."

In

In this Crisis we feel it our Duty, however feeble our Influence or Pretensions, to join our weak Voice to the loud Cry of Encouragement and Approbation which we feel confident is arising from one End of the Province to another, to cheer your Excellency, and to confound your factious Adversaries. We trust that your Excellency will yet succeed in the beneficent Object of the Mission you are so well adapted to fulfil. We sincerely thank your Excellency for having protected the Constitution of the Province. We gratefully receive the frank and explicit Declaration of your Excellency's future Course of Policy, contained in the latter Part of your admirable and gracious Speech on the Prorogation of the Provincial Parliament, which so entirely expresses our Wants and Wishes. And we heartily pray, that through a long and prosperous Life your Excellency may enjoy that Peace and Happiness which, as it is founded on something more firm and stable than the fickle Breath of the capricious Multitude, is entirely unruffled by the Clamour of vain and foolish Men.

(283 *Signatures.*)

To His Excellency Sir F. B. Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We His Majesty's dutiful and loyal Subjects, Inhabitants of the Townships of Ernest Town and Amherst Island, beg leave to convey to your Excellency the Assurance of our unalterable Attachment to His Majesty's Person and Government, and to the free Constitution of this Province as by Law established; which, equally removed from the Extremes of Despotism and popular Licence, we regard as the sacred Charter of our Rights and Liberties, and as a Bond of Union between us and the great Empire of which we are proud to form a Part. Deeply impressed with these Sentiments, and having full Confidence in the Purity and Integrity of your Excellency's Intentions to carry into full Effect the beneficent and liberal Instructions of His Majesty's Government, to redress all real Grievances, and to promote the true Interests and Prosperity of the Province, we have witnessed with extreme Regret the unceasing Attempts which have been made to embarrass your Excellency's Administration, and to undermine the happy Constitution under which we live. While we sincerely deprecate those Proceedings, so injurious to the best Interests of this otherwise happy and prosperous Colony, we cannot but express the high Sense we feel of the Ability, Firmness, and Temper with which your Excellency has maintained and defended the just and legal Prerogatives of the Crown and the true Interests of the People against the Encroachments of irresponsible Advisers and of pretended Reformers. We do therefore, as in Duty bound, solemnly pledge ourselves to the utmost of our Power to support your Excellency in the just Exercise of the lawful Authority that has been intrusted to your Excellency by our Gracious Sovereign, for the Benefit of His Subjects in this Province, against all Attempts to oppose or subvert the same.

(438 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of Upper Canada, &c. &c. &c.

We, the loyal Inhabitants of the Township of Scarborough, hasten to assure your Excellency of our faithful Allegiance to His Majesty King William the Fourth, and likewise of our earnest Wish to continue our present happy Connexion with Great Britain; at the same Time we beg leave to assure you, the Representative of our venerable Sovereign in this Province, of our unflinching Support in your Prosecution of those wise Measures and constitutional Opinions which you have hitherto pursued as well as promulgated in your official Administration of the Government of Upper Canada.

We, the undersigned, likewise beg leave to assure your Excellency, that we have long been weary with attending to the monotonous Clamour about imaginary

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ginary Grievances which our professed Agitators can neither define, nor their Followers comprehend. Such imaginary Grievances are not brought forward for the Purpose of being redressed, for that is impossible, but they are brought forward for the Purpose of exciting general Discontent, as well as embarrassing your Excellency's Government. We are therefore anxious that a speedy Termination may be put to all those worse than useless political Excitements, which are founded on Folly, and tend to nothing but to disturb the Harmony as well as the Prosperity of the Province. Besides, the continual State of political Effervescence in which our Agitators attempt to involve this Colony tends, by the Discordance which it produces, to alienate that brotherly Affection which naturally subsists among Mankind, which constitutes the strongest Tie in the Bond of Society, the principal Cause of the Prosperity of a Country, and the chief Happiness of Human Life,—a Happiness which is never for a Moment intentionally disturbed but by those whose selfish Views have rendered them callous to its Influence.

We are well aware of the fatherly Solicitude for the Welfare of this Colony which has ever been evinced on all Occasions by the Government of our Parent Country. We likewise feel confident that any real Grievances which we may have, with our own Assistance, will be speedily redressed, so far as such Grievances are within the Control of the British Government, or so far as the Imperfections of Human Laws will admit; but those more alarming Grievances which political Agitators have entailed, and are still endeavouring to entail, on this Province, are in a great measure beyond the Reach of British Power, and can only be redressed by our own Wisdom, in ceasing to listen to the Sophistry of those who write and harangue only to deceive;—Men who attempt to conceal all their selfish Movements under patriotic Names, so that their secret Intentions may assume the Semblance of public Virtues, the better to deceive those who confide in their Promises of Reformation.

Above all our other Grievances, it is with the deepest Regret that we learn that a Majority of the House of Assembly have stopped the Supplies, apparently for the Purpose of embarrassing your Excellency in the Administration of the Government, otherwise an uncalled-for, if not a vindictive Measure, the Pressure of which must necessarily fall heaviest and longest on the Poor, who are thus to have their Interests, along with the Prosperity of the Colony, sacrificed to gratify the Resentment of a few. Whether or not the Majority of the Inhabitants of Upper Canada will submit in Silence to the extraordinary Measure of stopping the Supplies remains to be seen. We think they will not; and we, as a Part of the Community, give that Act our unqualified Reprobation. We mean no Breach of Privilege; we have the highest Respect for the House of Assembly, as far as they do their Duty to the Country; but we have on all Occasions a Constitutional Right to express our Opinions of the official Conduct of our Representatives.

As your Excellency has clearly pointed out to the Inhabitants of this Province the true Meaning of their Constitutional Charter, as well as the Way for them to become wealthy and contented, and at the same Time promised them your utmost Assistance, they can rarely depart from their Duty by Mistake, and we trust they can have no Wish to forsake it by Design.

In again expressing our entire Approbation of the official Conduct of your Excellency throughout the past, we have likewise to add our most unbounded Confidence in your future Administration; and we will continue to support you to the Extent of our Power in any Constitutional Measure.

To the King's most Excellent Majesty.

Gracious Sovereign,

It is with inexpressible Regret that we are under the Necessity of addressing Your Majesty on the Subject of Canadian Agitation; but we presume that it would be criminal in us not to confess to Your Majesty that political Excitement to a great Extent at present exists, and has for a considerable Length of Time existed, amongst a certain Class of Your Majesty's Subjects in the Province of Upper Canada, carefully fomented by a few evil-designing Men, who are ever busy, making disrespectful Insinuations and drawing invidious Comparisons

Comparisons respecting the British Government. No doubt these Agitators have their Motives for such Conduct; but whatever these Motives may be, we forbear to name them to Your Majesty, lest we may be wrong, while with regard to the ruinous Consequences to this Province there can be no Mistake.

We are therefore sorry to be obliged to confess to Your Majesty that the Harmony and Prosperity of Upper Canada have lately been broken or greatly injured by the Efforts of these Agitators, who have taken advantage of Human Credulity to impose upon the unwary by calling themselves Reformers, and under the Sanction of that prostituted Name have become the only Enemies to that Reform which they pretend to promote. By their incessant Murmurings about Tyranny and Oppression without a Cause they have succeeded, wherever their Wailings are listened to, in making those who are ignorant of our political Conditions believe that we are a Colony of Slaves, and the aggrieved Inhabitants of this Province in a State approaching to open Rebellion. By these unjust Clamours they have injured the Prosperity of this Colony, by turning the principal Tide of British Emigration from the Shores of Upper Canada to those of the United States of America. Yet, in Pity to our Agitators, we declare to Your Majesty that we are willing to put the most favourable Construction on their mischievous Statements by saying that we do not believe that they are aware of the ultimate Extent of the Mischief which their Agitation is likely to produce to the Province of Upper Canada, unless it is speedily restrained. In the meantime we must humbly beg leave to assure Your Majesty, that ever since the Arrival of His Excellency Sir Francis Bond Head as Lieutenant Governor of Upper Canada he has done every thing in his Power to restore Tranquillity, support the Constitution, and cement the happy Connexion subsisting between this Province and the Parent Country, all of which Services His Excellency Sir Francis Bond Head has performed with an open Manliness and unbending Integrity, so worthy of the impartial Dignity of the Throne which he has the Honour to represent. In return for such exalted Conduct the ceaseless Agitators of this Province have done every thing in their Power to embarrass the Government of His Excellency Sir Francis Bond Head, who has, under the most trying Circumstances, so nobly done his Duty to this Colony; and we sincerely trust that this Colony will imitate his Example, and do their Duty to him as well as to themselves. In performing our Part of those Duties which devolve upon us, we should consider that we had failed unless we acquainted Your Majesty that a Petition has been or is likely to be forwarded to Your Majesty by those Agitators who call themselves Whigs or Reformers, praying Your Majesty to recall His Excellency Sir Francis Bond Head from his present official Situation as Lieutenant Governor of this Province.

We the undersigned therefore most humbly request that Your Majesty will be graciously pleased, for the internal Prosperity of this Province, to continue His Excellency Sir Francis Bond Head in his present official Situation of Lieutenant Governor of Upper Canada, as a Representative of Your Majesty, eminently qualified to restore to this Colony, by his Talents, Integrity, and conciliatory Conduct, that Harmony and Prosperity which have long been disturbed and still continue to be disturbed by the Influence of Agitators, under the specious Pretence of Reform; and we Your Majesty's faithful and loyal Subjects, as in Duty bound, will ever pray.

(146 *Signatures.*)

To His Excellency Sir F. B. Head, K. C. H., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's loyal People, the Inhabitants of the Township of Kitley in the District of Johnstown, beg leave to approach your Excellency, humbly thanking you for the able, constitutional, and impartial Manner in which your Excellency has administered the public Affairs of this Colony since your Excellency's Assumption of the Government.

We beg to assure your Excellency, that in the British Population of this Township your Excellency will find a firm Band, that, while they resolutely maintain their own Rights, will never attempt to usurp those which the Con-

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stitution, the Safety of the State, and long established Usage, have granted to the Crown.

We earnestly hope that under your Excellency's Administration the British Population of this Province will be enabled to cope with their American Fellow Citizens, by being invested with the elective Franchise, and thus securing a faithful Representation of their Feelings and Interests in the Provincial Assembly.

Kitley, 3d May 1836.

(129 *Signatures.*)

To His Excellency Sir F. B. Head, K. C. H., &c. &c. &c., Lieutenant Governor of Upper Canada.

We, the undersigned Proprietors, Householders, and other Inhabitants of the Township of Trafalgar in the District of Gore, beg leave in the strongest Manner to express to your Excellency our entire Satisfaction with the Measures and Conduct you have pursued since you arrived among us, commissioned by our most Gracious Sovereign to assume the Government of this Province, and to carry into effect those remedial Measures which he had with so much Liberality been pleased to concede.

We cannot but feel the deepest Disappointment and Regret that a Majority of the present House of Assembly, instead of joining with that Alacrity and Readiness in assisting you in devising Measures for the future Prosperity and Improvement of this extensive Country which our Sovereign's Liberality, and your own evident Anxiety to administer impartial Justice, demanded, should have busied themselves so much in raking from Oblivion every Thing in the Occurrences of the past calculated to promote Dissension and unpleasant Feelings among the Inhabitants of this Province, and should have so unnecessarily and improperly embarrassed and so unjustly accused you.

We more particularly beg to express to your Excellency our Indignation and Disgust at the Expressions which have been made use of in the Complaints made to His Majesty regarding you; and to assure you, that we have *no Participation*, either in the Sentiments expressed in these Complaints, or in the *Language* in which those Sentiments are conveyed,—*Language* which we cannot but feel reflects the highest Dishonour on those who penned it, and in some measure on this Province itself.

While we cannot but declare our entire Concurrence in every Sentiment expressed by your Excellency in your admirable Speech delivered at the Close of the late Session, as to the highly prejudicial Effect the Conduct of a Majority of the House of Assembly has produced, and is likely still farther to produce, on the Interests of this Province, we rejoice in the Declaration expressed in the Close of that Speech, of your Excellency's Determination to persevere in the liberal, judicious, and conciliatory Course therein pointed out, and we confidently anticipate that such Perseverance will speedily have the Effect of putting an end to those Dissensions by which this Province has for some Time been so unhappily (been) distracted.

We feel satisfied that the Embarrassment and Opposition your Excellency has experienced since you came among us has proceeded from a Party (whom we believe to be small in Number) evidently entirely regardless of the Interests and Prosperity of the Country, provided they can promote their own selfish Objects, by engendering and fostering Dissatisfaction and Dissension among their Fellow Subjects.

We can with Confidence assure you of our Belief that the great Majority of the People of this Province, English, Scots, Irish, Canadians, United Empire Loyalists, and Emigrants from the United States, are strongly imbued with Feelings of Loyalty to our beloved Sovereign, firmly attached to that Constitution under which they enjoy so many Blessings, and in Defence of which many of them have bled, and will join with your Excellency Heart and Hand in maintaining it against every Attack, in seconding you in burying in Oblivion all former Subjects of Dissension, and in aiding you in your Endeavours to promote by every Means the Prosperity and Improvement of this extensive Country, and the Spread of that Religion which inculcates Glory to God in the Highest, on Earth Peace, Goodwill towards Men.

With

With the most fervent Wishes for your Excellency's Health and Happiness, and our most sincere Prayers that it may please the Almighty so to order that you may be long permitted to continue among us, to persevere in the Exertions you are now making for our Prosperity and Improvement, and that it may please Him to crown those Exertions with Success,

Trafalgar, 2d May 1836.

We are, &c.

(485 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, the undersigned Inhabitants of the Village of Streetsville and its immediate Vicinity, most respectfully beg leave to express to your Excellency our Sentiments of entire Approbation of the firm, undeviating, and constitutional Course pursued by your Excellency since assuming the Government of this Province, and to evince our deep Regret at the Difficulties which have lately arisen on the Subject of the constitutional Duties of your late Executive Council.

We view with the strongest Feelings of Disapprobation and Regret the Efforts which have recently been made with a view to embarrass your Excellency in the Administration of the Government of this Province.

We hold in high Estimation and have the greatest Confidence in the Talents and Integrity of your Excellency in carrying into effect the liberal Intentions of His Majesty's Government towards the People of this Province.

Ardently attached to the Government and Institutions of the great Empire of which these Colonies have the Advantage of being an integral Part, we desire to express a Wish that the happy Connexion may ever continue.

(375 *Signatures.*)

To His Excellency Sir Francis Bond Head, K.C..H, Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, Inhabitants of the Township of Yonge in the County of Leeds, beg leave to approach your Excellency, humbly tendering our Gratitude for the faithful, steady, and impartial Administration of our Provincial Affairs under the wise and able Guidance of your Excellency.

Having long groaned under the Bondage of an alien Influence, we rejoice that in your Excellency the British Population of this Colony are likely to find a Protector and a Friend every Way worthy to be the chosen Representative of our most Gracious Monarch, and under whose benevolent and impartial Administration we may confidently anticipate a long Reign of Provincial Tranquillity and Prosperity.

(119 *Signatures.*)

Yonge, 26th April 1836.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, the undersigned Magistrates, Merchants, Yeomanry, and others, Inhabitants of St. Thomas and its Vicinity in the London District, beg most respectfully to assure your Excellency of our unqualified Approbation of the Course your Excellency has pursued in administering the Affairs of this Province.

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Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

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We consider that the present Exigency of Affairs calls upon all loyal Subjects to come forward and express publicly their full Determination to support your Excellency in your just Endeavours to administer the Government of this Province for the Honour of the King and the Welfare of its Inhabitants.

We thank your Excellency for your straightforward and able Conduct in Times of unparalleled Difficulty, and for your expressed Determination of pursuing steadily the same Line of Policy, uninfluenced by Party or by local Prejudice.

We deeply regret, that whilst your Excellency was manifesting such an earnest Desire to give Effect to the Instructions of our Gracious Sovereign "to do strict Justice to all His Subjects in this Province," your laudable Efforts should have been frustrated (we trust only for a short Time) by the unprecedented Proceedings of our House of Assembly, particularly in withholding the Supplies, a Measure uncalled for, and the Object of which could only be to cause Embarrassment to the Government.

Your Excellency has evinced every Disposition to remove all Grievances which affect the Interest and Welfare of the People; and whilst doing this we observe, with unmingled Satisfaction, your firm Purpose to maintain inviolate the Prerogatives of the Crown and the Constitution of the Country.

(559 *Signatures.*)

St. Thomas, 6th May 1836.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, of the Prussian Military Order of Merit, and Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Inhabitants, Freeholders of the Home District, and Electors of the City of Toronto, respectfully beg to assure your Excellency of our Satisfaction at your Conduct in the Administration of the Government, which has fully convinced us, that while you are anxious, in accordance with the beneficent Views and Instructions of our revered Sovereign, to extend to this highly favoured Colony ample and efficient Measures for the Redress of all real Grievances, it is equally your Desire, in like Accordance with His Majesty's declared Wish, to preserve our happy Constitution inviolate.

We therefore observe with Regret that your Excellency has been embarrassed in the Furtherance of those beneficial Measures announced to the Legislature by your Message, and that unexpected Obstacles have been thrown in the Way of their Accomplishment. Entertaining no Doubt, from the Review of the whole Proceedings, that these Difficulties have been created to prevent any remedial Measures being adopted, we feel ourselves called upon to assure your Excellency that we disprove of the Conduct of those Parties who have adopted so unjust and injudicious a Course, and we are assured a great Majority of the thinking and well-disposed Inhabitants of the Province will concur with us in the Expression of this Opinion.

The Sentiments of many of the undersigned having been already expressed to your Excellency on some of the Subjects of Objection which have been raised by the House of Assembly to your Administration, we abstain on the present Occasion from further Reference to them beyond a Re-assertion of our Conviction of the Correctness of your Excellency's Views on the Question regarding the Executive Council. After the Expression of public Opinion on that Point we were little prepared to expect that the House of Assembly would have resorted to the unprecedented Measure of stopping the Supplies—a Measure so deeply injurious to the whole Province, and to this District in particular, as that Course can alone be justified by a most pressing Emergency, and not even then, to quote the Words of an Address from that very House, "until every other constitutional Means of obtaining Redress have been tried and found unavailing."

As little were we prepared for the Letter which was laid on the Table of the House of Assembly a few Hours before the Prorogation of the Legislature, purporting to come from the Speaker of the House of Assembly in Lower Canada, and

and addressed to the Speaker of the House of Assembly here, when we couple the Language of that extraordinary Document with the Course of Events, both in our own Assembly and that of Lower Canada, with some of the Expressions made use of in the Address in reply to the Speech of your Excellency's Predecessor at the opening of the last Session of our Legislature, with the Refusal of the Supplies in both Provinces, and with the Object which appears to have given rise to these various Matters,—the effecting an extensive Change in the Constitution,—and, by an Extension of the Elective Principle to the Legislative Council, giving to the Democratic Branch an Influence inconsistent with the Principles of a mixed Form of Government, we feel that a Time has arrived when we should have an Opportunity afforded us of expressing our Opinions on these momentous Subjects in the most effectual and legitimate Manner, namely, by the Election of Men as Members of the House of Assembly who will truly speak our Sentiments, and faithfully represent our Feelings.

We feel deeply that the Sentiments and Opinions of the Majority of the present House of Assembly differ widely from ours, and we anticipate Evils of no ordinary Magnitude from a Continuance of a State of Things in which the personal Opinions of the People are not expressed by their Representatives. We therefore respectfully pray your Excellency to exercise the Royal Prerogative in this Behalf, to dissolve the present Parliament, and to order a new Election at such Period as to your Excellency shall seem fit.

And your Petitioners, as in Duty bound, will ever pray.

(112 *Signatures.*)

At a Meeting of the Inhabitants of Camden East and its Vicinity, held at the Camden Hotel, Clark's Mills, on Saturday Evening the 16th April 1836, Samuel Clark, Esquire, having been called to the Chair, and Dr. F. R. Purcell appointed Secretary, the following Address was unanimously adopted and signed:

To His Excellency Sir Francis Bond Head, Knight Commander of the Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c.

May it please your Excellency,

We, His Majesty's loyal and faithful Subjects, the Inhabitants of Camden East and its Vicinity, beg leave humbly to address His Majesty's Representative, and to assure your Excellency of our undeviating Loyalty and firm and unalterable Attachment to our Constitutional Act, which confers on us Blessings and Privileges equal to our most sanguine Desires.

The present excited State of political Feeling which prevails in this Colony has induced us to forward this Address to your Excellency, in which we would respectfully represent our entire Approbation of your Excellency's Conduct since called to legislate in this Province, and to assure your Excellency of our humble but cordial Endeavours to aid your Excellency in preserving inviolate *the Whole and nothing but the Whole* of the great Charter and Bulwark of our Liberty, the Constitutional Act.

To our revered Sovereign we can never feel sufficiently grateful for sending us as our chief Legislator a Person so ably qualified to perform the arduous Duties which it has fallen to your Excellency's Lot to discharge; and we at the same Time would assure your Excellency of our Disapprobation of the Doctrines held forth by a certain political Faction in this Province.

Constitutional Reform we earnestly desire; and we feel assured that your Excellency, qualified as you are to remove them, will not tolerate the Continuance of any Abuses which unfortunately may have crept into the Administration of this Colony.

(240 *Signatures.*)

To His Excellency Sir Francis Bond Head, K. C. H., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

The Inhabitants of the Township of Elmsley in the County of Leeds humbly approach your Excellency with Assurances of their devoted Attachment to the Person and Throne of their most Gracious Sovereign.

N.o. 21.
Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

They have viewed with Pain and Indignation the Attempts, fomented by political Agitators, to bring Odium on your Excellency's Administration; but they are satisfied that the Energies of the loyal and well-affected will prevail, and that the Contempt and Scorn of every good and honourable Mind will be poured out upon such restless Spirits of Agitation and Anarchy.

That your Excellency may be long spared to persevere in your honest, open, and manly Course, invigorating our Constitution by the Removal of all real Grievances, but firmly upholding the sacred Edifice itself, is the most anxious Desire of His Majesty's loyal Subjects, whose Names are undersigned.

Smithsfalls, Township of Elmsley, (58 *Signatures.*)
4th May 1836.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of Richmond and Vicinity, hailed with sincere Pleasure the Announcement of your Excellency's Arrival amongst us as our Governor, and from the candid and courteous Manner in which you have commenced your high official Situation we anticipate the most happy Results. That, although we feel Regret at the unhappy Difference of Opinion existing between your Excellency and late Executive Council, yet we would deem it Presumption to offer any Opinion as to how far the Constitutional Act prescribes to the Council the Latitude of "the Affairs of the Province;" but we cannot refrain from expressing our Approbation of the good Sense and clear Reasoning which characterize your Excellency's Reply to the Representation submitted to you by your late Council. The County of Carleton, of which we form a Portion, has long been famed for its Loyalty and Attachment to the British Government; having been nurtured with British Feelings and Habits, they have grown with our Growth, and neither the Designs of the crafty nor the Turbulence of the dissatisfied can shake our Attachment to the British Constitution.

Sensible of the inestimable Benefits which we derive from our Connexion with the British Government, we desire respectfully to tender our Thanks to your Excellency for solemnly pledging "to maintain the happy Constitution of this Country inviolate, but cautiously, yet effectually, to correct all real Grievances;" and we have learned with Regret the Attempts which have been made to embarrass you in your well-directed Efforts; but we place implicit Confidence in your Administration, and can conceive no better Guarantee against such Attempts than that open, manly, and disinterested Conduct which has hitherto rendered you so conspicuous.

(225 *Signatures.*)

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Township of Glanford in the Gore District, and the neighbouring Settlement on the Road leading to the Grand River, beg leave to express to your Excellency our firm Attachment to the Constitution of our Country and British Institutions.

We cannot but view with Feelings of deep Regret the invidious Attempts that have lately been made to embarrass your Excellency in the Administration of the Government of this Province; and we avail ourselves of this Privilege to express our unbiassed Opinions in favour of the gracious Benefits proffered us by our beloved Sovereign through your Excellency, and the anxious Desire your Excellency has manifested that the People of this Province should enjoy all their Constitutional Privileges; and we cannot refrain from declaring with "inward Pleasure" that we do prefer "British Freedom and the British Sovereign to the Family Domination of an irresponsible Cabinet."

It

It is with Surprise we learn that the House of Assembly, in an unprecedented Manner, has stopped the Supplies, which will inevitably be severely felt by all Classes of His Majesty's Subjects in this Province.

We do assure your Excellency, in this our humble Expression of Sentiments, that we heartily respond to the Course of Policy your Excellency has declared you will "adopt."

(112 *Signatures.*)

To His Excellency Sir Francis Bond Head, K.C.H., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

The Inhabitants of the Township of Burgess in the County of Leeds, whose Names are undersigned, humbly beg to present to your Excellency this trivial Tribute of our Respect for your Talents, and our Gratitude for your manly and firm Defence of Constitutional Freedom.

We beg further to assure your Excellency, that whatever Hankering may exist in the Breasts of others, or however ardently they may desire to embroil themselves in the Guilt of Separation and Rebellion, that in the People of this Township His Majesty will find few Enemies to His Crown, Dignity, or Government.

Fully approving of your Excellency's "Instructions," as communicated to the Provincial Parliament, and sincerely desirous to see their Spirit carried into practical Effect, we desire to assure your Excellency that the People of this Township will be at all Times ready heartily to co-operate with your Excellency in so desirable and necessary an Undertaking.

Burgess, 6th May 1836.

(25 *Signatures.*)

To His Excellency Sir Francis Bond Head, K.C.H., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, whose Names are undersigned, being the Board of Commissioners, Magistrates, and other loyal Subjects of His Majesty, residing in the Township of South Crosby in the District of Johnstown, approach your Excellency with our humble Offering of Praise and Gratitude for your Excellency's steady Support of British Principles, your able Administration of the Affairs of this Colony, and your just Determination to administer those Affairs in accordance with the true Spirit of Constitutional Liberty.

The evident Proofs your Excellency has already afforded of your anxious Desire to foster and encourage a Spirit of cordial Attachment to the Parent State induces us to hope, that under your Excellency's Administration the British Population of this Province will be more generally enfranchised, and their Constitutional Rights and Principles be thereby secured in the Colonial Legislature.

That your Excellency may be long continued amongst us, mildly but firmly to uphold the true Principles of Religion and Liberty, is the fervent Prayer of your Excellency's humble Servants.

South Crosby, 22d April 1836.

(99 *Signatures.*)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and constitutionally loyal Subjects, Inhabitants of the Township of Bayham in the District of London, respectfully beg leave to approach your Excellency, as the Representative of our most Gra-

No. 21.
Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

cious Sovereign, and to express our Sense of Approbation, with which we have witnessed the Acts of your Excellency's Administration since your Assumption of the Government of this Province.

The last Two Years have indeed been pregnant with Events involving the best Interests of this truly blessed Land in speculative Theories, in the sought for Change in our Institutions, more than doubtful, even if the most favourable Hopes of the Change-given Party *could* be realized, without any of the attendant Evils that *must* follow all such visionary Experiments.

As the Result of the many Applications to the paternal Government of our most Gracious Sovereign, the Selection of your Excellency to preside over our Destinies for the avowed Purpose of reforming all real Grievances is an Event which we hail as a renewed Assurance of His Majesty's paternal Solicitude for the lasting Happiness of His Subjects in this interesting Portion of His extensive Dominions.

We have long been fully aware that no Blessings which paternal Care can bestow will ever satisfy those restless Dispositions who seek only to exist in the Element of Confusion and Discontent, and with whom no Government, keeping in view any Traces or Landmarks of Constitutional Rights can ever be acceptable; and it is with painful Feelings of Regret that we advert to One great Cause of the Commotion which now agitates the public Mind, namely, the late Law, naturalizing without Discrimination all those who were resident in this Province on and who should continue to be so for the Space of Seven Years from the passing of that Act, as we are now obliged to recognize the degrading Fact, that Persons who Twenty Years ago were among the Army of our Invaders, are now, under that Law, exercising all the Rights of Subjects of His Majesty, and endeavouring, under its Mask, to effect what their hostile Armies could not achieve.

Were it not for that baneful Measure, our Assembly would not now be degraded by Persons averse to British Liberty and Integrity, both from Instinct, Education, and deep-rooted Prejudice, of which Circumstance the ambitious Demagogue takes apt Advantage; but we shall patiently bear with it, in the Hope that when the late Accession of British Population shall be entitled to their Franchise, our Legislature will present a more intelligent and British-like Appearance, as well as the more salutary Acquirement of Talent and Information. Then, and not till then, will the gracious Acts of the best of Sovereigns be duly appreciated by the Representatives of a loyal and a grateful People.

We have witnessed with Regret the late Withdrawal from your Excellency's Confidence of the Executive Council, not as a Matter of such Import in itself, but a fruitful Source from which the speculative and disaffected can draw Strength in their Labours of Commotion and Alienation of the People, because it involves Questions by which the uninformed are so easily misled. But the clear and distinct Manner in which your Excellency has so happily exposed the constitutional Features of the Question *must* have its due Weight with all sensible and intelligent Men, and the reflecting Part of the Community at large.

Your Excellency's happy Reference to that great Charter of our Liberties, the Constitution—at once directing to a rallying Point and Centre of Attraction, whenever our Rights shall be invaded, encourages us to hope, that, with that noble Bulwark, guided by the Master-hand of your Excellency, we are safe from the Attacks of the designing Theorist.

That the House of Assembly have refused the Supplies we regret much, foreseeing as we do the many Evils that must await the Deprivation of the public Servants of their just Remuneration, as well as the Cessation of Improvement in our Roads, the Delay of Compensation to those who suffered in the late War, and the numerous Train of Evils attendant on such a rash Procedure, at this Period, as a Return for His Majesty's gracious Intentions towards us; but we pledge ourselves firmly to afford your Excellency every Support at this trying Moment, against the wily Attacks of the Enemies of our Peace which becomes us as loyal Subjects of the King. This is not the Language of Flattery; it is but an Evidence of loyal Duty, which we offer upon the Altar of our Country's Good.

The cheering Assurance of your Excellency, that whenever the People, tired of Agitation, shall be disposed to join Heart and Hand in loyally promoting the Peace and Prosperity of the Province, they shall find you faithfully devoted

to

to their Service, demands our warmest Acknowledgments, and calls loudly upon all of us, in our individual Spheres, to use every Exertion to promote the Consummation of so desirable an End; and your Excellency may rest assured that we are determined to rise in the Might of our Unanimity, and put to silence the base Traducers of your honest Sentiments and fair Fame, and join our Fellow Subjects throughout the Province in shielding you from Insult, and to cheer and accompany you in your Progress towards salutary and substantial Measures of Reform.

(98 *Signatures.*)

Bayham,
30th April 1836.

To His Excellency Sir Francis Bond Head, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

That at a Meeting held upon the 5th Day of May instant, of the Freeholders and Inhabitants residing at and near the Falls of Niagara, convened by public Notice, Samuel Street, Esq., being called to the Chair, James Cummings, Esq., being appointed Secretary, the following Resolutions were unanimously adopted:—

Resolved, That, disclaiming that by this Act we identify ourselves with either of the prominent Parties in the Political Discussions which have unhappily prevailed in the Province, yet we deem the present Crisis so important, that every Man interested in the Prosperity of the Country should openly express his Sentiments in relation to the Course pursued by His Excellency the Lieutenant Governor and the House of Assembly recently prorogued.

Resolved, That viewing His Excellency's Speech on the 20th of April to the Provincial Parliament as a Development of the gracious Intentions of His Majesty, and highly approving and duly appreciating His Excellency's Determination as therein set forth,—"That he will use his utmost Endeavour to "explain to the People of this Province that we want only Wealth and Popu- "lation to become one of the finest Communities of People on the Globe; that "Union is Strength, and that Party Spirit produces Weakness; that they should "consequently forgive and forget political as well as religious Animosity, and "consider their Enemies only those who insidiously promote either," such Sentiments are highly appreciated by this Meeting, and we shall, individually and collectively, second such patriotic Conduct.

Resolved, That we deeply deplore the Course pursued by the House of Assembly, so contrary to what might have been expected; yet we trust and believe the whole Province will come forth, in their loyal and patriotic Spirit, and prove to our gracious Sovereign, the World at large, and to His Excellency, that, governing upon these Principles so graciously avowed by His Majesty, and frankly set forth by the Lieutenant Governor, the Province of Upper Canada will stand forth worthy of such Royal Regard; and that the House of Representatives will, upon mature Reflection, be led to adopt those Measures which will draw "from the Mother Country the redundant Wealth and Population," which, as observed by His Excellency, "will convert the Wilderness into green "Fields, establish Markets in all Directions, as well as good Roads, the Arteries "of Agriculture and Commerce; that plain practical Education shall be pro- "moted for the rising Generation; and, above all, the Blessings of the Chris- "tian Religion cherished and promoted, without Prejudice or Partiality, which "inculcates Glory to God in the highest, and on Earth Peace and Goodwill "towards Man." Such are the Consequences this Meeting believe will mark the Course of our future Legislators, and cause His Excellency to forget, as he generously forgives, the Embarrassment created by those from whom better Things have been expected.

Resolved, That the foregoing Resolutions be signed on behalf of the Meeting by the Chairman and Secretary.

Samuel Street, Chairman.
James Cummings, Secretary.

No. 21.
Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosures.

To His Excellency Sir Francis Bond Head, K.C.H., Lieutenant Governor of Upper Canada, &c. &c. &c.

May it please your Excellency,

The Board of Commissioners, Magistrates, and Inhabitants of the Township of Elizabethtown in the District of Johnstown humbly approach your Excellency with Sentiments of dutiful Affection for the Person and Government of our most Gracious Sovereign.

We have viewed with much Astonishment and Regret the busy Attempts now making by political Agitators to malign the Administration of your Excellency, and to alienate the Attachment of the People of this Colony from the Parent State. Such Incendiaries will ever find from us a steady and uncompromising, but a strictly legal and constitutional Opposition.

Affectionately attached to the Institutions of our Parent Land, and sincerely desirous to extend their Benefits and Blessings to every Portion of the Empire, we rejoice that in this Colony the Representation of our beloved Monarch has been entrusted to one who has Ken to penetrate every dark Design that would insidiously deprive us of their Benefits, and from whose Wisdom, Moderation, and Firmness we may justly expect to enjoy their most prosperous Blessings.

New Dublin, Elizabethtown, 27th April 1836.

(117 *Signatures.*)

(Signed) D. Mair, } Commissioners for
Henry Mand, junior, } Elizabethtown.

My dear Sir,

Our Address goes forward by this Mail to your Care for Presentation. I hope you will like it. Adelaide contains but Two Radicals; one is now building the Church here, and the other a Methodist Preacher. Whatever Paper the Thing is published in, pray send a few of them, that we may send them amongst the People. I should be glad Sir John saw our Proceedings, that he may know that his *own Boys* will stand to their Guns. I am beset daily about the Road Money; the People will certainly petition if they are not immediately paid.

A. B. Hawke, Esq.
&c. &c. &c.

Yours truly,
(Signed) Thos. Radcliff.

Sir,

Adelaide, 13th May 1836.

I am requested by the Gentlemen of Adelaide to forward you the enclosed Address to His Excellency Sir F. B. Head, expressing our Approbation of his Conduct as Lieutenant Governor of Upper Canada. It was particularly wished that you would present the same to His Excellency on behalf of the Subscribers; and if not too much Trouble, would you procure the Insertion of the accompanying Resolutions with the Address in the Patriot and Courier, together with His Excellency's Reply.

The Address was got up at a Meeting convened by the Magistrates at Bear Creek in the first instance, and then, for the Convenience of those residing at a Distance, adjourned to the Northern Part of the Township.

The Pressure of Farming Operations has prevented a much larger Number of Signatures being sent in than would under other Circumstances have attended the Address, and I am fully convinced that His Excellency will scarcely find a dissentient Voice in the Township of Adelaide.

I hope you will take an early Opportunity of presenting the enclosed, and forwarding His Excellency's Reply to Adelaide.

I have, &c.

A. B. Hawke, Esq.
Toronto.

(Signed) Thomas Hawkins,
Secretary of the Meeting.

No. 21.
Sir F. B. Head
to
Lord Glenelg,
30th May 1836.

Enclosure.

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

We, His Majesty's faithful and loyal Subjects of the Township of Adelaide in the London District, have watched with intense Anxiety the Progress of the Discussion between your Excellency and the House of Assembly relative to the Resignation of the late Executive Council, and we can no longer refrain from expressing the Indignation we feel at the unprincipled Use which has been made of it by your Opponents to bring into Disrepute your Excellency's Administration. At the same Time we beg to convey to your Excellency our sincere Thanks for the Firmness with which you have resisted the meditated Encroachments upon the Constitution, and our Admiration of the manly, liberal, and statesmanlike Manner in which you have conducted yourself throughout the very trying Circumstances in which you have been placed.

One Good, however, must, we conceive, accrue from the present apparently untoward State of Affairs, and that is the Removal of all Doubt from the public Mind as to the real Designs and ultimate Object of the Majority of the present House of Assembly, who, under Pretence of correcting Abuses (to which all Human Institutions are liable), are seeking to subvert the British Constitution, to annihilate British Feeling, to produce a Separation from the Mother Country, and who, by an unprecedented and injudicious Stretch of Power, have succeeded in materially embarrassing the Operations of Government, and injuring the public and private Credit of the Province.

Had the Redress of Grievances been their sole and real Object, the Arrival of your Excellency in this Country, armed with extraordinary Powers for that Purpose, would have been hailed by them with Enthusiasm, instead of exposing you to their Calumny and Vituperation for merely doing your Duty, in resisting Compliance with Demands to which in truth the Powers vested in you did not extend.

It was to have been hoped that your Excellency's Station alone as the Representative of our beloved Monarch would have been a sufficient Protection, on the Part at least of Men actuated by One Spark of British Feeling, from the gross and vulgar Epithets with which your Name has been coupled.

In conclusion, we beg to assure your Excellency of our firm Determination at all Times to support you in maintaining the Purity of the British Constitution; and that your Excellency may long continue to rule over us with that Candour and Honesty, Firmness and Dignity, which has already marked the Commencement of your Administration, is the sincere and unanimous Wish of your Excellency's faithful and respectful Subscribers.

Adelaide,
13th May 1836.

(287 *Signatures.*)

No. 22.

(No. 41.)

No. 22.
Sir F. B. Head
to
Lord Glenelg,
1st June 1836.

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 1st June 1836.

I have received from Lord Gosford and the Commissioners of Inquiry a Copy of their Reports, No. 3., to your Lordship, on the Executive Council, and I have had an Interview with Sir George Gipps, who was here Two Days on his Way to Niagara.

It may have appeared strange to your Lordship, that during the short Time that has elapsed since my Arrival here I should have twice respectfully tendered to your Lordship my Resignation of the Station I hold.

The ostensible Reason which I gave for so serious a Proposal was, that my Income and Rank were inadequate (as I still declare them to be) to the Duties

No. 22.
Sir F. B. Head
to
Lord Glenelg,
1st June 1836.

I had to perform; but having read the Commissioners Report, and having conversed with Sir George Gipps, of whose Talents and Probity I am deeply sensible, I have resolved to hesitate no longer to confess to your Lordship that I do not agree in Opinion with the Commissioners of Inquiry, and that I have long felt I should eventually embarrass them by remaining in this Country. I should not do Justice to myself, or act frankly towards your Lordship, the Governor General, or the Commissioners, were I any longer to conceal, that as regards their Policy, I have not an Idea in common with them.

The very first Act of my Administration was a deliberate Departure from the Course they adopted. I perfectly well knew, and I stated it to your Lordship, that by not giving to the Legislature of this Province the Commissioners Version of their Instructions I should seriously embarrass them; at the same Time, I could not make up my Mind to conceal the Truth, and I therefore promulgated the Instructions themselves, *in puris naturalibus*, although I was sensible it might cause my Recall.

In the Commissioners Report respecting the Executive Council they build their Recommendations on the Foundation, "that the weightiest Accountability "which can attach to any Man, in Matters of a public Nature for which he is "not punishable by Law or by Loss of Office, is their Accountability *to public* "*Opinion.*"

To this Doctrine I have never been able to subscribe; on the contrary, I have always considered that every Man in Office should make public Opinion follow *him*, and never attempt to follow *it*.

However, upon this Foundation, the Commissioners project Plans which, consistently with their Theory, are avowedly framed "to secure as much as "possible of the Confidence of the People."

In the Contest which I have had with the House of Assembly here, my Argument has been, that the Governor and his Executive Council form the great constitutional Counterpoise to the Representatives of the People, and that in proportion as the Provincial Legislative Council is deficient in the Rank, Wealth, and superior Education which give Influence to our House of Lords, so it is necessary that the Governor and his Council should be enabled to withstand the democratic Pressure, which, in the British Constitution, it is as much as the King and the House of Lords can do to resist.

I therefore consider that the Commissioners Recommendation of attempting to conciliate public Opinion, by partly forming the Executive Council out of the Two Houses of the Legislature, or, in other Words, out of the very Elements it is intended to control, is a fatal Error.

I also consider that to absolve the Governors Council from Secrecy would render it absolutely impossible for him to consult them; for as he is only supposed to consult them on Subjects upon which he feels his Judgment to be ricketty, the Confession to them of his own Weakness would, if made public, ruin his Authority by depriving him of Respect.

Besides this, if a Councillor were to be permitted to declare what Measure he had *not* advised, he would equally be at liberty to declare what Measure he *had* advised; and if there were popular Measures the Governor of the Colony, besides having to stand against Democracy, would also have to bear the additional Odium of having stood against the Popularity-hunting Advice of his Council, which altogether would, in Practice, be more than he could bear.

But the Report of the Commissioners respecting the Executive Council forms but a single Feature in the whole Picture of their Policy, which, to my Mind, has a democratic Character to which I cannot conscientiously accord.

I can declare to your Lordship, that before I came to this Country many of my Friends fancied I was a Radical, and indeed I almost fancied I was one myself, for in all the Countries I have ever visited I really have been devotedly attached to what is vulgarly called "the Liberty of the Subject;" but I cannot go as far as the Commissioners, and I feel it only due to them and to your Lordship to state so.

For instance, I consider that the Language of the Ninety-two Resolutions from Lower Canada was not only insulting to the British Government but traitorous.

If this be true, it unavoidably follows that the Author of these Resolutions is aTraitor; and, in my humble Opinion, to create him a Judge was to place upon the British Bench one whose proper Situation was the Dock.

I consider

No. 22.
Sir F. B. Head
to
Lord Glenelg.
1st June 1836.

I consider that in a British Colony, British Interests should be paramount, and that in these Provinces we should foster them by every Means in our Power, by infusing into the Country our redundant Population, and by giving nothing to Aliens but their bare Rights.

I do not in the slightest Degree presume to offer these Observations as Complaints against the Commissioners, or even as Suggestions worthy your Lordship's Consideration, but merely as a Confession that my Principles and Opinions differ completely from those of Gentlemen under whom I *believe* I should act, and with whom I am certain it is highly advisable I should concur.

As long as I could continue neutral my Opinions were concealed in my own Breast, but every Hour drives me to the Necessity of taking decisive Measures; and, as the Commissioners and I are now acting in opposite Directions, I feel quite confident that, sooner or later, the Principles which govern us must be suspected to be different, and that the Moment the Truth is elicited Embarrassments of a serious Nature must ensue.

The British Population of both the Canadas is now leaning with its whole Weight upon me, instead of, as it ought to do, upon the Commissioners. I therefore feel I am doing His Majesty's Government more Harm than Good; that, being the lesser Power, I really ought to retire, and I have no Hesitation in recommending to your Lordship that I should do so.

There exist, in the Commission of Inquiry, Opinions, openly promulgated, which many may term liberal, but to which I cannot, and never will, subscribe; but, far from wishing to oppose them, I only desire to offer to your Lordship to yield to them the Field.

I have the Honour, &c.

The Right Hon. the Lord Glenelg, &c. &c. &c.

(Signed) F. B. Head.

No. 23.

No. 23.
Sir F. B. Head
to
Lord Glenelg.
22d June 1836.

(No. 52.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 22d June 1836.

I have the Honour to transmit to your Lordship a Newspaper published here, entitled "The Correspondent and Advocate," which contains a Letter from Mr. M'Kenzie, of which the following is an Extract.

"The People of Lower Canada, and the Upper Canada Reformers especially, "direct their Views to Four important Objects, not One of which will be "conceded, as I believe, until it be too late. They are, *an elective Legislative* "*Council:* an Executive Council responsible to *public Opinion:* the Control "over the whole Provincial Revenues to be in the Legislature: and the *British* "*Parliament* and the Colonial Office to *cease* their *Interference* in *our* "*internal Concerns.*"

As the Republicans in the Canadas generally mark their Designs by Professions of Attachment to the Mother Country, I think it important to record this Admission, on the Part of Mr. M'Kenzie, of the traitorous Object which the Reformers of these Provinces have in view.

I have the Honour to be, &c.

The Right Hon. the Lord Glenelg, &c. &c. &c.

(Signed) F. B. Head.

No. 24.
Sir F. B. Head
to
Lord Glenelg,
8th July 1836.

No. 24.

(No. 56.)

Copy of a Despatch from Sir F. B. Head, K,C.H., to Lord Glenelg.

My Lord, Toronto, 8th July 1836.

The important Subject of this Despatch is to inform your Lordship of the Result of the Elections which have taken place here in consequence of my having dissolved the Provincial Legislature on the 28th May.

As soon as I determined, on the 5th March last, to make a stand against the unconstitutional Demands of my late Executive Councillors (which, as your Lordship is aware, were strenuously supported by the House of Assembly) I became sensible that the only practicable Method of breaking the Republican Party was by opening the Eyes of the People to the traitorous Designs of those who were leading them insensibly to Revolution.

I therefore reluctantly undertook the Task of writing in plain homely Language very long Replies to every Address that was offered to me; and observing that these Answers not only produced great Excitement in both the Canadas, but that the more Addresses I answered the more I received, I determined to continue the Controversy, in order that the Republicans should, in the most public Manner possible, be forced to measure their Strength with the Supporters of the British Constitution.

If the Subject of Dispute had been of trifling Importance I need hardly say I should have avoided rather than have courted a Conflict of this irregular Nature; but as I knew that it involved our Possession of the Canadas,—as I felt confident that the Position which the Republicans had imprudently assumed was untenable, and that I never could again hope to attack them on such advantageous Grounds,—I steadily continued to excite and agitate the public Mind by replying to the Addresses I received, which, amounting in Number to Seventy-two, bore the Signatures of 27,496 Individuals, most of whom I may observe were Farmers and Yeomen.

In proportion as the Constitutionalists were observed to rally round the British Flag (which I hoisted for the first Time in the History of this Province on the Roof of the Government House) the Republicans felt it necessary to make on their Part every possible Exertion; and as the Period for the Elections gradually approached, it became evident to every reflecting Man in Lower Canada that by the Conflict about to take place in the Upper Province Mr. Papineau's Power would either be materially increased or diminished, inasmuch as in one of my Replies I had noticed his Letter to Mr. Speaker Bidwell, as follows:—

"But as Mr. Speaker Papineau has thought proper to promulgate in this "Province that the People of the Canadas, labouring under the accumulative "Wrongs proceeding from an Act of Parliament, "*unite as a Man,*" I feel it "necessary to repudiate that Assertion by declaring what the State of Opinion "in Upper Canada really is."

"The People of Upper Canada detest Democracy, they revere their Con-"stitutional Charter, and are consequently staunch in Allegiance to their "King.

"They are perfectly aware that there exist in the Lower Province one or "two Individuals who inculcate the Idea that this Province is about to be "disturbed by the Interference of Foreigners, whose Powers and whose "Numbers will prove invincible.

"In the Name of every Regiment of Militia, I publicly promulgate "*Let "them come if they dare!*"

The Elections commenced on the 20th June, and the Struggle, as might be expected, was a desperate one.

I am happy however to inform your Lordship that the Result has been successful, and that Truth and Justice have as usual prevailed.

In the late House of Assembly the Republicans had a Majority of Eleven, in the present House of Assembly the Constitutionalists have a Majority of Twenty-five (there being now Forty-five Constitutional Members and only Seventeen Republicans).

In

No. 24.
Sir F. B. Head
to
Lord Glenelg,
8th July 1836.

In the late House there were Thirteen American Members, in the present House there are only Seven, one of whom is a Constitutionalist.

Among the Republicans who have lost their Election are the following Names:

1. Mr. Speaker Bidwell, the Twin or Siamese Companion of Mr. Speaker Papineau.

2. Mr. Peter Perry, the leading as well as the most powerful Speaker of the Republicans (the Chairman of the Committee to whom was referred my Correspondence with my late Executive Council).

3. Mr. W. L. Mackenzie, the Chairman of the Grievance Report, and the Arch-agitator of this Province.

As a single Example of the Reaction which has lately taken place in the public Mind, I may state that the Solicitor General, who is the Leader of the Constitutional Party in the House of Assembly, was returned without Opposition; that Mr. M'Lean, the late Constitutional Speaker, was returned at the Head of his Poll, while Mr. Speaker Bidwell (the avowed Advocate for Republican Institutions) was the lowest of the Four Candidates for his County.

The Effect the Election has produced in this Province, and the Excitement it will cause in Lower Canada, I will not attempt to describe, but will only express a Hope that it will, in your Lordship's Estimation, sufficiently defend the Course of Policy which I adopted on my Arrival in this Province, and which I had the Honour to explain to your Lordship in my Despatch of the 5th February, as follows:

"Under these Circumstances, I consider that the great Danger I have to "avoid is the slightest Attempt to conciliate any Party; that the only Course "for me to adopt is to act fearlessly, undisguisedly, and straightforwardly for "the Interests of the Country, to throw myself on the good Sense and good "Feeling of the People, and abide a Result which I firmly believe will "eventually be triumphant."

As the Elections are now concluded, I feel it absolutely necessary again most respectfully to draw your Lordship's Attention to the Propriety, and indeed absolute Necessity, of my immediate Removal from the Government of this Province, in case your Lordship should feel it advisable to deny me the Assistance of the civil Rank I have solicited.

I do not object in the least to the heavy Fines which have been levied upon me, nor to the Diminution of the official Income which my Predecessors have received, because I am determined that as long as my private Income can sustain the pecuniary Loss I am enduring, it shall never be said that I abandoned this important Station on account of Money; but without the Support of the Rank I have solicited, I beg Leave to be permitted without Offence to repeat explicitly to your Lordship that I cannot consent to ruin my Character as well as the Interests of my Family by maintaining a Contest which I foresee will end in my Defeat, unless I am firmly supported at home and sufficiently maintained in my Rank in this Country.

I sincerely hope that your Lordship will be pleased to come to an immediate Decision on the Subject, for I have been and at this Moment am seriously embarrassed by the Uncertainty of my remaining here.

I have the Honour, &c.

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

F. B. Head.

No. 25.

No. 25.
Sir F. B. Head
to
Lord Glenelg,
16th July 1836.

(No. 57.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 16th July 1836.

In my last Despatch, No. 56, dated 8th instant, I had the Honour to inform your Lordship that our Elections had added Forty Constitutional Votes to the House of Assembly, which is composed, as your Lordship is aware, of Sixty-two Members.

No. 25.
Sir F. B. Head
to
Lord Glenelg,
16th July 1836.

The Republican Minority of course feel that their Cause is desperate, and as a last dying Struggle, they have, I understand, been assembling at Toronto' Night after Night, for the Purpose of appealing for Assistance to His Majesty's Government.

Their Conventions are so secret that it is impossible for me to know what passes there; but I have been informed that they have actually despatched Dr. Duncombe (an American and a rank Republican) with Complaints of some Sort respecting the Elections.

I also beg to state to your Lordship that I expect that Dr. Baldwin, Mr. George Ridout, and Mr. Small, whom I have felt it necessary to dismiss from the Situations they respectively held, in consequence of the disrespectful Language they have publicly used against me, will also seek to be supported by His Majesty's Government.

I feel confident that your Lordship will discountenance this dark unconstitutional Practice of despatching Agents from this Province to His Majesty's Government to make secret Complaints against the Lieutenant Governor, which of course it is impossible for him to repel.

I will therefore merely assure your Lordship, that in the Elections, as well as in the Dismissal of a few of the Ringleaders of the Republicans, I have acted cautiously and conscientiously.

I have, &c.
(Signed) F. B. HEAD.

No. 26.

No. 26.
Sir F. B. Head
to
Lord Glenelg,
23d July 1836.

(No. 60.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

My Lord, Toronto, 23d July 1836.

UNTIL I know whether my past Proceedings have been approved of or condemned by your Lordship, it feels cheerless to enter upon the Consideration of the future. However, as it is absolutely necessary to consider what should be done at the Meeting of the Provincial Legislature, which may possibly take place in November, I feel it my Duty to submit to your Lordship a few Observations.

The Defeat of the Republicans in this Province has been so complete, that I am confident People of all Parties are not only prepared to submit to strong remedial Measures, but that, in their Hearts, they feel that the British Government can scarcely refrain from thus reprobating the uncalled-for Aggression that has been made in the House of Assembly of both the Canadas by stopping the Supplies.

With this Power and Opportunity to rescind any Measures which your Lordship, in January last, was disposed, for the Sake of Conciliation, to carry into effect, I beg leave very humbly to submit to your Consideration the Propriety of His Majesty's Government informing the Legislature of this Province, that although I had been authorized to relinquish the Control which His Majesty has hitherto exercised over the Hereditary and Territorial Revenues, in return for an adequate Civil List, yet that the Conduct of the late House of Assembly has too clearly proved that such an Arrangement would not be safe or prudent.

The Odium of the Denial would thus be thrown upon the Republican Party, while His Majesty's Government would be extricated from an intended Concession, which, like all Concessions to Republicans, would, I feel confident, not only be thrown away, but would tend to excite further Demands; for, as I have repeatedly stated to your Lordship, these People have no definite Object in view, short of separating the Colony from the Mother Country. Indeed, every Hour demonstrates clearer and clearer that the Principle of the Republicans is to obtain, by every possible Means, a Surrender of the Power and Possessions of the Crown.

In an evil Hour we fatally surrendered to them, without Bloodshed, the Duties levied under the 14th Geo. III.; the Consequence of which has been, that

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to
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that the Republicans, instead of thanking us, have called upon us also to surrender the Hereditary Revenues of the Crown.

Your Lordship took the pains of ordering, in detail, a Remedy for every single Grievance in Mr. Mackenzie's Volume; and the Republicans instantly repaid you by calling for an immediate Surrender of the Power and Responsibility of the Lieutenant Governor. Little now remains in our Hands; and if that little be conceded, if we give up the Hereditary and Territorial Revenues of the Crown, in my humble Opinion, we have King Lear's Fate before us, without his Plea of Inexperience.

I need hardly observe to your Lordship that the British Constitution was granted to the Inhabitants of the Canadas merely for the internal Government of *their own* Property and *their own* Affairs, not to entitle them to claim Possession of the Property of the Parent State. If once this Distinction be confounded, not only will the Property of the Crown be in danger, but the Colony will actually be encouraged to demand its Separation from the Mother Country; for if the Crown voluntarily surrenders its actual Property in this Colony (before it has imbibed from the Mother Country a Hundredth Part of the redundant Population it is capable of supporting) it may with equal Justice be required to surrender its Jurisdiction.

I feel quite confident that if the Lieutenant Governor of this Province, whoever he may be, will act with common Firmness he will not be seriously embarrassed by this Refusal on the Part of His Majesty's Government; and if the Territorial Revenues were placed at the Lieutenant Governor's Disposal, under such Orders and Precautions as His Majesty's Government might think proper to adopt, to be judiciously applied by him to those Sort of Improvements (such as Road-making, for instance) which would benefit the Mother Country as well as the Province, or, if necessary, to be temporarily withheld, I believe that the Country, instead of factiously opposing the Lieutenant Governor, would feel it their Interest (which at present it is not) to live on good Terms with him; and there can be no Doubt whatever, that, being disinterested, being unconnected with all Jobs and local Speculations, the Lieutenant Governor of the Province would direct the Expenditure of the Hereditary Revenues of the Crown with much greater Advantage to the Country than if they were to be entrusted to the People's Representatives.

Whether the Lieutenant Governor or the House of Assembly is to have the Expenditure of this Money is the Point which I respectfully submit to your Lordship's Consideration.

In my humble Opinion it should be given to His Majesty's Representative:

1st, Because it is the Property of the Crown, and not the Property of the People; and,

2d, Because it is politic to give to the Lieutenant Governor every possible Constitutional Support, and impolitic to throw that which legitimately belongs to his Influence into the Scale of the House of Assembly, which already too clearly preponderates.

I will occupy your Lordship's Attention on this Subject no longer, but will conclude by repeating my humble but decided Opinion that the Victory we have just gained requires to be followed up promptly by His Majesty's Government, by some Act or Acts of a stern decisive Nature; that the People of this Province expect it, and that if the Opportunity be now lost, it will probably never occur again.

I have not yet been able to determine when the Legislature will assemble, but as it is very possible that it may be advisable it should do so early in November, I hope to receive immediate Instructions.

I have the Honour, &c.

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

F. B. Head.

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Sir F. B. Head
to
Lord Glenelg,
27th July 1836.

No. 27.

(No. 62.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Government House, Toronto, 27th July 1836.

Almost the only real Grievance which I have been able to detect in this Province is the Land-granting Department, which has long been a Subject of universal, and I must say of just Complaint.

The total Incompetency of the late Surveyor General, it has already been my Duty to report to you; but vexatious Delay in the Location of Settlers, &c. &c. has occurred in the Office of Commissioner of Crown Lands, which for many Years has been, as your Lordship is aware, under the Direction of Mr. Peter Robinson, a Gentleman of Integrity, but whose Health has lately been insufficient for the arduous Duties he has had to perform.

A few Weeks ago Mr. P. Robinson had a Paralytic Seizure, in consequence of which he very properly felt it his Duty to resign his Situations of Commissioner of Crown Lands and Agent for the Sale of Clergy Reserves into my Hands.

As I considered it to be of the most vital Importance that these Appointments should be efficiently replaced, I gave the Subject the fullest and most impartial Consideration, and I can sincerely assure your Lordship that in appointing the Honourable Robert B. Sullivan to these Offices I feel I have had the good Fortune to secure the Services of an Individual eminently calculated to give general Satisfaction to the Country.

I have had for some Months an Opportunity of forming an Estimation of Mr. Sullivan's Character; and his Talents, his Integrity, his Knowledge of the Law, and his unremitting Application will, I feel confident, do Credit to the Selection I have made, and I therefore earnestly request that your Lordship will be pleased to confirm the same.

There is no Department in this Province so important as those over which Mr. Sullivan now presides. Mr. Sullivan was the Partner of Mr. Robert Baldwin, and when he and the Two other Members of my late Executive Council resigned, and when I was surrounded by Difficulties which appeared almost insurmountable, your Lordship may believe, I naturally looked for a Councillor upon whom, I as well as the Country could implicitly rely.

Without having even spoken to or ever seen Mr. Sullivan I sent for him entirely from the Character he held in the Province; and as in order to serve me he gave up his Friends and his Prospects at the Bar, of which he was a rising and very distinguished Member, I feel that he has a Claim upon His Majesty's Government to which it is equally their Interest to attend.

I believe I have already informed you that when I first arrived here Mr. Sullivan was the Mayor of Toronto.

No. 1. I enclose to your Lordship a Copy of Mr. P. Robinson's Letter of Resignation and of the Gazette in which Mr. Sullivan is appointed Successor to his Office.

No. 2. As this Gazette also notifies the Removal from Office of Dr. Baldwin and Mr. George Ridout, I feel it necessary to enclose to your Lordship a printed

No. 3. Copy of a Placard signed by Dr. Baldwin, containing Language against me which I feel confident your Lordship will be of opinion is incompatible with the Situation he held under His Majesty's Government.

Mr. G. Ridout's Abuse of me has been so notorious that it has attracted general Observation; and I may add that he as well as Mr. Small constantly attended and spoke at the Alliance or Constitutional Reform Society, although since it has borne the latter Appellation their Names were not actually enrolled as Members.

Mr. George Ridout was also the Individual who headed the Deputation, and who actually himself read to me the Address, dated 25th March last, from "a public Meeting held in the City Hall," which Address I forwarded to your Lordship on the 6th of April last.

I have the Honour, &c.

The Right Hon. Lord Glenelg. F. B. Head.

P.S.—I forward to your Lordship a Copy of a Letter I have just received from Mr. G. Ridout, which I have desired to be returned to him in a Blank Cover.

No. 4.

First

No. 27.
Sir F. B. Head
to
Lord Glenelg,
27th July 1836.

Enclosure No. 1.

First Enclosure in No. 27.

Sir, Toronto, 8th July 1836.

I have to report, for the Information of His Excellency the Lieutenant Governor, that I have been for some Time very seriously ill, so much so as to be unable to go to my Office or to render those Services which the Duties of the several Departments require. I have indeed felt for some Time that it would be necessary for me to retire on account of my ill Health, though the more serious Attack of Illness to which I allude, and of which His Excellency is aware, occurred but a few Days ago. I desire now only to consult my Health, and to be speedily relieved from the Responsibility of my Offices, and to that end I will adopt any Course that His Excellency may think most consistent with the public Service.

The Offices of Commissioner of Crown Lands, and Commissioner for the Sale of the Clergy Reserves require a constant and active Superintendence, on account of the Correspondence and frequent References and the Number of Persons applying at the Office.

If His Excellency deems it more convenient for the public Service to release me without Delay from those Offices I should prefer it, and I have no Doubt that by the First of next Month, or earlier if His Excellency wishes, I could be prepared to close the Accounts and hand over the Books and Papers belonging to them to any one His Excellency might direct; or if His Excellency desires rather that I should continue for any longer Time in charge I will readily, though I should probably find it necessary in that Case to suggest some Arrangement for His Excellency's Consideration.

With respect to the Office of Commissioner for Woods and Forests, as I could not so readily within the same Period of Time close the Accounts of that Office, and as my temporary Absence from the Duty is not inconvenient to the Public, the Business being conducted by Correspondence with distant Agents, I should prefer carrying that on with the Assistance of a Clerk for the present, if His Excellency has no Objection, being equally ready however to retire from it whenever the Government intimates a Desire that I should do so.

I have, &c.
Peter Robinson.

J. Joseph, Esq.,
&c. &c.

Second Enclosure in No. 27.

Enclosure No. 2.

Upper Canada Gazette Extraordinary.

Toronto, Saturday, 16th July 1836. By Authority.

Government House, Toronto, 16th July 1836.

The Lieutenant Governor has been pleased to appoint the Honourable Robert Baldwin Sullivan to be Commissioner of Crown Lands and Agent for the Sale of Clergy Reserves until His Majesty's Pleasure shall be known, in the Room of the Honourable Peter Robinson, resigned.

His Excellency has been further pleased to appoint John G. Spragge, Esquire, to be Surrogate of the Home District, in the Room of William Warren Baldwin, Esquire, removed:

And Robert E. Burns, Esquire, to be Judge of the District Court of the Niagara District, in the Room of George Ridout, Esquire, removed.

Third Enclosure in No. 27.

Enclosure No. 3.

The Supplies.

The Assembly stopped 7,000*l.* to guard the Rights of the People; Sir F. B. Head stopped 162,000*l.* to coerce your faithful Representatives.

As this is a Subject not well understood by many, and as no Doubt much Trouble will be taken by the Tories to magnify the Difficulties that will be said

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to grow out of the withholding of the Supplies, we will, from such Documents as are just now within our Reach, show how the Matter stands.

The estimated Income of the Province, from Sources of Revenue acknowledged and allowed to be under the Control of the Legislature, is as follows for the Year 1836.

	£	s.	d.
Amount of this Province's Proportion of Duties on Importation by Sea at the Port of Quebec -	55,000	0	0
Duties on Licences for retailing Spirituous Liquors, distilling, &c. - - - - - -	7,000	0	0
Duties on Importations from the United States of America - - - - - -	12,000	0	0
Duties on Licences to Hawkers and Pedlars -	500	0	0
Duties on Licences to Auctioneers and on Sales at Auction - - - - - - - -	750	0	0
Bank Stock Dividends - - - -	2,000	0	0
Burlington Canal Tolls - - - -	1,800	0	0
Kettle Creek Harbour Ditto - - -	400	0	0
Total Income of Revenue -	£79,250	0	0

Out of this Sum and other Sources all the Officers of the Government and the different Services are permanently provided for, except those which follow:

	£	s.	d.
Government Office.			
Secretary's Salary - - - -	208	0	0
Four Clerks - - - - - -	840	0	0
Contingencies - - - - - -	700	0	0
Executive Council Office.			
Two Clerks, 500*l.* Contingencies, 150*l.* - -	650	0	0
Receiver General's Office.			
Three Clerks, 675*l.* Contingencies, 200*l.* - -	875	0	0
Deputy Secretary and Registrar for 1835 and 1836 -	400	0	0
Inspector General's Office.			
Two Clerks, 500*l.* Contingencies, 100*l.* - -	600	0	0
Surveyor General's Office.			
Six Clerks - - - - - -	1,290	0	0
Attorney General's additional Salary - -	866	13	4
Solicitor General's Ditto - - -	377	15	0
Printing the Statutes - - - -	1,000	0	0
Repairs of the Government House - - -	200	0	0
Contingencies of the Public Offices - -	650	0	0
Casual and extraordinary Expenses - - -	600	0	0
Usher and Keeper of the Court of King's Bench -	40	0	0
Total Currency -	£9,272	8	11

The above is as estimated for the current Year, but no more than 7,223*l.* were voted last Year, the Estimate embracing some Items which the Assembly do not recognise as necessary for the Public Service. So that all the House of Assembly is called on to make good is the Sum of 7,223*l.*; an Amount which, in the Estimation of His Excellency, must be considered as extremely paltry, when it is known that he speaks of the whole Revenues of the Province as "not equal to the private Fortune of many an English Commoner!"

While the Power of the Assembly has been from Time to Time frittered away by granting permanent Appropriations, and passing everlasting Salary Bills, when the House was filled with Tories, the Executive Government claims and exercises Control over a large Amount of Revenue, styled Casual and Territorial, derived from the Sale of Crown Land, Timber, Fines, and Forfeitures, &c. We have not at our Command the Statements for the current Year, but by the last Estimate we saw it was upwards of 30,000*l.* This large Sum is appropriated without the least Regard to the Desires of the People, as constitutionally expressed through their Representatives. Besides this, a large Sum, 61,000*l.*, is already funded in England, derived from the Sale of the Clergy

Clergy Reserves. While the Executive has under its Control such large Sums, is it not most unjust towards the People of the Colony to withhold from them all the public Improvements which were contemplated under the Acts reserved by His Excellency? For, let it be understood, that the Assembly in this respect did its Duty. Did the Lieutenant Governor do his when he placed his Veto on their Labours? We contend that he did not; we contend that his Conduct was most capricious and arbitrary, savouring of the Spirit of Retaliation and Revenge, rather than that of a wise, beneficent, and prudent Ruler. It is in vain to say because the Supplies were not voted that therefore the Money Bills, *not connected with nor dependent on the Supplies*, should be rejected; there is no more Connexion between them than there is between any Two Bills passed by the Legislature during the same Session. Would it be wise, would it be politic, to make the passing of a good Bill dependent on the passing of an obnoxious one? The Thing is absurd and unjust. Equally so is the Principle on which the Money Bills have been reserved. And are the People of Canada to be thus domineered over? Are they to be told, because their Representatives have, in the Exercise of their constitutional Privilege to obtain the Recognition of a great constitutional Right, withheld the Supplies, that therefore they are to go without Education, without Light in their Lighthouses, and, as His Excellency says, without necessary Improvements in the Roads? Is it thus that the People are to be coerced to the Abandonment of their Privileges? The Assembly have no other Way of enforcing their Views on the Government, no other Way of insisting on the Rights of the People, and will they not be supported in the Position they have taken? If in this Struggle they should be abandoned by their Constituents, we might look for a long Continuance of Misrule based on the Principles of despotic Authority. But we are satisfied that such will not be the Case. The People of Upper Canada know their Rights, and will support their Representatives in maintaining them.—*Brockville Recorder.*

The Constitutional Reform Society of Upper Canada to their Fellow Reformers.

The Difference between Sir Francis Bond Head and the House of Assembly, growing out of the Resignation of the late Executive Council, has led to a Dissolution of Parliament. The unanimous Representation of the late Executive Council, severally signed by the Hon. Peter Robinson, Hon. G. H. Markland, Hon. Joseph Wells, Hon. John H. Dunn, and Robert Baldwin and John Rolph, Esquires, we declare to be moderate, just, and constitutional. The Refusal of Sir F. B. Head to allow the Executive Council to discharge the Duties obviously belonging to their Office and imposed by their Oath, of advising the Lieutenant Governor upon our public Affairs preparatory to his final and discretionary Action upon those Affairs, betrays a Disposition as a Stranger to conduct the Government in an arbitrary, unsafe, and unconstitutional Manner, which the House of Assembly, unless Traitors to us, could not sanction or grant Supplies to uphold. The Fifty-seven Rectories could not by Law have been established without the Advice and Consent of the Executive Council of the Province; and their recent Establishment and Endowment, with their exclusive Ecclesiastical and Spiritual Rights and Privileges, is a practical and melancholy Proof of the indispensible Necessity of a good and honest Executive Council, alike possessing the Confidence of the King and the People. It is our Duty solemnly to assure you that the Conduct of Sir Francis Bond Head has been alike a Disregard of Constitutional Government and of Candour and Truth in his Statements to you. We therefore appeal to you most earnestly not to abandon your faithful Representatives at the approaching Contest, but by your manly Conduct prove yourselves worthy of good Government and honest public Servants. The following are the Gentlemen who sustained our Rights during the late Session, and are worthy of our continued Confidence:—

Colonel A. Chisholm, County of Glengarry.
Messrs. Waters and Chesser, Co. Prescott.
Messrs. Bruce and M'Donell, Co. Stormont.
Messrs. Shaver and Cook, Co. Dundas.
Messrs. Wells and Norton, Co. Grenville.

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Messrs. Buell and Howard, Co. Leeds.
Mr. Shibley, Co. Frontenac.
Messrs. Bidwell and Perry, Co. Lennox and Addington.
H. W. Yager, Esq., Co. Hastings.
Messrs. Roblin and Wilson, Co. Prince Edward.
Dr. Gilchrist, Co. Northumberland.
Mr. Lount, Co. Simcoe.
Messrs. Mackenzie, Morrison, M'Intosh, and Gibson, Co. York.
Messrs. Durand and Hopkins, Co. Halton.
Messrs. Smith and Rymal, Co. Wentworth.
Messrs. Thorburn, M'Micking, and Woolverton, Co. Lincoln.
Dr. David Duncombe, Co. Norfolk.
Dr. C. Duncombe and Mr. Alway, Co. Oxford.
Messrs. Parke and Moore, Co. Middlesex.
J. E. Small, Esq., City Toronto.

The following are the great Doctrines of the Reformers Creed.

☞ 1st. The British Constitution in its Purity.
☞ 2d. Connexion with the Parent State.
☞ 3d. Emigration from the Mother Country.

☞ *To secure and promote these Objects, they contend for—*
- ☞ 1st. Responsible Advisers to the Governor.
- ☞ 2d. Equal Rights to all Men, whether Protestant or Catholic, Churchman or Dissenter; the Abolition of all the Rectories now established, Security being given that no dominant Church or Churches shall be tolerated in Upper Canada.
- ☞ 3d. The Disposal of *all* the Revenues of the Province for the Benefit of its Inhabitants.
- ☞ 4th. The Reformation of the Legislative Council and the Land-granting Department.
- ☞ 5th. The Redress of all known Grievances.

☞ As Reformers they want no more; as British Freemen they will never be satisfied with less.

Signed on behalf of the Society,
WILLIAM WARREN BALDWIN, President.

LIST of Money Bills which the Lieutenant Governor refused to sanction.

	£
For Roads and Bridges - - -	50,000
For War Losses - - -	20,000
For Internal Navigation, Newcastle -	16,000
For common Schools - - -	5,650
For Provincial Penitentiary - -	5,000
For Steam-dredging Machine - -	1,400
For common Schools, Ottawa District -	200
For Lighthouse on Bois Blanc Island -	300
For Lighthouse Keeper, Gibraltar Point -	100
To relieve Mr. Pearse and others - -	767
Contingencies of House of Assembly -	2,000
And other Bills, amounting in all to	£162,000

Fourth Enclosure in No. 27.

To His Excellency Sir F. B. Head, &c. &c. &c.

Enclosure No. 4.

May it, &c. Toronto, 27th July 1836.

I HAVE the Honour to state for your Information that I find, by a Letter addressed to me by the Adjutant General of Militia, that your Excellency refuses me a Court-martial, but admits that I have not been removed from the Situations which I held in His Majesty's Service for voting in favour of my Brother-in-Law at the late Election.

In

No. 27.
Sir F. B. Head
to
Lord Glenelg,
27th July 1836.

Enclosure No. 4.

In bringing my Case under the Notice of His Majesty's Government it is material that the Facts should be truly stated. I beg therefore to remind your Excellency that I am fully prepared to prove, as mentioned in a former Communication, that the Reasons assigned by your Excellency for depriving me of Office are totally without Foundation,—why should I hesitate to speak the whole Truth?—they are altogether untrue.

The only other Reason which I could think of was my Vote, which your Excellency, as appears from the Adjutant General's Letter, admits not to have been the Cause; the clear and undeniable Inference therefore is, that, in as far as depends upon your Excellency, I am disgraced and turned out of Office under false Pretences, and because it is your Pleasure.

Such a Course of proceeding will not be approved of by my Gracious Sovereign, so just and tender in the Exercise of His Power; nor will His Majesty countenance Oppression on the Part of those to whom He has delegated a Portion of His Authority, or suffer them, if guilty of Injustice, to pass unpunished.

It will scarcely be credited in the House of Commons or by the British Public that a Man who has served, without a view to Reward, during a bitter War, should be insultingly oppressed by one, a Stranger to the Province as your Excellency is, a Stranger to the Services of many of its Inhabitants, but clothed with a little brief Authority entrusted to you by the Colonial Minister, and listening to evil irresponsible Advisers, exercises that Power in the violent reckless Manner in which it has been directed against me.

After discovering that the Reasons assigned for my Dismissal were untrue, and that there was no just Ground for such a Proceeding, the honourable Course would have been to have restored me instantly to my Offices, with such Apologies for my wounded Feelings as one Gentleman owes to another whom he has unjustly aspersed.

But as this has not been done, I feel myself justified in stating to His Majesty's Government that I have been treated with the grossest Injustice, without even the Shadow of Misconduct on my Part, for the Reasons assigned are totally without Foundation.

If, however, even at this late Period, your Excellency has any other Reasons than those given, which have been hitherto kept back, I am willing to allow them every Weight; nor shall I attempt, when informed of their Existence, to suppress or lessen their just Influence with His Majesty's Government in the Statement which I am about to forward. If no other Reasons are produced, I have a Right to consider your Excellency's Conduct to me inconsistent with your Duty as the Representative of my Gracious Sovereign; and, as I can expect no Redress at your Hands, it only remains for me to appeal to the Justice of the Imperial Government.

I have the Honour, &c.
(Signed) George Ridout.

No. 28.

(No. 64.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

No. 28.
Sir F. B. Head
to
Lord Glenelg,
29th July 1836.

My Lord, Government House, Toronto, 29th July 1836.

I propose To-morrow to leave this Place to proceed to the Manatoulin Islands in Lake Huron, where the visiting Indians are to assemble to receive their annual Presents.

Before I set out I am anxious to address your Lordship on the Subject of the Commissionerships which were passed by the House of Assembly during their last Session, and which will be best explained by the enclosed printed Copy of my Reply to an Address I received from the Township of Pickering.

The Sum nominally voted by the House of Assembly of this Province for Road Money amounts to about 50,000*l.* a Year; and as this Money is not only voted but placed at the Disposal of certain Members of the House who are self-appointed by the Assembly as salaried Commissioners, it becomes a political Engine of enormous unconstitutional Power.

The insidious Uses to which it had been applied have, I can assure your Lordship, been revolutionary; and I beg to call your Attention to the Fact

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to
Lord Glenelg,
29th July 1836.

that in the enclosed printed List the Name of Mr. Peter Perry occurs no less than Six Times.

Should I remain here as the Lieutenant Governor of this Province it is my Intention to refuse to assent to any such Money Bills unless the Commissioners for its Expenditure be named by the Executive, and I shall be happy immediately to hear that your Lordship approves of my taking this necessary and constitutional Precaution.

I have, &c.
F. B. HEAD.

Enclosure.

Enclosure in No. 28.

The Freeholders of the Township of Pickering sent up an Address, signed by 161 of their Number, condemning the Course taken by the Majority of the House of Assembly during the last Session generally, and particularly in refusing the Supplies, and praying for an immediate Dissolution of the present Parliament.

To which His Excellency was pleased to make the following Reply:—

" Gentlemen,

" It is great Satisfaction that I have observed subscribed to the Address which I have just received from the Township of Pickering, the Names of nearly Forty Individuals who are known to have been violent Reformers; for this Fact corroborates the Evidence I am hourly receiving, that all Classes and Conditions of Men in Upper Canada are joining Hand in Hand for the peaceful Welfare of their Country.

" I must however reluctantly observe that there are Sentences in your Address in which you have explained your Feelings in Language stronger than it was advisable to utter.

" Your Hearts cannot be too warm in Attachment to your Country, but it is by cool Argument and Reason that we must determine nobly to attain our Object.

" Gentlemen, it has long been declared by the few self-interested Individuals who are still endeavouring to mislead you, that cheap Government can never be obtained in this Province, because its Lieutenant Governor comes from the Mother Country, which is 4,000 Miles off. Now, with this Statement before your Minds, calmly read over the following List of the Commissionerships, which were voted by the House of Assembly in their last Session, and then determine for yourselves whether it is not highly advantageous, instead of being disadvantageous, that the Lieutenant Governor should be a Stranger, totally unconnected with those local Interests and Family Combinations, which might possibly expend your Money for the sake of enriching a few Individuals, who have long gained their Bread by hypocritically declaring, what Blessings you would receive if you could but deprive the Lieutenant Governor of his Patronage and give it to them.

" I have no Observation to make on the List I now offer, except that I have exercised the Prerogative of my Station in such Cases as were submitted for my Approval by cancelling those Commissionerships."

List of Commissioners appointed by the House of Assembly in the several Bills passed by them during the last Session, with proposed Compensation.

Number of Bill.	Commissioners.	Compensation.
41. Bertie Survey Bill -	Edmund Riselay - -	20*s.* per Day while actually employed. To be paid out of the Funds of the District.
	Samuel M'Affee - -	
	George Rykert - -	
	Gilbert M'Micking - -	
	David Thorburn - -	
49. Navigation of the Waters of the Newcastle District - - -	Hon. Z. Burnham - -	Superintendent to receive such Allowance as may be authorized by the Commissioners.
	John Gilchrist - -	
	Alexander M'Donell - -	
	Archibald M'Donald - -	
	Robert Jameson - -	
	A. S. Fraser - - -	
	Ebenezer Perry - -	
	Peter Perry - -	

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Enclosure.

Number of Bill.	Commissioners.	Compensation.
68. Commissioners to Lower Canada	Hon. J. H. Dunn M. S. Bidwell Peter Perry	Not exceeding 400*l.*, to reimburse them for necessary Expenses in complying with the Provisions of the Act.
77. Loughborough Survey	John P. Roblin H. W. Yager George Rykert	20*s.* per Day while employed, out of District Funds.
84. Windsor Harbour Bill	John Campbell —— Kent Ezra Annis W. T. Moore Jabez Hall —— Welsh Peter Perry	10*s.* per Day while employed, out of District Funds.
107. Sale of Welland Canal Stock	M. S. Bidwell Peter Perry David Thorburn	25*s.* per Day for each Day necessarily engaged.
86. School and Crown Lands	Captain Dunlop Dr. C. Duncombe James Durand David Gibson John Gilchrist Peter Perry M. M. Howard Peter Shaver	20*s.* per Day while actually employed.
92. Presquile Light-house	Charles Short William Lyons James Wilson Charles Biggar Simon Kellog	3 per Cent. to superintend.
23. Sale of Clergy Reserves	Ottawa District Charles Waters Eastern — Peter Shaver Johnstown — A. N. Buell Bathurst — Wm. Morris Midland — Peter Perry Newcastle — W. Boswell Home — J. Ketchum Gore — C. Hopkins Niagara — W. Woodruff London — C. Duncombe Western — F. Baby P. Edward — J. P. Roblin	5 per Cent. to cover all Expenses incurred in complying with the Provisions of the Act, and to remunerate the Commissioners.
51. Gwillimbury Road and Bridge	Thomas Drury Joseph Hodgkins Adney Penfield William Laughton Francis Phelps	To appoint a Superintendent with suitable Provisions.

No. 29.

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to LORD GLENELG.

No. 29.
Sir F. B. Head
to
Lord Glenelg,
30th July 1836.

(No. 65.)

My Lord, Government House, Toronto, 30th July 1836.

As it is absolutely necessary that I should make an inspectional Tour of this Province I have the Honour to request your Lordship would be so good as to inform me from what Funds you would wish that my travelling Expenses should be defrayed.

I have, &c.
F. B. HEAD.

No. 30.
Sir F. B. Head
to
Lord Glenelg,
20th August 1836.

No. 30.

(No. 69.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 20th August 1836.

I have the Honour to inform your Lordship that I have this Day determined in Council that the Legislature of Upper Canada should meet the latter End of November next.

I am sure your Lordship will be sensible that in consequence of the violent political Contest which has lately taken place here, the meeting of our Legislature will attract the fixed Attention, not only of the Inhabitants of this Province, but of those of British North America. It is therefore, I conceive, of vital Importance to our Colonial Interests in general, that as soon as the Legislature assembles I should be enabled to demonstrate, by Facts rather than by Arguments, that a Triumph of constitutional over republican Principles in a British Colony is productive of Good to the Country; for if this Impression be deeply made upon the Minds of the lower Classes it will last long after their Curiosity on the Subject has subsided.

With this Object in view, I therefore submit to your Lordship the Propriety of at once entrusting me with an Extension of as much Power as you may think it safe to confide to me, and of your releasing me from as many Restrictions, particularly as regards the Land-granting Department, as possible.

This latter Subject has long been the great Grievance of this Country. Praise has been given to republican Institutions, Blame cast upon British Connexion, because the Emigrant has found greater Facilities to settle in the United States than in the Canadas.

I am not, however, prepared to give your Lordship any Opinion on this Subject; and I particularly refrain from doing so, as I this Evening set off to continue my Inspection of the Province, which will of course enable me to see Things with my own Eyes, and practically to judge of Opinions and Speculations on the Spot. By the Time I have finished this important Duty, which with my occasional Return here will occupy at least Two Months, I hope I shall be prepared impartially to act for the real Interests of this Country; but it will then be too late for me to hear from you; indeed the Provincial Legislature would almost have finished its Duties before I could receive an Answer to any Report or Communication I might then address to you.

Under these Circumstances I respectfully submit to your Lordship the Propriety of your instantly sending me Authority,—

1. To make such Alterations in the Land-granting System as upon mature Consideration I may think necessary;

2. To dispose, if required, of such Proportions of the Military Reserves (which have long been vexatiously as well as uselessly pent up) as appear by the Report of the commanding Engineer, which I herewith transmit, not to be required for Military Purposes.

So long as the Lieutenant Governor of this Province be fettered by insoluble Restrictions respecting the granting and Sale of the Crown Lands, so long will the Speculators injure themselves as well as the Country by keeping up the Price of Land, and by thus repelling British Emigrants to settle in the United States.

There can be no Doubt that the Lieutenant Governor of this Province could, if he had Power, bring these Speculators to Reason; but at present he stands like a Statue in the Land Market, deprived of the Activity of those who surround him; and in this Situation he must remain until, by being completely unfettered by Restrictions, he is sufficiently restored to Life to grapple with Speculators, in whose Hands vast Tracts of Land improvidently granted by the Crown are and long have been lying stagnant.

Respectfully requesting an immediate Answer to this Despatch,

I have, &c.

The Right Hon. the Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

No. 31.

No. 31.
Sir F. B. Head
to
Lord Glenelg,
12th Sept. 1836.

(No. 72.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 12th September 1836.

I have the Honour to transmit to your Lordship the accompanying Memorial from Mr. George Ridout, complaining that he has experienced unjust Treatment from me.

The Facts attending this Gentleman's Dismissal from his Situations of Judge of the District Court, of Justice of the Peace, and of Colonel of Militia, are shortly as follows:

On the 27th of March last, Mr. George Ridout, heading the Deputation, read that Address to me from a Public Meeting held at the City Hall by Dr. O'Grady (the Editor of the Correspondent and Advocate) and others, which I forwarded to your Lordship on the 6th April last, in my Despatch, No. 24.

Shortly afterwards Mr. Ridout made a Declaration, which became the Subject of general Conversation, that in the event of his being dismissed by me from Office, "I should deserve to be tarred and feathered; and that he would lend a Hand to do so."

In one of the Public Offices at Toronto he declared that we must or should now have "War to the Knife."

Mr. George Ridout was a frequent Attendant as well as a Speaker at the Constitutional Reform Society, from which was widely circulated a printed Address, signed by Dr. Baldwin, of which the following is an Extract:

"It is our Duty solemnly to assure you that the Conduct of Sir Francis "Bond Head has been alike a Disregard of Constitutional Government, "and of Candour and Truth in his Statements."

Mr. Ridout declares he is not a Member of this Society, yet from his frequent Attendance and speaking at the Meeting of this Society, before as well as after it had, for mere electioneering Purposes, changed its Name (only a few Weeks ago) from the "*Alliance*" to the "*Constitutional Reform*" Society, I felt I had a Right to consider him as an active Member. Previous, however, to declaring him to be such, I took the Precaution of obtaining a legal Opinion on the Subject, which was that Mr. G. Ridout most decidedly *did appear* to be an active Member of the said Society.

It is perfectly true that old Mr. Ridout was a loyal, gentlemanlike, and estimable Man; and it was from a benevolent Desire to reclaim Mr. George Ridout, his Son, from Radical Principles, that the Situations he held were successively heaped upon him by Sir Peregrine Maitland and by Sir John Colborne; but the more he was favoured the more violent he became; and when, as a Judge and Colonel of Militia, he talked about tarring and feathering the King's Representative, I considered that it was my Duty to inform him that His Majesty had no further Occasion for his Services.

I may add that shortly after my Arrival here I myself took a great deal of Trouble to endeavour to reclaim Mr. George Ridout, and kindly to persuade him of his Errors, but in vain.

I have the Honour to be, &c.

(Signed) F. B. Head.

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

Enclosure in No. 31.

Enclosure.

My Lord, Toronto, 12th August 1836.

I have the Honour to transmit your Lordship a Memorial complaining of the unjust Treatment I have experienced from Sir Francis Bond Head, the recently appointed Lieutenant Governor of Upper Canada; and I have to pray your Lordship to cause the same to be laid before the King, to the end that I may obtain Redress in the usual and constitutional Manner.

No. 31.
Sir F. B. Head
to
Lord Glenelg,
12th Sept. 1836.

Enclosure.

My first Intention was to have presented the enclosed Memorial in Person; but I postponed so long a Journey in the confident Hope that your Lordship will do ample Justice, to which I am encouraged by the numerous Instances your Lordship has already given of a Determination impartially to discharge the high and important Duties devolved upon you as Colonial Minister; and thus preclude the Necessity for any other Appeal than the One which I now adopt.

I remain, &c.
George Ridout.

To the Right Hon. Lord Glenelg,
&c. &c. &c.

To the Right Honourable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, &c. &c. &c.

The Petition of George Ridout of the City of Toronto in Upper Canada, Barrister at Law,

Showeth,

That your Petitioner, a Native of Canada, and Son of the late Honourable Thomas Ridout, Surveyor General, was appointed a Lieutenant in the Militia by the late Major General Sir Isaac Brock, a Name ever dear to this Province, and with whom he was present at the Battle of Queenston.

By the ordinary progressive Steps, and a Service of more than Seventeen Years, your Petitioner rose to the Rank of Colonel of the Second Regiment, East York Militia, in the Room of the Honourable John B. Robinson, appointed to fill the high Office of Chief Justice of this Colony in 1830.

That your Petitioner's Appointment to the honourable though not lucrative Situation of Judge of the Niagara District Court was conferred upon him in 1828 by Sir Peregrine Maitland, late Lieutenant Governor of this Province. During the Administration of his Successor Sir John Colborne your Petitioner discharged the Duties of these Situations so much to the Satisfaction of that Officer that he was appointed a Justice of the Peace for the Niagara District. That your Petitioner was treated with kind Consideration both by Sir Peregrine Maitland and by Sir John Colborne, though he voted for Gentlemen who were deemed the Reform Candidates.

That thus in practice as well as by the King's Instructions your Petitioner found the Principle recognized, that every Elector has a Right to exercise his own Judgment without Fear or Apprehension, and to indulge in such political Opinions as are consistent with his Duty to his King and Country without the Fear of Proscription.

Aware also of the unrestricted Liberty he had enjoyed under the Government of Sir Peregrine Maitland and Sir John Colborne, he hesitated not to follow the Course he had hitherto pursued, and at the late Election for this City gave his Vote for the Second Time in favour of his Brother-in-Law, the late Member, and a Reformer, as he believes, in the Spirit of Lord Goderich's Despatch, and to that only.

The Election for the City of Toronto closed on the 23d of June last, but no Intimation of the Intention of Sir Francis B. Head to punish your Petitioner for his Vote reached him until the 13th of July, after the Result of all the Elections had been ascertained; and the Time chosen for making this Communition was when your Petitioner was in the Discharge of his Duty as Judge of the Court at Niagara, although his Residence is at Toronto.

The Reasons assigned for your Petitioner's Dismissal from the various honourable Situations he held are totally without Foundation, as will plainly appear from the Correspondence between your Petitioner and the Private Secretary of His Excellency Sir Francis Bond Head, a Copy of which is hereto annexed. That this may admit of no Doubt your Petitioner submits the Evidence hereto annexed; he is also ready to prove that he refused to connect himself with a political Society recently formed here, because he disapproved of its Constitution.

Your Petitioner respectfully refers to the same Papers hereto annexed, showing the unavailing Exertions he made to procure Redress from Sir

F. B. Head

No. 31.
Sir F. B. Head
to
Lord Glenelg,
12th Sept. 1836.

Enclosure.

F. B. Head for the Injustice suffered, and the Necessity imposed upon him of appealing for that Redress to His Majesty's Government.

Your Petitioner feels the Injustice done him the more sensibly, not only because he has been punished, although guiltless of the Charges alleged against him, but Persons who took an active Part as Members of the Societies alluded to have been permitted to do so with Impunity. Whilst others holding lucrative and important Situations under Government, Clerks in Offices, and even Messengers, in defiance of the King's Instructions, have attended the Polls from Riding to Riding during the late Elections, and there used every Exertion, even to Intimidation, in order to obtain Votes for the Candidates known or supposed to be acceptable to Sir F. B. Head.

If the Inhabitants of this important Province are to adopt a new Line of Conduct for every successive Governor that may be ordered out, whose Views may differ from each other as to the Interpretation of the King's Instructions; if Proscription is to follow Acts previously deemed not only harmless but constitutional, and even entitled to Favour, because a new Governor adopts a Policy diametrically opposite to that of his Predecessor; then must the Situation of the honest Inhabitant of Upper Canada be deplorable indeed.

The natural Consequence must be that Men accustomed to the equal and steady Application of known Rules and Laws, and to the mild Sway of the British Government, will abandon the Country, and the Emigrant will avoid so frightful a Tyranny.

Convinced that your Lordship will not sanction Injustice, nor permit any Man, however exalted in Station, to use the Power delegated to him for the Benefit of His Majesty's Subjects to be exercised in their Oppression, I appeal with the utmost Confidence from the Decision of Sir Francis B. Head to the Justice of His Majesty's Government for such Redress as a Gentleman of unblemished Honour and a loyal British Subject has a Right to expect.

All which is humbly submitted.

GEORGE RIDOUT.

Toronto, Upper Canada,
12th August 1836.

Sir, Government House, 12th July 1836.

I am commanded by the Lieutenant Governor to call your Attention to the inclosed printed Address, which has lately been widely circulated "by and on behalf of" a Society of which it appears you are an active Member.

The Lieutenant Governor desires me to observe that the Language contained in this Address has hitherto remained unnoticed by him only from his Determination not to interfere with that public Verdict which he felt confident the Country would clearly express; but as the Elections are now over, His Excellency considers that, in order to maintain the happy Constitution of this Province inviolate, it is absolutely necessary, in obedience to the King's Instructions, that no Person should be permitted to retain any Office of Trust or Confidence under the British Government who attempts (however unsuccessfully) to insult the Lieutenant Governor of the Province by Language such as is contained in your Society's Address; His Excellency therefore deems it his painful Duty to direct me to inform you that His Majesty has no further Occasion for your Services as Judge of the Niagara District Court and Justice of the Peace.

I have the Honour to be, &c.

J. JOSEPH.

Geo. Ridout, Esquire,
Toronto.

The Constitutional Reform Society of Upper Canada to their Fellow Reformers.

The Difference between Sir Francis Bond Head and the House of Assembly, growing out of the Resignation of the late Executive Council, has led to a Dissolution of Parliament. The unanimous Representation of the late Executive Council, severally signed by the Honourable Peter Robinson, Honourable G. H. Markland, Honourable Joseph Wells, Honourable J. H. Dunn, and

No. 31.
Sir F. B. Head
to
Lord Glenelg,
12th Sept. 1836.

Enclosure.

Robert Baldwin and John Rolph, Esquires, we declare to be moderate, just, and constitutional. The Refusal of Sir F. B. Head to allow the Executive Council to discharge the Duties obviously belonging to their Office, and imposed by their Oath, of advising the Lieutenant Governor upon our public Affairs preparatory to his final and discretionary Action upon those Affairs, betrays a Disposition as a Stranger to conduct the Government in an arbitrary, unsafe, and unconstitutional Manner, which the House of Assembly, unless Traitors to us, could not sanction or grant Supplies to uphold.

The Fifty-seven Rectories could not by Law have been established without the Advice and Consent of the Executive Council of the Province; and their recent Establishment and Endowment, with their exclusive Ecclesiastical and Spiritual Rights and Privileges, is a practical and melancholy Proof of the indispensable Necessity of a good and honest Executive Council, alike possessing the Confidence of the King and the People. It is our Duty solemnly to assure you that the Conduct of Sir Francis Bond Head has been alike a Disregard of Constitutional Government and of Candour and Truth in his Statements to you; we therefore appeal to you most earnestly not to abandon your faithful Representatives at the approaching Contest, but by your manly Conduct prove yourselves worthy of good Government and honest public Servants.

W. W. Baldwin,
President.

Sir,

Toronto, 14th July 1836.

I have the Honour to acknowledge your Letter dated the 12th instant, with its Enclosure, in which, for Reasons therein stated, "His Excellency deems it his painful Duty to inform me that His Majesty has no further Occasion for my Services as Judge of the Niagara District Court and Justice of the Peace."

As regards the Reasons assigned for this extraordinary Step, by which the Son of one of the oldest and most meritorious Servants of the Crown, and who has in his own Person defended the Province against Invasion, even in several Engagements, and was among those who received the Thanks of His Majesty's Government for his Services during the War, has been removed, I beg leave to state that His Excellency must have been greatly imposed upon, as they are totally without Foundation.

I neither belong to the Society alluded to, nor had any thing to do with drawing up the Address enclosed to me,—a Paper which I never saw till it was in Circulation through the City in Print.

During the present Agitation of the Province I can charge myself with no Act that can be justly offensive against His Majesty's Government, to which I am as sincerely attached as any Man in the Province, and of which Attachment I have given Proofs at the Hazard of my Life, which I presume my secret Accusers and Calumniators have never done.

If indeed it be an unpardonable Offence that I gave my Vote to my Brother-in-Law as a free and independent Freeholder, I plead guilty; but whether this be a sufficient Cause for dismissing me from an honourable, though not a lucrative Station, must remain for His Majesty's Government to determine. Be this as it may, no Government can long exist which sanctions Acts so oppressive and unjust, and more especially when the Reasons assigned, as in my Case, are totally unfounded.

I have the Honour to be, &c.,
George Ridout.

J. Joseph, Esquire,
&c. &c.

Militia Adjutant General's Office,
Toronto, 12th July 1836.

Sir,

With reference to a Communication which has been made to you this Day by Mr. Secretary Joseph, I am commanded by His Excellency the Lieutenant Governor to acquaint you that for the Reasons assigned in that Communication, His Majesty has no further Occasion for your Services as Colonel of the Second Regiment, East York Militia.

I have the Honour to be, &c.
N. Coffin,
Adjutant General of Militia, Upper Canada.

George Ridout, Esquire,
&c. &c.

No. 31.
Sir F. B. Head
to
Lord Glenelg,
12th Sept. 1836.

Enclosure.

Sir, Toronto, 14th July 1836.

Whilst in the Discharge of my Duty as a public Officer at Niagara Yesterday I received your Letter of the 12th Instant, communicating to me "that, for Reasons assigned by Mr. Joseph, His Majesty had no further Occasion for my Services as Colonel of the Second Regiment, East York Militia."

As I have fully answered Mr. Joseph's Communication, and I hope satisfactorily shown that there was no Foundation for the Reasons therein assigned, it will be unnecessary for me to add any thing further than merely to remind you that among the Dismissals no Allusion is made to the Situation I hold of Acting Judge Advocate on the approaching Court-martial at Cobourg, and to beg of you to consider this a sufficient Notice of my Resignation of that Office.

I have the Honour to be, &c.

Colonel Coffin, GEORGE RIDOUT.
Adjutant General Militia, &c.

Sir, Toronto, 14th July 1836.

Not being aware that any Act of mine could be construed into a sufficient Justification for the extraordinary Step lately taken in dismissing me from the Colonelcy of the Second Regiment, East York Militia, unless the Vote for my Brother-in-Law can be considered a sufficient Pretext, a Privilege it is pretended that every Elector has a Right fearlessly and independently to exercise, and believing myself entitled under the Laws of the Province, I take the Liberty of demanding a Court-martial.

I have the Honour to be, &c.

To Colonel Coffin, GEORGE RIDOUT.
&c. &c.

Sir, Adjutant General's Office, Toronto, 20th July 1836.

I have had the Honour to submit to His Excellency the Lieutenant Governor your Letter of the 14th instant, which I must observe was only brought to my Office by your Clerk Yesterday, and am commanded by His Excellency to inform you, that as you are no longer an Officer of Militia it would be proper, in order to bring you to a Court-martial, that you should be reinstated in the Rank you formerly held; an Arrangement which His Excellency declines to sanction.

His Excellency deems it scarcely necessary to observe to you, that it was not for having voted for your Brother-in-Law that you were removed from the Situation you held in His Majesty's Service.

I have the Honour, &c.

George Ridout, Esq. N. COFFIN.

To His Excellency Sir F. B. Head, &c.

May it please your Excellency, Toronto, 27th July 1836.

I HAVE the Honour to state for your Information that I find by a Letter addressed to me by the Adjutant General of Militia that your Excellency refuses me a Court-martial, but admits that I have not been removed from the Situations which I held in His Majesty's Service for voting in favour of my Brother-in-law at the late Election.

In bringing my Case under the Notice of His Majesty's Government it is material that the Facts should be truly stated, I beg therefore to remind your Excellency that I am fully prepared to prove, as mentioned in a former Communication, that the Reasons assigned by your Excellency for depriving me of Office are totally without Foundation. Why should I hesitate to speak the whole Truth? they are altogether untrue. The only other Reason I could think of was my Vote, which your Excellency, as appears from the Adjutant

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12th Sept. 1836.

Enclosure.

General's Letter, admits not to have been the Cause. The clear and undeniable Inference, therefore, is, that in as far as depends upon your Excellency, I am disgraced and turned out of Office under false Pretences, and because it is your Pleasure.

Such a Course of Proceeding will not be approved of by my Gracious Sovereign, so just and tender in the Exercise of his Power; nor will His Majesty countenance Oppression on the Part of those to whom he has delegated a Portion of his Authority, or suffer them, if guilty of Injustice, to pass unpunished.

It will scarcely be credited in the House of Commons, or by the British Public, that a Man who has served without a View to Reward during a bitter War should be insultingly oppressed by one a Stranger to the Province—a Stranger to the Services of many of its Inhabitants—but clothed with a little brief Authority, intrusted to him by the Colonial Minister, and listening to evil irresponsible Advisers, exercises that Power in the violent reckless Manner in which it has been directed against me.

After discovering that the Reasons assigned for my Dismissal were untrue, and that there was no just Grounds for such a Proceeding, the honourable Course would have been to have restored me instantly to my Offices, with such Apologies for my wounded Feelings as one Gentleman owes to another whom he has unjustly aspersed.

But as this has not been done I feel myself justified in stating to His Majesty's Government that I have been treated with the grossest Injustice, without even the Shadow of Misconduct on my Part; for the Reasons assigned are totally without Foundation.

If, however, even at this late Period, your Excellency has any other Reasons than those given, which have been hitherto kept back, I am willing to allow them every Weight; nor shall I attempt, when informed of their Existence, to suppress or lessen their just Influence with His Majesty's Government in the Statement which I am about to forward. If no other Reasons are produced, I have a Right to consider your Excellency's Conduct to me inconsistent with your Duty as the Representative of my Gracious Sovereign; and as I can expect no Redress at your Hands, it only remains for me to appeal to the Justice of the Imperial Government.

I have the Honour, &c.
George Ridout.

Upper Canada, } Alexander Stewart of the City of Toronto, Carpenter,
Home District, ss. } maketh Oath and saith, That he was present at a large Meeting held in the said City about the Month of January in the Year 1835, when William Lyon Mackenzie, Esq., proposed to form a political Society called the Alliance Society of Upper Canada, and at the same Time submitted a Series of Resolutions for the Adoption of the said Society: That George Ridout of the said City, Barrister at Law, was opposed to Mr. Mackenzie's Resolutions, and opposed the Formation of a Society on the Principles contained in those Resolutions.

This Deponent further saith, That he believes the said George Ridout has not, since the above-mentioned Period, joined any political Society in this Province.

A. Stewart.

Sworn before me at the City of Toronto, U.C., the 15th Day of August 1836.

T. D. Morrison, Mayor.

By

No. 31.
Sir F. B. Head
to
Lord Glenelg,
12th Sept. 1836.

Enclosure.

By His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

To all to whom these Presents shall come, Greeting:

These are to certify, That Thomas D. Morrison, whose Name is subscribed to the foregoing Affidavit, is Mayor duly elected in and for the City of Toronto, Province of Upper Canada, and that full Faith and Credence are due and ought to be given to his Signature and Acts in that Capacity in all Places.

Given under my Hand and Office Seal, at Toronto in Upper Canada, this 16th Day of August in the Year of our Lord One thousand eight hundred and thirty-six, and of His Majesty's Reign the Seventh.

By His Excellency's Command, F. B. Head.

J. Joseph.

To whom it may concern.

The Subscribers hereto, severally filling the Offices attached to their respective Names in the Alliance Society of Upper Canada, do declare that George Ridout of the City of Toronto, Barrister at Law, did not at any Time since the Organization of the said Society become a Member thereof. Dated this 12th Day of August 1836.

T. D. Morrison, President.
John M'Intosh, Vice President.
Jno. E. Sims, Secretary.
T. Parson, Secretary.

To whom it may concern.

The Subscribers hereto, severally filling the Situations attached to their respective Names in the Constitutional Reform Society of Upper Canada, do declare that George Ridout of the City of Toronto, Barrister at Law, did not at any Time since the Organization of the said Society become a Member thereof. Dated this 12th Day of August 1836.

W. W. Baldwin, President.
Francis Hincks, Secretary.
James Lesslie, Treasurer.

Upper Canada.

City of Toronto, } I Thomas D. Morrison, Esquire, Mayor of the City of
to wit. } Toronto, do hereby certify that Alexander Stewart of the City of Toronto, Carpenter, whose Affidavit taken before me is hereto annexed, is a Person to me well known; that he is a Person of respectable Character, and worthy of full Credence.

I do also certify, That the Names T. D. Morrison, John M'Intosh, Jno. E. Sims, T. Parson, W. W. Baldwin, Francis Hincks, and James Lesslie, subscribed to the Certificates on the preceding Page, are of the respective Handswriting of the said Persons, and that they held the several Offices mentioned in the said Certificates, and placed opposite their respective Names in the Societies therein mentioned.

Given under my Hand and Seal of Office, this Fifteenth Day of August in the Year of our Lord One thousand eight hundred and thirty-six.

T. D. Morrison, Mayor.

No. 31.
Sir F. B. Head
to
Lord Glenelg,
12th Sept. 1836.

Enclosure.

UPPER CANADA.

Michaelmas Term, 10 Geo. 4.

Home District, ss. } At a Convocation of the Law Society held in the Court House on Monday the First Day of Michaelmas Term in the Tenth Year of the Reign of King George the Fourth,

PRESENT,

Henry John Boulton, Attorney General.
Christopher Alexander Hagerman, Solicitor General.
William Warren Baldwin, Esq.
Darcy Boulton, jun., Esq.
George Ridout, Esq.
Thomas Ward, Esq.

It was moved by W. W. Baldwin, Esq., seconded by the Solicitor General, Mr. Hagerman, that George Ridout, Esq., be appointed Treasurer for the Remainder of the Year ending in Hilary Term next, a Vacancy having occurred by the Elevation of the former Treasurer, John B. Robinson, Esq., to the Bench as Chief Justice, and resolved accordingly.

Hilary Term, 10 Geo. 4.

At a Convocation held at the Law Society Library on Monday the Twenty-eighth Day of December 1829, being in the Term in Hilary in the Tenth Year of the Reign of King George the Fourth,

PRESENT,

Henry John Boulton, Esq. Attorney Gen eral.
Christopher Alex. Hagerman, Esq., Solicitor General.
William Warren Baldwin, Esq.
Jonas Jones, Esq.
John Rolph, Esq.
Simon Washburn, Esq.

It was proposed by the Solicitor General, That George Ridout, Esq., be Treasurer for the ensuing Year, that is, until Hilary Term next, and resolved accordingly.

Hilary Term, 1 William 4.

At a Convocation held at the Law Society Library on Monday the Twenty-seventh Day of December 1830, being in the Term in Hilary in the First Year of the Reign of King William the Fourth,

PRESENT,

George Ridout, Esq., Treasurer.
William W. Baldwin, Esq.
Simon Washburn, Esq.
James E. Small, Esq.
Robert Baldwin, Esq.
William H. Draper, Esq.

It was moved by Simon Washburn, Esq., and resolved, That George Ridout, Esq., be continued Treasurer for the ensuing Year, that is, until Hilary Term next.

Treasurer's Office, Osgoode Hall,
City of Toronto.

I hereby certify the foregoing to be a true Extract from the Journals of the Law Society of Upper Canada.

Given under the Seal of the Society at Osgoode Hall this 20th Day of August 1836.

R. B. Sullivan, Treasurer.

No. 32.

No. 32.
Sir F. B. Head
to
Lord Glenelg,
28th Sept. 1836.

(No. 74.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 28th Sept. 1836.

On my Return here Yesterday from an inspectional Tour of this Province, which has occupied nearly Two Months, I received, with much Pain, your Lorship's Despatch No. 73, dated 25th July last.

I respectfully beg leave to defer for the present offering any exculpatory Remarks; but for the same Reasons which have already induced me to abandon my just Claims upon His Majesty's Government for pecuniary Compensation, I now deem it necessary explicitly to recall and annul the Request I have several Times ventured to submit to your Lordships, to be raised by a Civil Title to the Level or Rank of my Predeceseors.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

No. 33.

No. 33.
Sir F. B. Head
to
Lord Glenelg,
8th Oct. 1836.

(No. 79.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 8th Oct. 1836.

I have the Honour to inform your Lordship, that I have issued a Proclamation convening the Legislature of this Province, for the Despatch of Business, on Tuesday the 8th of November next.

I had, as your Lordship is aware, fixed upon the End of November, but in consequence of the State of Affairs in Lower Canada I have considered that His Majesty's Government would probably like to have before them at the meeting of the Imperial Parliament the actual Result of the whole of the Proceedings of the Session of this Legislature, and I therefore fixed on the Day I have mentioned.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

No. 34.

No. 34.
Sir F. B. Head
to
Lord Glenelg,
13th Oct. 1836.

(No. 81.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord. Toronto, Upper Canada, 13th Oct. 1836.

In reply to that Portion of your Lordship's Despatch No. 73, dated 25th July 1836, in which you inform me that you are pleased to impose upon me the Duty of naming an Individual to be appointed Surveyor General of this Province instead of Captain Macaulay, and as a Successor to Captain Hurd, I have the Honour to inform your Lordship, that after having given this important Subject my most serious Consideration, I have this Day gazetted Mr. John Macaulay for the Office, "until His Majesty's Pleasure shall be known."

Mr. Macaulay, who I may observe is neither related to nor connected with Captain Macaulay (the Family of the one being Irish, that of the other Scotch,) is a Canadian Gentleman who has been lately appointed a Member of the Legislative Council, and is Chairman of the Quarter Sessions of the Midland District.

For nearly Twenty-five Years he has been the confidential Correspondent and Assistant, in this Province, of the Deputy Postmaster General in North America; he is a Person of Education, an active Man of Business, and I believe I can say that there are few Individuals in Upper Canada who bear a higher Character for Ability and Integrity.

 I sub-

1st Enclosure.

2d Enclosure.

I submit for your Lordship's Perusal a Note from Mr. Macaulay to Mr. Joseph by which it will appear that he has given up a considerable Salary to undertake the Office to which I have appointed him, and I therefore deem it but common Justice to him to request that a Letter, which I also submit, from Captain Macaulay, may not induce your Lordship to abandon Mr. Macaulay, who has given up his Profession and Prospects for the Honour of serving His Majesty's Government.

Although I was desirous that Captain Macaulay might have been appointed, and although my Opinion of his Fitness remains unchanged, yet on the Receipt of your Lordship's Despatch I told that Gentleman (who is now gone to England to have an Interview with your Lordship), that I should feel it my Duty to request your Lordship not to reverse the Appointment I now make, as it would tend to shake public Confidence in my Appointments.

I have, &c.

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

(Signed) F. B. Head.

Enclosure No. 1.

First Enclosure in No. 34.

My dear Sir, Kingston, 6th Oct 1836.

I am in receipt of your Favour dated the 3d instant, communicating to me by Desire of His Excellency, the Offer of the Situation of Surveyor General in the Room of Mr. Hurd.

In returning my warmest Thanks to His Excellency for honouring me with this signal Mark of his Confidence, I beg to state that I consider it my Duty to accept the Office.

Not having entertained the remotest Anticipation of this Appointment, I remain ignorant of the precise Emoluments attendant on it. I have indeed been impressed with an Idea, that while the Duties, rightly performed, were among the most onerous, the Emoluments were not the most liberal attached to Office at Toronto. As I am, however, accustomed to close Application, I am ready to undertake Labour, and trust that the Income afforded me will be sufficent for the respectable Support of my Family, independently of my private Resources, on which I should not desire to be under the Necessity of trenching while in His Majesty's Service.

The Income arising from my present Employments amounts to £650 or £700 per Annum, and I occupy my own House in a Town where domestic Expenses are far more moderate than they are at the Seat of Government.

Whether, therefore, I shall suffer or not, in a pecuniary point of view, by removing from hence to Toronto, is naturally a Question for my careful Consideratiom. My Impression, permit me to say, is, that in this respect I shall somewhat suffer, but it will be satisfactory to me, if, while I do so, I succeed in creditably serving His Majesty and the Country. In assuming a public Station, I am aware of the embarrasing Liabilities which, in Times of Party Excitement, such as may occasionally befall the Country, all Colonial Officers may inevitably incur; yet I shall always fully rely on the just Protection of the Government, while I continue honestly and faithfully to perform my Duty to the Crown.

Trusting that His Excellency will look with Indulgence on this unreserved Exposition of my Circumstances and Sentiments, and awaiting his Commands,

I remain, &c.

John Joseph, Esq. (Signed) John Macaulay.

Enclosure No. 2.

Second Enclosure in No. 34.

Sir, Toronto, 29th Sept. 1836.

In the Despatch from which your Excellency Yesterday read to me some Extracts relating to the Office of Surveyor General, the following Paragraph occurs:—"but as Captain Macaulay deliberately tendered the Resignation of that

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that Office, without any Explanation of his Motives, I cannot hesitate to accept that Resignation, and to impose on you the Duty of making another Choice." Your Excellency must perfectly well recollect that I resigned the Office of Surveyor General at your own Suggestion, which you stated proceeded from your feeling it unadvisable to persist in an Appointment so unexpectedly opposed, and which properly belonged not to yourself, but to the Colonial Minister. Your Excellency must also recollect, that although under those Circumstances I resigned, I continued a Candidate for the Appointment.

The Paragraph above quoted leads me to believe that Lord Glenelg is unacquainted with the true Nature of my Resignation, under which Impression I respectfully solicit your Excellency to make the same known to his Lordship before he shall have obtained His Majesty's Sanction to the Appointment of another Person.

I have, &c.

His Excellency Sir Francis B. Head, &c. &c. &c. (Signed) J. Macaulay.

No. 35.

No. 35.
Sir F. B. Head
to
Lord Glenelg,
28th Oct. 1836.

(No. 86.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 28th Oct. 1836.

I have the Honour to submit to your Lordship a short Memorandum on the present political State of the Canadas.

I have, &c.

The Right Hon. Lord Glenelg, &c. &c. &c. (Signed) F. B. Head.

Memorandum on the present political State of the Canadas.

During the inspectional Tour I have just concluded, I have been occupied nearly Two Months in calmly observing the Moral Feeling of this Province.

Avoiding Addresses of Congratulation, or any thing that could cause political Excitement, I have mingled with Men of practical Intelligence, and have listened to the Variety of Opinions they offered to me, with the same Attention with which as an Assistant Poor Law Commissioner I made myself acquainted with the Prejudices and Difficulties it was then my Duty to encounter.

I have since had full Leisure and Opportunity deeply to reflect upon all I have seen and heard; and although I am at this Moment sensible how much may possibly depend upon the Integrity of the Evidence I am about to offer to your Lordship, and into what Difficulties I may lead His Majesty's Government if by Exaggeration I should induce them to construct their remedial Measures upon a false Foundation, yet with all this before my Mind I have no Hesitation whatever in declaring to your Lordship, that upon the Loyalty of the People of Upper Canada His Majesty's Government may now build as upon a Rock; I declare to your Lordship that in England there does not exist a more sensible Attachment to the British Constitution and to the Person of our Sovereign than here.

The Owners of Property in Upper Canada dislike Democracy; they dislike it infinitely more than People in England do, because there it is a fine omne ignotum pro magnifico Theory that no Man understands; whereas here it is seen practically working before our Eyes in the United States; and it is because the British Population in Upper Canada see it in operation that they deliberately detest it. * * * * * * * *

Of course there exist in Upper Canada as in England a Party who desire to subvert the British Constitution; but I can assure your Lordship that this Party is, generally speaking, composed of People who in point of Property as well as

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in point of Character have little or nothing to lose, and whose Opposition is therefore proportionately not equal to that which exists in the Mother Country.

The Opinion which so generally prevails in England, that a Republican Government is better suited to the Disposition of the Canadian People than the British Constitution, is an Error which the simple Fact I am about to mention ought to subvert.

Previous to the late Election I made the following Declaration, which was printed and circulated over the whole Province.

"*The People of Upper Canada detest Democracy; they revere their Consti-*
"*tutional Charter, and are consequently staunch in Allegiance to their*
"*King.*"

This Declaration against Democracy was of course disapproved of by the Republican Members of the House of Assembly, and consequently nothing could be more clearly put to the Decision of the Inhabitants of any Country than the following Question which the People of Upper Canada actually asked of each other on the Hustings. "Do you vote for the House of Assembly or "for Sir Francis Head?" Which amounted in plain Terms to this: "*Are you for a Republican Government, or are you not?*"

The Subject having been thus publicly sifted, debated, and argued for about Three Months, the Verdict of the People was unequivocally delivered as follows:

It discarded from the House of Assembly,

1. Mr. Speaker Bidwell, the avowed Advocate for Republican Institutions.
2. Mr. Peter Perry, the leading Supporter of these Doctrines.
3. Mr. W. L. Mackenzie, the leading Writer in support of these Principles.

It completely broke up the Republican Majority, which, under the Pretence of being Redressers of Grievances, had long insidiously but successfully obtained Seats in the Assembly, in short the Result of the Elections, or in other Words, of the Opinion of the People, was eventually declared to be as follows:—

Number of Constitutional Members elected, 44.
Number of their Opponents - - 18.

Of this latter Number (18) there were not Three who dared openly to avow before their Constituents a Desire to separate this Colony from the Mother Country, or to exchange its Constitution for Democracy.

I feel it impossible to take leave of the above recited historical Fact without remarking how little it supports Mr. Papineau in his Assertion, that "*America*
"*is destined to give Republics to Europe!*"

With respect to the Indians inhabiting the vast Regions around us, I can assure your Lordship, from personal Communication with these brave Men, that in the event of a War all those upon whose Attachment we have a just Claim would at any Time sacrifice their Lives for their Great Father the King, and that if it should be necessary to call upon them they will come.

Having now stated the Result of the Observations I have personally made on the State of public Feeling in Upper Canada, I would gladly conclude, but the political State of Lower Canada is so entangled with the Interests of this Upper Province, that I feel it my Duty respectfully to submit to your Lordship my Opinion of the remedial Measures which ought to be adopted, in order that His Majesty's Government may take them into consideration with the various other Projects and Recipes which will be proffered on the Subject.

The Remedy which I fear will be assiduously recommended by the British Population of Lower Canada is, that the Two Provinces should be united, and placed under the Government of some Individual, in whose Coolness, Ability, and Decision they can rely.

My humble but deliberate Opinion of this Project is, that it would produce the Effect of separating both the Canadas from the Parent State, on the homely Principle, that if tainted and fresh Meat be attached together both are corrupted.

Upper Canada is now, as I have assured your Lordship, sound and healthy at Heart.

* * * * * *

However

However, notwithstanding the good Feeling which exists in the Country, it is well known to every Observer of Human Nature that a considerable Portion of Mankind are always governed more by Prudence than by Principle. In this Country as in all others there must consequently exist a large Body of Men, termed here "Majority Men," from their Propensity to attach themselves to the largest Party.

So long as Upper Canada remains by itself I feel confident that by mere moderate Government her "Majority Men" will find that Prudence and Principle unite to keep them on the same Side; but if once we were to amalgamate this Province with Lower Canada, we should instantly infuse into the House of General Assembly a powerful French Party, whose implacable Opposition would be a dead or rather a living Weight, always seeking to attach itself to any Question whatsoever that could attract and decoy the "Majority Men;" and I feel quite confident, that inasmuch as evil Passions are always more alert than good ones—

"For oft, tho' Wisdom wake,
Suspicion sleeps at Wisdom's Gate,"

that sooner or later the Supporters of British Institutions would find themselves overpowered, not by the good Sense and Wealth of the Country, for *they* would, I believe, always be staunch to our Flag, but by the Votes of designing Individuals, misrepresenting a well-meaning inoffensive People.

But leaving political Intrigue out of the Question, I submit to your Lordship, in opposition to the Project of uniting the Canadas, that there exists no moral Affinity between the Inhabitants of the Two Provinces. The one are commercial and enterprising; the other anti-commercial and quiet. The busy Enjoyment of the one Nation is Locomotion; the peaceful Luxury of the other is Rest.

But even if their Propensities were identical, their Climate, Soil, and Geography are so different that their Interests would be constantly at variance.

For instance, the Upper Province, surrounded by Seas of fresh Water, which it holds in Partnership with the United States, requires Railroads and Markets which it might be against the Interests of the Lower Province to promote.

The Distance between the extreme Districts being about 1,100 Miles, and there being no travelling by Water for at least Five Months in the Year, would make the meeting of the Legislature at any Point of common Rendezvous exceedingly inconvenient; besides which, the Size of the Two Provinces united would impart to them a political Weight, Power, and Importance which would, I fear, encourage Separation from the Mother Country; in short, the more I practically consider the Project, the more clearly does it appear to my Mind that both Provinces would be embarrassed by their Union, and that between the Two Stools the British Constitution would fall to the Ground.

Deeply impressed with this Opinion, it is alarming to me to reflect how strongly the Project will probably be pressed upon the Consideration of His Majesty's Government by various Classes of People, each actuated by Self-interest; for instance,

1. By the British Population of Lower Canada, who desire to be rescued from the Domination of the French.

2. By a Portion of the British in Upper Canada, whose Votes have been canvassed by their Correspondents in the Lower Province.

3. By that unthinking Portion of the Community, which here, as well as in England, is always in favour of Novelty and Change.

4. By all those deep calculating Republicans in both Provinces who shrewdly foresee that the Union of the Two Provinces would eventually cause their Separation from the Mother Country.

In case His Majesty's Government, for better Reasons than I have offered, should disapprove of the Union, it then becomes necessary to consider how the present Revolt in Lower Canada should be dealt with.

In my humble Opinion, there are but Two Courses to be adopted; namely, either peaceably to attempt to cure the Evil, or to determine forcibly to kill it.

The only peaceful Prescription for effecting a Cure which I can conceive, is Emigration, and it will no doubt be argued that, as an Army of Emigrants is cheaper than an Army of Soldiers, it should be our Policy to swamp the Misrepresentatives of the French Habitans by opening upon them, by dint of free Grants of Land, the Floodgates which retain our superabundant Population.

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I feel confident, however, from what I have seen of Upper Canada, that this Theory would fail to produce the desired Effect; for the Severity of the Quebec Climate compared with this would chill the Efforts of Government to effect this rapid Emigration; and even if it were to be effected the Time that must elapse before the present Members of the Assembly could be actually displaced would defer the Remedy to a Distance beyond our present political Horizon. In the meanwhile Upper Canada would be like a living Body chained to a dead one; for as the Two Provinces are Partners in the Joint Stock Revenues of the Saint Lawrence, as well as in the Navigation of the Ottawa, a Sulkiness or anti-commercial Obstinacy on the one Part would amount to an actual Blockade of the Interests of the other. In short, the Upper Province would be driven by Desperation to search for an Outlet to the Ocean, viâ the United States.

The political Disorder of Lower Canada being (as I have endeavoured to show) by the slow Process of Emigration *incurable*, we are now driven to consider what would be the safest, the simplest, and the most effectual Method of *killing* it. I do not mean by personal Violence, but by the calm legislative Powers of the Imperial Parliament.

It is useless at the present Hour retrospectively to regret the uncalculating Course of Policy which ever since our Possession of the Canadas has not only permitted but encouraged a few Individuals who misrepresent the real Interests of the French Habitans of Lower Canada (whose Simplicity and Amiability of Character no one can fail to admire) to assume towards the British Empire a Tone of Arrogance and a Posture of Defiance which, considering their relative physical Strength and the total Absence of any just Ground for Complaint, is without a Parallel in Colonial History.

Our past Policy has however been productive of One Advantage, namely, that it must now satisfy the cool Judgment of the civilized World that Great Britain in Forbearance has borne more, and in Submission has submitted to more, than would have been tolerated by any other Nation on the Surface of the Globe; and indeed such is the scrupulous Regard for Justice and the Love of Mercy which is inherent in the British Character that I am proud to believe it will be with the deepest Regret that the Subject will even now be considered by the Imperial Parliament.

Something however must be done; and although I trust I am as unwilling as any Person can be to meddle with the Constitutional Act of 1791, yet, seeing the unavoidable Necessity of doing so, I cannot but avow I think it the Duty of the Country, if it does resolve to interfere, to prevent the Necessity of ever doing so again.

With the double Object, therefore, of Cure and Prevention in view, the following is the Manner in which I would propose that the Imperial Parliament should deal with Lower Canada:

1. Let the Act giving up the Revenue of the 14 Geo. 3. be repealed.
2. Annex Gaspé to New Brunswick.
3. Annex Montreal to Upper Canada.
4. Make the North Bank of the Ottawa the Boundary of Lower Canada, giving the Waters of the River and the Expenses of making them navigable to Upper Canada, Lower Canada having a free Right to use them by paying the same Tolls as the Upper Province.

By the above simple Arrangement the Canadas would be divided into Two Lots; the one British, the other French. Upper Canada, which, without any Exception, contains the largest Region of Black rich Earth I have ever witnessed, would then comprehend almost all that is British in the Canadas; and it would have, as its own Port of Entry, Montreal, the Wealth and Importance of which would draw the Exports as well as Imports of the Country to the St. Lawrence. Whereas, continue to deny to Upper Canada that Port, and every Person acquainted with the Country foresees, and has long foreseen, that its Produce, pent up under high Pressure, must fly off by licit or illicit Means into the United States.

As long as Upper Canada remained poor, and occupied in petty political Discussions, the Want of a free Port of Entry was merely a Subject of constant Com-

Complaint; but whenever it shall become flushed with Wealth, unless free Circulation be given to its Commerce, I have no Hesitation in saying I believe the People would revolt from any Government on Earth that should deny them this natural Respiration.

Convinced of this Truth, I consider the Opportunity now afforded to the Imperial Parliament, of providing against this approaching Evil, a most fortunate Occurrence; for if the Misrepresentatives of Lower Canada had not by their late Conduct shaken off their Connexion with the British Population of the Canadas, the latter would very shortly have found it necessary, without Right, without Justice, and for no other Reason than that which all over the World governs Mankind, namely, *their own Interests*, to have severed the Connexion themselves.

That the Two Tribes of Men, the French and English, do not assimilate, is no modern Discovery; why therefore should we expect that a commercial Partnership should succeed on the St. Lawrence which would not hold together for Five Minutes on the Thames?

My humble Project of separating the Two Tribes is nothing more than what Nature herself did, when she deliberately created the British Channel.

If it should be argued, that by transferring Montreal from the Lower to the Upper Province we should make the latter too strong and the former too weak, I respectfully reply that Upper Canada need not be ashamed to acknowledge, that single-handed she can never be made strong enough to stand against the United States by Land; nor, with her solitary Port on the St. Lawrence, could she ever attempt to contend against Great Britain by Sea. With One of these Powers she must consequently exist in alliance, and, leaving Consanguinity out of the Question, there can be no Doubt, in the Mind of any Man who is acquainted with the Inhabitants of Upper Canada, that they are deliberately of opinion that they hold at this Moment a higher and more independent Station as a Colony of their own revered Mother Country, the British Empire, than they would hold if they were to be permitted to be styled one of the supernumerary Stars of the United States.

We have therefore nothing to dread from the Size or from the Prosperity of Upper Canada; and with respect to the Division proposed making the Lower Province too small, if it be true, and surely no one can deny it, that the French are not the same Sort of restless commercial People as ourselves; that we made a grand Mistake in legalizing their Language; that their Habits, Wants, and Religion, however they may be deserving of our Respect, never will assimilate with our own; it may be fairly asked, what Harm shall we do ourselves, or what Injustice shall we do to them, by saying, "Gentlemen, your "Representatives have failed to support the Executive out of the Revenues "we surrendered to you on condition you should do so, we have therefore "repealed that Act, the Provisions of which you yourselves have most deli- "berately broken?

"You profess not to like your Connexion with Great Britain, under whose "mild parental Protection you have amassed all your Wealth, we have there- "fore detached you as much as possible from British Interests. Nevertheless, "for the sake of those who have already emigrated, as well as for those who "have a Right still to emigrate, from the Mother Country to the British "Colony you inhabit, we shall insist on retaining within that Portion of the "Empire the British Constitution.

"You have therefore your own Legislative Council, your own Represen- "tatives of the House of Assembly, and with these Advantages, which you "may either use or abuse, we now leave you to act as you may think best for "the Interests of the noble Country you inhabit."

If Lower Canada, under these altered Circumstances *of its own seeking*, should choose to be commercial and loyal, it would soon reap the inestimable Advantages of its Connexion with our Empire. If, on the contrary, it should prefer to be disloyal and anti-commercial, it would injure no one but itself; for it could not possibly be an independent Nation, neither could it hope to join the Upper Canadians, for they would say, "No, Gentlemen; we have already "tried a Connexion with you; you did not suit us; you would not work with "us; you publicly declared you did not like us. Your Representatives refused "to meet for Legislation, until our British Constitution was changed for elective

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" Institutions. We have at last got a Port of our own ; we are busy opening the
" Navigation of the Ottawa and the Saint Lawrence, and we are satisfied."

Lastly, it could not join the United States.

1st, On account of its Distance.

2dly, Because by the common Law of Nations Great Britain and Upper Canada would object to any Foreign Power occupying a Position of our Empire which commands the Entrance of one of the noblest of its Rivers.

I am aware that in the Eastern Townships of Lower Canada, as well as at Quebec, there exist some British Inhabitants, who, if they were to hear of the proposed Annexation of Montreal to the Upper Province, might at first with some Reason fancy themselves peculiarly neglected, by being thus apparently placed more than ever under the Dominion of the French ; but I think a little Reflection would satisfy them, that as it is impossible for them as they are at present ever to belong to the French Majority, the more the Power of that Majority be crippled the less will they have to fear from its Domination.

With respect to Upper Canada, I have already stated, that with the Assistance of Montreal the Navigation of its Two great Rivers would immediately be perfected.

Enjoying independently its own Port of Entry, and public Confidence being restored, the Province would become rapidly rich, from the redundant Capital, Enterprise, and Population of the Mother Country ; and its Commerce, being attracted by the Wealth and Intelligence of Montreal, would travel on our own noble Rivers, the Saint Lawrence and the Ottawa, instead of being forced upon Canals and Railroads in the United States, which in case of War it would suddenly be deprived of.

The loyal Colony of New Brunswick would also be benefited by the Arrangement ; and I believe that the just Lesson would produce a salutary Moral throughout all our Colonies.

In the above Outline of the Advantages which would attend the Division of the Canadas as I have proposed I have said nothing of the immense Value of these Provinces to Great Britain, because I feel that Subject is too vast to be described. I will therefore only observe, that Upper Canada alone is capable of receiving the whole Agricultural Population of England and Wales ; that its Commerce is a Market for our own Manufactures,—a Nursery for our Seamen, instead of for those of other Powers.

If the Imperial Parliament will now deal with Lower Canada with Firmness and Decision, there is nothing whatever to fear ; if it vacillates all is gone.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

Private.

My Lord, Toronto, 28th October 1836.

It is an old Maxim in the Army, that any Project of apparent Difficulty or Danger should always be accompanied by an Offer from the Proposer to carry it into effect himself.

The Memorandum I have the Honour to submit this Day to your Lordship contains a Proposition of this Nature, and I should have no Hesitation in declaring to your Lordship that I would pledge my Character to carry *either* Half of what I have recommended into effect ; I mean that I would undertake either to advance the Interests of the Upper Province in the Way I have proposed, or, by Caution, Forbearance, and Firmness, to tranquillize the Lower Province, notwithstanding the Operation I have recommended it should undergo ; but from the Treatment I am receiving I feel that my Services are not appreciated, and will not long be in Action. I have, &c.

(Signed) F. B. Head.

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

No. 36.

No. 36.
Sir F. B. Head
to
Lord Glenelg,
7th Nov. 1836.

(No. 87.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 7th November 1836.

I have the Honour to acknowledge the Receipt of your Lordship's Despatches Nos. 73. and 95., of the Importance of which I am deeply sensible; but as the Legislature assembles To-morrow, I trust your Lordship will excuse me if I reply to these Communications in as few Words as possible.

The flattering Manner in which your Lordship has been pleased to convey to me The King's gracious Approbation of my Conduct has afforded me the first happy Moment I have enjoyed since my Arrival in this Province.

The future so completely occupies my Attention that it is with Reluctance I turn for a Moment to the Consideration of the past, but your Lordship seems to wish that I should frankly explain myself respecting my political Opinions, and I will therefore lay them before your Lordship.

Up to the Receipt of your Lordship's Despatch No. 95. I have suffered from the Treatment I have received from His Majesty's Government more Pain than it would be possible for me to describe.

On the 29th February almost every Member in the House of Assembly, with a Majority of the Legislative Council, recommended to your Lordship that an Individual should be appointed to the important Station of Surveyor General of this Province, in opposition to an Appointment which I had made. In resisting this Aggression I had no Interest but that of the public Service, and I undertook a heavy Responsibility in standing against a Recommendation apparently so respectable.

Your Lordship must have received this Communication about the end of April; and though my Arguments and Reasoning appeared to you satisfactory, and though you eventually approved of my Conduct, yet it was not until the 27th of September that I was relieved from the painful Belief which generally existed here, that the Measure I had taken was discountenanced by His Majesty's Government.

On the 4th of March I received from the Executive Council a Document, ferociously supported by the House of Assembly, which I immediately transmitted to your Lordship, with my Answer, which your Lordship was pleased eventually to notice in the following Terms:—

"From the Construction thus given to the Act of 1791 I must altogether "dissent, nor do I know that it would be possible to refute it in Terms more "complete and satisfactory than those employed in your Answer of the "5th of March."

The above Support, however, I did not receive from your Lordship until the 27th of September, during which Time I was engaged single-handed in one of the severest moral Contests on Record in the Colonial Office. Your Lordship's Silence was construed, not only by my Enemies, but by every body, even by my own Executive Council, as the marked Disapprobation of His Majesty's Government, and it bore me almost to the Ground.

By my own unassisted Exertions I received Addresses of Support from about 28,000 Yeomen, Farmers, &c., all of which I forwarded to your Lordship, but to which to this Day I have never received the slightest Acknowledgment from His Majesty's Government addressed to those who thus generously came forward to support me.

Whenever a Mail arrived I was asked with the greatest Anxiety what Remarks the British Government had made to these noble Addresses; the mortifying Answer I had to give was "None."

The Speech I delivered to the Legislature at the Close of the last Session has, in this Province as well as in the United States, been noticed in a Manner strongly supporting me in the Administration of this Government.

Upwards of 100,000 Copies of it have been distributed. The greatest Curiosity naturally prevailed in this little Community to know what Notice His Majesty's Government had taken of this Speech. I had again to reply "None."

When I eventually gained a Victory, which I hope I do not over-rate when I say that it has saved the Canadas, Weeks and Weeks elapsed without the slightest Acknowledgment or even Mention of it by His Majesty's Govern-

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ment, the Effect of which corroborated the general Belief that I was acting against the Policy of His Majesty's Government, and that I should eventually be recalled.

During this Period of painful Suspense I was subjected to Expenses which I had hardly sufficient private Means to defray; my Family were in the greatest Embarrassment and Anxiety. And though certain Points of my Conduct were approved of by your Lordship, yet other minute Points were visited by Observations which I never expected to have received; for instance, I was told that by having given to the Legislature the whole instead of the Substance of my Instruction I had "disregarded the express Injunctions of The King," that I had "avowed in the most public Manner that in thus divulging the "precise Terms of my Instructions I was acting in opposition to His Majesty's "Orders," and that I had "thereby contributed a little to impugn the Respect "due to the Royal Authority."

Again, in your Lordship's Despatch (No. 73.), in spite of the Triumph I had gained, I was slightly reproved for having accepted the Resignation of Messrs. Rolph, Baldwin, and Dunn, and your Lordship withheld your Approbation from what was stated to be "my Recommendation that Mr. Dunn should be "removed from the Office of Receiver General;" whereas, if your Lordship will be so good as to refer to my Despatch on the Subject, it will appear that I never recommended that Gentleman's Removal, on the contrary, that I earnestly requested your Lordship *not* to remove him until I found him associated with Mr. Papineau and Mr. Bidwell, when I merely retracted the above Recommendation, leaving it entirely to your Lordship to deal with him as you might think proper.

My Lord, I could continue these Observations further, and could show you the mischievous political Effect they have produced, in the Canadas as well as in England, of causing every body to believe that I was discountenanced by His Majesty's Government, to whose Interests, Honour, and Policy I had never been faithless for a Moment; but I will say no more on the Subject; I dismiss it from my Mind and from my Memory, and have only made the above Explanation as an Apology, rather than a Reason, for a few intemperate Sentences which in my Despatches to your Lordship I regret that I have expressed.

I will now proceed to reply to the latter Paragraph in your Lordship's Despatch No. 95. which states, "that a zealous and cordial Co-operation on my "Part, in prosecution of the System of Policy thus solemnly announced, is the "Condition upon which the Administration of the Province can be continued "in my Hands."

The above Observation of your Lordship is so plain and unequivocal that if it stood isolated I should receive it with respectful Silence, but as it appears to be connected in a slight Degree with the Baronetage which your Lordship announces to me it is His Majesty's Intention to confer upon me, I feel the strongest possible Anxiety to explain myself most clearly on the Subject before the gracious Intention of His Majesty can possibly be carried into effect.

With respect to the Instructions I have had the Honour to receive from your Lordship, I have no Hesitation in saying, that when I received them in England they appeared to me to be every thing I could desire.

They have formed the Text of all the Replies I have made to the various Addresses I have received, and I have invariably referred to them as a Proof that I was ordered by your Lordship "to maintain the happy Constitution of "this Province inviolate, yet cautiously and effectually to correct all real Griev-"ances." The Victory I gained over the Republicans I attributed (vide my Despatch No. 56.), not to my own Exertions, but to your Lordship's Instructions.

With respect, however, to that Part of Lord Gosford's Instructions which relates to the giving up the Hereditary and Territorial Revenue of the Crown, I never understood or indeed reflected upon that Subject, until by our Victory here it became evident to my humble Judgment that it was neither necessary nor advisable to do so.

In my Despatch No. 60. I therefore explained, with the Frankness with which I have always ventured to address your Lordship, the Reasons of my earnest Recommendation that they should be withheld. I respectfully adhere to the Opinion I have expressed; and I have no Hesitation whatever in saying, that if the Subject were open to your Lordship's Revision I should feel it my Duty to tender

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to
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tender my Resignation rather than be the Instrument of doing what I conscientiously believe to be impolitic.

But your Lordship informs me that the King's Word is pledged to the Performance of this Arrangement, and it being therefore irrevocable it is useless for me to say any more on the Subject.

If it were open to Argument I do yet believe I could bring Conviction to your Lordship's Mind that Lower Canada, having refused to serve any longer under the British Constitution, has virtually absolved His Majesty from any previous Offers of Accommodation he may graciously have made. I look upon the Territorial Revenues of the Crown as our last Cable, that when it goes we shall be on a Lee Shore, and at the next Tempest be driven on the Rocks. As the Pilot in charge of your Vessel, I warn your Lordship of the Danger; and if it be necessary that I should abandon my Opinion or the Reward which is intended for me, I have no Hesitation in at once renouncing the latter, for every Hour of Reflection makes me cling firmer and firmer to the former.

I have now, as regards my Instructions, opened my Mind to your Lordship without Concealment or Reserve; and it only remains for me to be equally explicit as regards my own private Policy, or, in other Words, the Manner in which I shall continue to carry my Instructions into effect. In this I have no Alteration to propose. In a moral Contest it never enters into my Head to count the Number of my Enemies; all that guides me is a Determination to do what is right. I will never shrink from Responsibility, and will endeavour never to conciliate nor offend.

The more I am trusted, the more cautious I shall be; the heavier I am laden, the steadier I shall sail; but I respectfully claim the military Privilege of fighting my own Battles my own Way, and of retiring from your Lordship's Service whenever I may find it advisable to do so.

I will not apologize for having explained myself so clearly, because I am sure your Lordship will feel for me how absolutely necessary it is that I should not receive the Baronetage which I am informed is graciously to be conferred upon me with the slightest Possibility of a Misunderstanding on the Subject.

I have, &c.

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

F. B. Head.

No. 37.

No. 37.
Sir F. B. Head
to
Lord Glenelg,
6th Nov. 1836.

(No. 89.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 6th Nov. 1836.

I have the Honour to acknowledge the Receipt of your Lordship's Despatches Nos. 75., 76., 77., and 80., in which I am informed that certain Letters respecting my Conduct have been addressed to your Lordship by the following Persons; Messrs. Marshall Spring Bidwell, Robert William Baldwin, John Rolph, and T. D. Morrison.

I have also the Honour to acknowledge the Receipt of your Lordship's Despatch No. 95., enclosing a Copy of a Petition addressed by Mr. Charles Duncombe, a Member of the House of Assembly of this Province, to the House of Commons, and persented to the same by Mr. Joseph Hume.

On the Receipt of the above-named Despatches, Nos. 75., 76., and 77., I immediately communicated to Messrs. Bidwell, Rolph, and Morrison a Copy of your Lordship's Request, namely, "That I would call on each of these Gentlemen "respectively for a Copy of his Letter to your Lordship, in order that I might "be able to supply your Lordship with any Observations on it that I might "consider it to require."

The Copies of his Replies, which I herewith enclose, will explain to your Lordship that Mr. M. S. Bidwell declines to furnish me with a Copy of his Letter to your Lordship, urging, as his Reason, "that it contained a Narrative "of what had taken place between His Excellency and himself, particularly "relative to his Excellency's Proposition to appoint him a Judge of the Court "of King's Bench."

1st Enclosure.

And

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And Mr. Bidwell further adds, "This private Letter to the distinguished "Nobleman whose Name I have mentioned I do not now choose, especially as I "have no longer any Connexion with public Life, to convert into a public and "official Communication, by transmitting to you a Copy of it."

It will no Doubt appear strange to His Majesty's Government that Mr. Bidwell, after transmitting to your Lordship Statements concerning my Conduct, should, when called upon by your Lordship to avow them, deem it advisable to withhold them from me in this Country on no better Grounds than that they merely "contained a Narrative of what had taken place between the "Lieutenant Governor and himself." It will no Doubt appear equally inexplicable to your Lordship how Mr. Bidwell could hope for a Moment that a British Minister would allow him or any Person to forward, under the Protection of Privacy, secret Communications respecting the Conduct of the Lieutenant Governor of this Province.

However, as Mr. Bidwell shields himself under this Plea of Privacy, it only remains for me to observe, that I have it not in my Power to offer to your Lordship any Observations on the Subject of his Communications.

As regards Mr. John Rolph, whom your Lordship is so good as to inform me has also "commented at considerable Length on my Conduct," I have to inform your Lordship, that to the Letter from my Secretary enclosed herewith, in which I called upon him, by your Lordship's Desire, for a Copy of his Letter, Mr. Rolph replied by merely acknowledging its Receipt; that after an Interval of Five Weeks, being again pressed by my Secretary for a specific Answer, he replied as follows:—

2d Enclosure.

"Sir, Toronto, 5th Nov. 1836.

"I have the Honour to acknowledge your Letter of the 21st October, "recalling my Attention to the Subject of your Letter of the 28th September.

"The Sickness in my Family has abated, and I hope shortly to be able "to furnish the Lieutenant Governor with a Copy of my Letter to Lord "Glenelg.

"I have, &c.

"J. Joseph, Esq. (Signed) "John Rolph."
&c. &c."

As regards Mr. John Rolph's Comments on my Conduct, I have therefore also to state, that, not having obtained from him the Information I required, it is out of my Power to offer to your Lordship any Reply to his Allegations.

3d Enclosure.

Mr. T. D. Morrison, in his Letter dated 29th April 1836, "imputes to me "a Misquotation from the Report of the Committee of 1835 on Public "Grievances, in my Speech at the Close of the last Session." To this Accusation I consider it unnecessary to reply, as it merely amounts to this,—that in my Speech from the Throne I quoted, as from the Grievance Report, a Sentence which actually belonged to its Appendix.

With respect to Mr. Robert Baldwin's Communication, dated 26th July 1836, in which he encloses to your Lordship a Toronto Newspaper, informs your Lordship of the Contents of private Letters he has received, and transmits to your Lordship a List of certain Tunes which he has been informed have been played at public Dinners in Upper Canada, I have no Observations to make on such Subjects, except that I believe that Mr. M. S. Bidwell, Mr. John Rolph, Mr. T. D. Morrison, Mr. Robert Baldwin, and Mr. Charles Duncombe, would be the very first to complain, were I to undertake to curb in this Province the Freedom of the Press, or to stifle the Tunes of which Mr. Robert Baldwin has so gravely complained.

With respect to my Expression, "*Let them come if they dare*," your Lordship has only to read Mr. Papineau's Letter to perceive that this Sentence was most clearly levelled at the Invitation which the Speaker of the House of Assembly of Lower Canada made to this Province, as well as the other British North American Colonies, to unite for an Object that could not be misunderstood.

The Americans had no more to do with the Subject than the Chinese; and of this Fact every Inhabitant of the Canadas might be sensible; but my Defiance was more than was expected, and it was therefore deemed safer to misinterpret it than to meet it.

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to
Lord Glenelg,
6th Nov. 1836.

It certainly appears to me not very creditable to those whose Accusations I have just replied to, that after having so loudly and repeatedly complained of the "humiliating and mortifying" Inconvenience of seeking for Justice 4,000 Miles off, they should centrifugally write and hurry across the Atlantic to complain of the honest Verdict which has been deliberately pronounced, not by me, but by the Inhabitants of their own Province.

If your Lordship, however, will continue invariably to furnish me with a Copy of the Accusations they secretly write against me, this un-British Practice will very shortly be discontinued.

I have, &c.

The Right Hon. the Lord Glenelg. (Signed) F. B. Head.
&c. &c. &c.

P. S.—It is my Intention to forward a Copy of Mr. Charles Duncombe's Petition to the House of Commons to the House of Assembly, as I conceive that Tribunal to be the proper one for inquiring into the Allegations it contains.

November 27.—I have purposely detained this Despatch Three Weeks, but no Reply from Dr. Rolph has been received.

Sir, Government House, 28th Sept. 1836.

I have the Honour, in obedience to the Commands of the Lieutenant Governor, to transmit to you a Copy of a Despatch which he Yesterday received from the Secretary of State, dated the 25th of July last; and, in accordance with the Directions of Lord Glenelg, His Excellency desires me to apply to you for a Copy of the Letter referred to in His Lordship's Despatch.

I have, &c.

M. S. Bidwell, Esq., (Signed) J. Joseph.
&c. &c. &c.

Sir, Government House, 21st October 1836.

I am directed by the Lieutenant Governor to recall your Attention to the Application made in the Letter I had the Honour, by His Excellency's Commands, to address to you on the 28th Ultimo, in pursuance of the Directions contained in a Despatch from the Secretary of State, dated 25th July, a Copy of which was transmitted for your Information.

I have, &c.

Marshall S. Bidwell, Esq., (Signed) J. Joseph.
&c. &c. &c.

First Enclosure in No. 37.

Enclosure No. 1.

Sir, Toronto, 24th October 1836.

I have the Honour to transmit to you a Letter which I wrote while I was on a recent Journey in the United States, but which I did not send, as I found I should be able to return as soon as the Letter could come by the Mail; my constant Attendance in Court since my Return has alone prevented its being sooner transmitted to you.

I have, &c.

J. Joseph, Esq., (Signed) Marshall S. Bidwell.
Private Secretary.

Sir, Hartford, 6th Oct. 1836.

Your Letter, together with a Copy of a Despatch from Lord Glenelg to His Excellency Sir Francis Bond Head, was left at my House during my Absence on the Circuit, and not received by me until my Return last Friday. Being obliged to leave immediately on a Journey to the United States, I have not been able to reply to it until this Time.

I have now only Time to say, that I have preferred no Complaints to His Majesty's Government against His Excellency's Administration, nor involved its Interference in my own Behalf, or in the Affairs of the Province. The Letter addressed by me to Lord Glenelg, and mentioned in his Lordship's Despatch,

 contained

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Enclosure No. 1.

contained a Narrative of what had taken place between His Excellency and myself, particularly relative to his Proposition to appoint me a Judge of the Court of King's Bench. It was a private Letter, intended to protect myself in the Estimation and good Opinion, not of the Government, but of his Lordship personally, against any Representations from this Province relative to me that might require Explanation. I had a particular Desire that Lord Glenelg's own Mind should not be affected by any such Representations, but I had no Wish or Intention to appeal to the Government, and no Anxiety about its Views. This private Letter to the distinguished Nobleman, whose Name I have mentioned, I do not now choose, especially as I have no longer any Connexion with public Life, to convert into a public or official Communication by transmitting to you a Copy of it, although I have felt at liberty, after his Lordship's Allusion to it, to explain frankly the general Nature and Object of it. It is my Intention to transmit to Lord Glenelg a Copy of this Note.

I have, &c.

J. Joseph, Esq.,
Private Secretary.

(Signed) Marshall S. Bidwell.

Enclosure No. 2.

Second Enclosure in No. 37.

Sir,

Government House, 28th Sept. 1836.

I have the Honour, in obedience to the Commands of the Lieutenant Governor, to transmit to you a Copy of a Despatch which he Yesterday received from the Secretary of State, dated the 25th of July last; and, in accordance with the Directions of Lord Glenelg, His Excellency desires me to apply to you for a Copy of the Letter referred to in his Lordship's Despatch.

I have &c.

John Rolph, Esq.,
&c. &c. &c.

(Signed) J. Joseph.

Sir,

Toronto, 28th Sept. 1836.

I have the Honour to acknowledge your Letter of this Day, with a Copy of a Despatch from the Right Honourable Lord Glenelg, Secretary of State, dated the 25th of July last.

I have, &c.

John Joseph, Esq., &c. &c.
Government House.

(Signed) John Rolph.

Sir,

Government House, 21st Oct. 1836.

I am directed by the Lieutenant Governor to recall your Attention to the Application made in the Letter I had the Honour, by His Excellency's Commands, to address to you on the 28th Ultimo, in pursuance of the Directions contained in a Despatch from the Secretary of State, dated 25th July, a Copy of which was transmitted for your Information.

I have, &c.

John Rolph, Esq.,
&c. &c. &c.

(Signed) J. Joseph.

Sir,

Toronto, 5th Nov. 1836.

I have the Honuor to acknowledge your Letter of the 21st October, recalling my Attention to the Subject of your Letter of the 28th September.

The Sickness in my Family has abated, and I hope shortly to be able to furnish the Lieutenant Governor with a Copy of my Letter to Lord Glenelg.

I have, &c.

J. Joseph, Esq., &c. &c.
Government House.

(Signed) John Rolph.

Thir

Third Enclosure in No. 37.

No. 37.
Sir F. B. Head
to
Lord Glenelg,
6th Nov. 1836.

Enclosure No. 3.

Sir, Toronto, Upper Canada, 5th Oct. 1836.

I have the Honour to enclose to you, for His Excellency the Lieutenant Governor, a Copy of my Letter to the Right Honourable Lord Glenelg, as requested by you in your Letter of the 28th September.

I have, &c.

John Joseph, Esq. (Signed) T. D. Morrison.

My Lord, Toronto, Upper Canada, 29th April 1836.

I presume Sir Francis Head will transmit to your Lordship his Speech delivered from the Throne in this Province at the Close of the late Session of our Legislature, and as it contains Matter both calculated and intended to misrepresent the Conduct of the House of Assembly in a Proceeding to which my Name is attached, and in which my Consistency is implicated, I trust your Lordship, being at the Head of Colonial Affairs, will excuse my Liberty in addressing you upon the Subject. In this Speech of Sir Francis Head is the following Passage:—"It appears," say the Grievance Committee, "that it is the Duty of the Lieutenant Governor to take the Opinion of the Executive Council only in such Cases as he shall be required to do so by the Instructions from the Imperial Government, and in such other Cases as he may think fit." "It appears by the following Transactions that the Lieutenant Governors only communicated to the Council so much of the Private Dispatches they receive from the Colonial Office as they may think fit, unless in Cases where they are otherwise especially instructed."

Now, my Lord, as a Member of the Committee sneeringly called by Sir F. Head "The Grievance Committee," and having subscribed the Report made by that Committee, I declare there is no such Passage in it. After hunting through the greater Part of the Volume, I found it in the Appendix, Page 303, in the Documentary Evidence headed No. 92 (A.) "Statements copied by "William L. M'Kenzie, Esquire, from the Records of the Executive Council in "the Colonial Office."

While Sir Francis Head was thus quoting from the Appendix the above Passage, for the discreditable Purpose of fixing upon the House of Assembly and its Select Committee the Charge of Inconsistency, he had before him a very different Passage in the Report itself, Page 41, expressing the Views of the Select Committee; which Passage I shall not quote at length, because your Lordship is in possession of the Report. Your Lordship will perceive that the Select Committee on Grievances, whose Report was last Session adopted by the Assembly, were guilty of Inconsistency in their more recent Conduct upon the Question respecting the constitutional Duties of the Executive Council. I hope your Lordship will therefore imbibe no Prejudice against us, as intended, upon that Ground; and in this Province where the Facts of the Case are familiarly known, the Attempt will meet with the public Contempt it deserves in honourable Society.

I have the Honour, &c.

The Right Hon. Lord Glenelg, (Signed) T. D. Morrison.
&c. &c. &c.

No. 38.

No. 37.
Sir F. B. Head
to
Lord Glenelg,
23d Nov. 1836.

(No. 94.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 23d Nov. 1836.

I have the Honour to acknowledge the Receipt of your Lordship's Despatch No. 98 (which though sent by New York only reached me on the 20th instant), enclosing the Charges made against me by Mr. C. Duncombe.

These Charges, as well Dr. Duncombe's Petition, I have transmitted to the House of Assembly; and I will also myself reply to them as soon as I can collect the necessary Materials. In the meanwhile I beg to be permitted to express my Gratitude to your Lordship for having so perseveringly refused to allow Mr. Duncombe and Mr. R. Baldwin the Opportunity they solicited of verbally attacking my Character.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

No. 39.
Sir F. B. Head
to
Lord Glenelg,
14th Dec. 1836.

No. 39.

(No. 100.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

My Lord, Toronto, 14th December 1836.

I have the Honour to inform your Lordship, that having proceeded in State to the Legislative Council Chamber to give Assent to a Bill, the Speaker of the House of Assembly addressed me from the Bar of the House, as follows:

"May it please your Excellency,

"We His Majesty's faithful Subjects the Commons of Upper Canada, recognizing the Duty which we owe to our Sovereign and the loyal People whom we represent, and sensible that it is the anxious Desire of your Excellency to accede to all our reasonable Expectations, and to afford us every Aid in removing all well-founded Complaints, beg leave to present to your Excellency for the Royal Assent a Bill which has passed both Houses of the Legislature, to provide for the Support of the Civil Government for the current Year, and trust that the Evils occasioned by withholding the Supplies during the last Session may thus be effectually removed."

I have the Honour to be, &c.

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

F. B. HEAD.

No. 40.
Sir F. B. Head
to
Lord Glenelg,
30th Dec. 1836.

No. 40.

(No. 103.)

COPY of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

My Lord, Toronto, Upper Canada, 30th December 1836.

I HAVE the Honour to reply to your Lordship's Despatch, No. 93., as also to one marked "*Confidential*," and dated 30th September 1836.

In the former Communication I am informed, that H. M. Government has assented to Twelve Bills which, at the Close of the last Session, I had reserved. In the latter I am furnished with Copies of Three Despatches addressed through Sir Archibald Campbell to the Governors of all the North American Colonies.

Previous to reporting to your Lordship the Embarrassment which has been occasioned here by the above Communications, I beg leave to state I am fully sensible that *any* general System or Course of Policy which it may be advisable to adopt throughout the North American Colonies may, though generally beneficial, be productive of Embarrassment in particular Places. All I therefore desire to do is faithfully to apprize your Lordship of the Effect which the Despatches referred to have produced in this Province.

In my Despatch, No. 44., I had the Honour to inform your Lordship, "that "although with the Advice of my Executive Council I had reserved all the "Money Bills for the Signification of His Majesty's Pleasure thereon, yet there "were Three of them in which the Council concurred with me in recom- "mending that the Royal Assent should immediately be given."

I added, "It would have given me much Pleasure to have at once assented "to these Three Bills, but I conceived it was of greater Importance to main- "tain the Principle that the House of Assembly is not to be allowed to "embarrass the Government without also embarrassing the Country, and that "to withhold the Supplies does not mean to stop the Government Wheel, but "the whole Machinery of the Legislature."

With respect to the other Twelve Bills, I had much stronger Reasons for reserving *them*, inasmuch as the Expenditure of the Money voted in each Bill had, for well-known revolutionary Purposes, been unconstitutionally committed to Republican Commissioners, which Fact in my Despatch to your Lordship, No. 64., I endeavoured to explain as follows:

"Before I set out I am anxious to address your Lordship on the Subject of "the Commissionerships which were passed by the House of Assembly during "their last Session, and which will be best explained by the enclosed printed "Copy of my Reply to an Address I received from the Township of Pickering.

"The Sum voted by the House of Assembly of this Province, nominally for "Road

" Road Money, amounts to about 50,000*l.* a Year, and as this Money is not " only voted but placed at the Disposal of certain Members of the House, who " are self-appointed by the Assembly as salaried Commissioners, it becomes a " political Engine of enormous unconstitutional Power.

" The insidious Uses to which it has been applied have, I can assure your " Lordship, been revolutionary; and I beg to call your Attention to the Fact " that in the enclosed printed List the Name of Mr. Peter Perry occurs no " less than Six Times."

Having thus submitted to your Lordship the Reasons for which I had reserved all the Money Bills of the late House of Assembly, I awaited your Lordship's Justification of the Measure, which in your Despatch, No. 73., was, very much to my Satisfaction, unequivocally expressed.

It now became necessary that previous to the Meeting of the present Legislature, I should determine on the Measures it would be advisable to recommend in my Speech from the Throne.

The Addresses I received from both Houses in reply to this Communication will ere this have explained to your Lordship that my proposed Measures met with the cordial Approbation of the Legislature, which accordingly at once set to work by appointing a joint Committee to inspect and report on the State of the Welland Canal, and indeed on all the other important Changes I had submitted for Consideration.

Nothing could be more satisfactory and praiseworthy than the cool business-like Progress which the Legislature was making, and the complete Government of all those Feelings of Triumph which it had been my earnest Endeavour to discourage and suppress.

No angry Expression had been uttered even in the House of Assembly, and after the Storm it had experienced the Public Mind was rapidly subsiding nto a Calm, when all of a sudden I received your Lordship's Despatch, No. 93., containing the Royal Assent to all the Bills I had reserved, which not only confused the Arrangements the Legislature had commenced, but throughout the whole Province caused the Resurrection of the Republicans as political Commissioners, with large Sums of Money at their Command.

On receiving this Communication my first Impression was to suppress it; and the Necessity of adopting this Course was earnestly urged upon me by those Individuals whose Opinions I am officially entitled to consult; however, on Reflection, it appeared to me that I ought to allow myself to be driven by the Republicans from this Province rather than presume to stay the Execution of the King's Will, and accordingly, of Two Evils choosing the least, I transmitted His Majesty's Assent to the Twelve Bills to both Houses of the Legislature.

My Lord, I had not recovered from this Shock when I received the confidential Despatch dated 30th September 1836, informing me that, at the Instigation of Agents from only One Branch of the Legislature of New Brunswick, your Lordship had deemed it advisable, through Sir A. Campbell, to promulgate to all the North American Colonies, that among other Arrangements the Executive Council was to be increased in Number, and henceforward to be composed of Individuals "*possessing the Confidence of the* PEOPLE."

In my Reply of the 5th of March last to my late Executive Council, which had been honoured by your Lordship's Approval, I had stated:—

" The Lieutenant Governor maintains that the Responsibility to the PEOPLE, " who are already represented by the House of Assembly, which the Council " assumes, is unconstitutional; that it is the Duty of the Council to serve *him*, " not THEM."

Your Lordship cannot have forgotten the total Defeat which the Republicans experienced by rashly attempting to drive me from this invincible Position; and as the British Population of the North American Colonies were eager Spectators of the Conflict, your Lordship will, I am sure, pardon me for expressing the Feelings of Mortification and Depression with which I now recollect the Prophecies which, ever since the Commencement of the political War I have waged here, have invariably forboded that I should not be supported by the British Government.

" It is out of my Power" (I stated in my Despatch, No. 24., dated 6th of April last,) " to describe to your Lordship without the Appearance of " Exaggeration the Joy and Gladness expressed to me by all Parties at the

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Sir F. B. Head
to
Lord Glenelg,
30th Dec. 1836.

" constitutional Resistance I have made, but I will not conceal from your " Lordship that there is one Question at this Moment in almost everybody's " Mouth, namely, " Will the Lieutenant Governor be supported by the " Home Government?" " *He never will*," say the Radicals; " *We fear he will* " *not*," say the Constitutionists."

My Lord, there is no Portion of your Lordship's Instructions which I am not at this Moment preparing to carry into effect. I have made it generally known that I am about to surrender to the Provincial Legislature the casual and territorial Revenues of the Crown, and I have also informed the Chairman of a Committee of the House of Assembly, to whom the Revision of the Land-granting Department has been referred, that under certain Restrictions I am authorized by His Majesty's Government, moreover, to surrender to the Provincial Legislature the King's Authority to regulate the Disposal of the Crown Lands; but I regret to inform your Lordship that the leading Recommendation contained in the Report of the said Committee on the Land-granting Department is, that the whole of the said Crown Lands shall at once be offered to the Public (or, in other Words, to the *People*), at the low Price of 5*s.* an Acre.

Now this is precisely the Evil which I anticipated, and which induced me in my Despatch, No. 69., most earnestly to recommend to His Majesty's Government " to loosen the Restrictions on the Land-granting Department, which " have hitherto prevented the Lieutenant Governor of this Province from " successfully grappling with those Speculators in whose Hands vast Tracts " of Land improvidently granted by the Crown are and long have been " lying stagnant."

I added, " So long as the Lieutenant Governor of this Province be fettered " by insoluble Restrictions respecting the granting and Sale of Crown Lands, " so long will the Speculators injure themselves, as well as the Country, by " keeping up the Price of Land, and by thus compelling British Emigrants to " settle in the United States. There can be no Doubt that the Lieutenant " Governor of this Province, if he had Power, could bring these Speculators " to Reason."

But entrusting the Sale of the Crown Lands to the Provincial Legislature, instead of to the Representative of the Crown, will, I fear, be productive of the following serious Difficulty.

In all Colonies which are but partly inhabited there exist Two distinct Interests, which must unavoidably and ex officio be at variance. I allude to the Interests of those who are already in the Colony, and the Interests of those who are hereafter to arrive in it.

The instinctive Rapacity with which the settled Inhabitants of a Colony prey upon the Emigrants who arrive in it must be actually witnessed to be credited. The settled Inhabitant soon finds that clearing his own Farm is much less profitable than selling Land to the poor Emigrant, upon whom all Sorts of Tricks and Stratagems are practised; and to such an Extent has this Dives-versus-Lazarus System been carried, that American Speculators have lately been known to come into Upper Canada from Michigan on purpose to outbid at our public Sales the British Emigrant, knowing full well that by doing so he will be driven for Refuge into their own Net.

Even in this Province, as I have stated, the Committee of the best House of Assembly we can ever hope to attain, at this Moment have actually framed a Report, proposing (before the Change in the Land-granting Department is actually promulgated) that the whole Property of the Crown shall immediately be sold at 5*s.* an Acre, although no Man in the Province can deny that a considerable Portion of it is at present worth from Four to Ten Times that Sum, while Spots suited for Town Plots are worth more than Forty Times that Amount.

But who is there now in the Province to resist this Proposal?

The Members of the House of Assembly naturally are and always have been Land Jobbers. It is therefore not only their Interest, but the Interest of their Constituents, as well as the Interest of the Legislative Council, that the Crown Lands, or, as they are usually termed here, " the Waste Lands of the " Crown," should be divided among " the People " at as low a Price as possible, not with the slightest Intention of clearing them, but with a view to sell

sell them exorbitantly to the poor Emigrant. Against this there is not a dissentient Voice † ; * * * *

The only Individual in the Colony who might be expected to protect the Interests of the Emigrant is the Lieutenant Governor, but I fear this Expectation cannot now be realised ; for by the late Instructions to Sir Archibald Campbell, the Lieutenant Governor, if he attempted to guard the Crown Lands, would not only find the Two Branches of the Legislature against him, but his own Executive Council might reasonably argue, that unless they also opposed him they would forfeit "*the Confidence of the* PEOPLE ;" and it is impossible to offer a more convincing Proof of the Reality of this Danger, than by referring to the Petition, which shortly after my Arrival here was forwarded to your Lordship, earnestly recommending as Surveyor General of this Province a Clerk in the Office who had been proved to have been acting, contrary to express Orders, as private Agent.

Your Lordship has only to review this singular Petition to perceive that it contains the Names of almost every Member of both Houses of the Legislature, and it therefore clearly follows that, had this Appointment depended on the Provincial Legislature, it would most certainly have been carried into effect.

The Necessity of protecting the Emigrant from the Rapacity of the settled Inhabitant has just been confirmed by the highest possible practical Authority, namely, by Mr. President Jackson of the United States, who, in his Message promulgated last Week, makes the following Confession :—

" By preventing the Extension of the Credit System, it measurably cut off " the Means of Speculation, and retarded its Progress in monopolizing the most " valuable of the Public Lands.

" It has tended to save the new States from a non-resident Proprietorship, " one of the greatest Obstacles to the Advancement of a new Country and the " Prosperity of an old one.

" It has tended *to keep open the Public Lands for Entry by Emigrants at* " GOVERNMENT PRICES, *instead of their being compelled to purchase of Specu-* " *lators at double or treble Prices.* It is confidently believed that the Country " will find in the Motives which induced that Order, and the happy Consequences " which will have ensued, much to commend and nothing to condemn.

" It remains for Congress, if they approve the Policy which dictated this " Order, to follow it up in its various Bearings. Much Good, in my Judg- " ment, would be produced by *prohibiting Sales of the Public Lands, except to* " *actual Settlers.*

" Indeed there is scarcely a Mischief arising out of our present Land System, " including the accumulating Surplus of Revenue, which would not be remedied " at once *by a Restriction on Land Sales to* ACTUAL SETTLERS ; and it promises " other Advantages to the Country in general, and to the new States in par- " ticular, which cannot fail to receive the most profound Consideration of " Congress."

I am sure your Lordship will feel very deeply the foregoing remarkable Fact in Colonial History, namely, that after all the Systems have been tried, after all that has been argued in favour of strict immutable public Sales, the veteran President of the United States, in retiring from political Life, has at last been obliged publicly to confess " that much Good would be produced by prohibiting " Sales of the Public Lands, *except to actual Settlers,*" and that the said Lands should be " kept open for Entry by Emigrants at GOVERNMENT PRICES."

I beg your Lordship to compare this Opinion with my Despatch, No. 69., dated 20th August last, in which I respectfully recommended " that His Ma- " jesty's Government should loosen the Restrictions on the Land-granting " Department, which have hitherto prevented the Lieutenant Governor of " this Province from successfully grappling with those Speculators in whose " Hands vast Tracts of Land improvidently granted by the Crown are and " long have been lying stagnant."

† The Remainder of this Passage has been omitted at the Request of Sir F. B. Head.

No. 40.
Sir F. B. Head
to
Lord Glenelg,
30th Dec. 1836.

In begging your Lordship to make this Comparison I have no Desire to claim the slightest Merit for having foreseen the Difficulties which the President of the United States in his late Message so frankly admits. I only connect myself with him to endeavour by the Weight of our united Testimony to recover for myself that Equilibrium in your Lordship's Opinion which the preponderating Influence of Messrs. Crane and Wilmot have unfortunately deprived me of. It will, I hope, be liberally construed as no Want of Attachment to your Lordship, or of Fidelity to His Majesty's Government, if I acknowledge that I feel jealous of the Intervention of a new Influence alien to the Constitution of this Legislature.

The British Constitution has nothing whatever to fear from its low-bred Antagonist Democracy in America, if His Majesty's Government will not avert from us its Support.

> " No Power on Earth can make us rue,
> " If England to herself do prove but true."

But if the Lieutenant Governors of our Colonies be sentenced to contend with,

1stly, *Public Opinion*, or in other Words the Opinion of *the People ;*
2dly, *the House of Assembly*, or the Representatives of *the People ;*
3dly, *an Executive Council*, required to possess the Confidence of *the People ;*
4thly, *Agents in England*, enjoying the Ear and Confidence of His Majesty's Government, as being the Representatives of the Representatives of *the People ;*

And lastly, if, as a general Rule, all our Colonies are to surrender whatever Prerogative any one of them in particular may be deprived of, (by which Arrangement the weakest Lieutenant Governor, whoever he may be, will lead all the rest, which is certainly contrary to Military Tactics, for the Guards at Waterloo never for a Moment thought of giving up Huguemont because the Belgian Infantry ran away,) I think your Lordship, on Reflection, will perceive that, instead of crushing Democracy in this Continent, we shall actually be creating it in our Colonies.

I have ventured to offer to your Lordship's impartial Consideration the above Suggestions in opposition to Messrs. Crane and Wilmot's Recommendations that certain Alterations should be made in those Instructions which, on leaving England, I had the Honour to receive from your Lordship.

Under those Instructions I had successfully contended with Democracy in America, and, confident of the eventual Result of this noble Struggle, I had only required of His Majesty's Government the negative Assistance of not being undermined at Home.

The more seriously I contemplate the political Tranquillity of this Province, the more stedfastly am I confirmed in my Opinion that cool, stern, decisive, unconciliating Measures form the most popular Description of Government that can be exercised towards the free and high-minded Inhabitants of the Canadas.

I have, &c.
(Signed) F. B. Head.

No. 41.

No. 41.
Sir F. B. Head
to
Lord Glenelg,
13th Jan. 1837.

(No. 104.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 13th January 1837.

The Election of Aldermen and Common Councilmen for the Five Wards of this City closed Yesterday, and the Result is creating so much Sensation in this Province that I feel it my Duty to communicate it to your Lordship.

Ever since the Termination of the general Elections, in July last, the Wreck of the Republican Faction, whose Head Quarters are at Toronto, have been endeavouring

No. 40.
Sir F. B. Head
to
Lord Glenelg,
13th Jan. 1837.

endeavouring to demonstrate that the Re-action which has taken place throughout the Country was the momentary Effect produced by my Replies to the Addresses I received, and by the improper issuing of Patents; in short, that their Outworks had been carried by a mere Coup-de-main, and as the Election for the City approached, it was determined by the Radicals to display the Power they yet possessed in their Citadel, by electing, as the new Mayor, either Mr. Mackenzie, or one of the Three Gentlemen (Dr. Baldwin, Mr. George Ridout, or Mr. Small,) who had been dismissed from Office by me.

As it mattered very little to me who was Mayor of this City, I can assure your Lordship that I scarcely ever gave the Subject a Thought, or indeed had Time to do so; however, the Electors of the City having been Eye-witnesses of the Conflict I had had with the Republicans—having been made acquainted with all the Accusations urged against me by Mr. Hume and Dr. Duncombe—having had an Opportunity of observing for Two Months the practical working of the new House of Assembly, and of reflecting for a Year on the Course of Policy I had adopted, they unequivocally expressed their Verdict in my Favour, by exterminating the Twenty Republican Candidates from every single Ward in the City, and by electing in their stead staunch Constitutionalists, who, in every Instance excepting One, had Majorities of more than Two to One over their Opponents.

As not a single Patent has been issued during the Elections, and as almost universal Suffrage prevails, the political Self-purification of this Metropolis offers a Moral which I humbly conceive does not require a Comment.

I have, &c.

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

(Signed) F. B. Head.

No. 42.

No. 42.
Sir F. B. Head
to
Lord Glenelg,
4th Feb. 1836.

(No. 6. A.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, 4th February 1837.

Referring to my Despatch No. 65., dated 30th July last Year, in which I respectfully requested "that your Lordship would be pleased to inform me from what Funds you would wish that my travelling Expenses incurred in the inspectional Tour of this Province should be defrayed," those Expenses not having been incurred in any way in the Inspection of Troops, I have the Honour to transmit the Vouchers of these Expenses (amounting to 299*l.* 7*s.* 7*d.*) as rendered to me by my Aide-de-camp, by my Civil Secretary, and by Mr. M'Mahon, Chief Clerk in the Government Office, who respectively accompanied me.

As I have been long suffering considerable Embarrassment on account of the Question of my Salary having remained unsettled, I beg leave once again to bring that Subject under your Lordship's Consideration, with the distinct Assurance on my Part, that all I have ever desired or do desire is a moderate economical Remuneration for the Services I have been called upon to perform. My Case is shortly as follows:—

After I had given up my Prospects in the Poor Law Commission, and had actually embarked at Liverpool, I received from the Horse Guards a Notification that as no Aide-de-camp would be allowed to me, Captain Halkett could only accompany me to America on Leave of Absence. I accordingly deemed it incumbent on me to pay his Passage Money; and on arriving at New York, feeling that I could not consistently with the Station I held daily divide Accounts with my Secretary, Aide-de-camp, &c., I paid for the whole of their Expenses to Toronto.

Requiring Money on my Arrival there on the 23d of January, I found that although my Military Half Pay, as well as my Salary as Poor Law Commissioner, had been forfeited from the 20th of November (the Date of my Acceptance of my new Appointment), yet not only had I nothing to receive in remuneration for these Two Months Services, and for the serious Expenses which on His Majesty's Service I had incurred, but out of this nothing I was called upon to make an immediate Payment to Sir John Colborne of 1,050*l.* for Stoves, Kitchen Apparatus, Household Furniture, &c.

On conversing with Sir John Colborne, and on inspecting an Abstract of the annual official Expenses he had incurred in maintaining the Dignity of his

 Station,

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Sir F. B. Head
to
Lord Glenelg,
4th Feb. 1837.

Station, I saw at a Glance that these Expenses exceeded his Colonial Income, and that this toilsome Hospitality could not prudently be diminished.

I also learnt that my Predecessors, Sir P. Maitland and Sir John Colborne, had received the Colonial Salary of 3,000*l.* a Year, *in addition* to their following Military Allowances:—

Sir P. Maitland - - - -	£2,100 0 0
Sir J. Colborne (including his Regiment) -	1,500 0 0

while in my Case my Military Allowance (my Half Pay) was actually to be *subtracted* from the said Colonial Salary, thus reducing it to 2,830*l.*, but little more than One Half of what Sir P. Maitland had received, although the Population of the Province I was called upon to govern had increased as follows:—

	Population.
On Sir P. Maitland's Assumption of this Government in 1818 - - - - - -	95,000
On Sir John Colborne's, &c. &c. in 1828 - -	186,000
On Sir F. B. Head's, &c. &c. in 1836 - -	367,000

My Lord, my private Funds had been so completely exhausted by the severe unexpected Expenses which, without the slightest Remuneration had been inflicted upon me, that I thought it would save His Majesty's Government much Trouble, if I were at once respectfully to declare clearly and unequivocally that unless my Means were sufficiently increased I begged to tender the Resignation of an Office which was sinking my Family into absolute Ruin. Accordingly having done this, in my Despatch, No. 37., I explained myself as follows:—

" At the Time I was requested to assume the Government of Upper Canada, " I was in the Receipt of the following Emoluments:—

" Salary of an Assistant Poor Law Commissioner	£700 0 0
" Allowance of 1*l.* 1*s.* per Day - -	383 5 0
" Allowance of 9*s.* per Day in lieu of Travelling	164 5 0
" Pay and Allowances to my Son as Clerk -	180 0 0
" Total annual Income which I gave up at the " Request of His Majesty's Government -	1,427 10 0

" The following is a List of Fines and Expenses which were subsequently " imposed upon me.

" For my Commission - - -	£212 0 0
" For Travelling Expenses for myself and Suite, " with Outfit - - - -	800 0 0
" Paid Sir John Colborne for Part of his Fur- " niture - - - - -	1,050 0 0
" Extra Expenses in England for Furniture, &c. " to be brought out - - -	1,000 0 0
	£2,962 0 0

In my Despatch, No. 56., I cancelled my tendered Resignation for the following Reason, " because I am determined that so long as my private Income can " sustain the pecuniary Loss I am enduring, it shall never be said that I " abandoned this important Trust on a Question of Money."

In Despatches, Nos. 41. and 64., your Lordship was pleased to state that " if " after a sufficient Length of Observation it shall be established to your Satis- " faction and my own that your official Income is inadequate to the Demand to " which your Office reasonably subjects you, I shall think it my Duty not for " your own Sake merely, but with a view to the permanent Interest of the " Public at large, to stipulate for the necessary Increase of Salary as a Part of " that Civil List for which His Majesty's Hereditary Revenue is to be surren- " dered," and that " no one who perseveringly and successfully serves the King " on a conspicuous Theatre of Action can justly doubt that the Reward of " such generous Self-devotion will be dealt out with no niggard Hand by his " King and Country."

I have now as shortly as possible brought the Case before your Lordship's Consideration, and confident that Justice will be rendered to me, I have but little to add on the Subject.

Your Lordship will not have forgotten that at a Moment's Warning I obeyed the Call of His Majesty's Government, and at once, as in Duty bound, gave up my Prospects as well as those of my Son in the Poor Law Commission.

Your Lordship knows what Difficulties I have had to contend with here, how

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Sir F. B. Head
to
Lord Glenelg,
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how severely I have been exposed to "Envy, Hatred, Malice, and all Uncharitableness," in what political Situation I found this Province, to what State I have now brought it, and what Assistance has been thus rendered to His Majesty's Government in dealing with the Lower Province. I have still difficult Duties to perform. I am living in a Climate very trying to my Constitution. I am leading a Life uncongenial to my Mind. My Children, who are I believe at this Moment on the Ocean, will receive no Benefit from the Education this Colony can afford them, and under all these Circumstances I beg your Lordship to consider what must be the State of my Mind when I calmly reflect, as I daily do, how much the Interests of my Family will suffer if the Possession of the Canadas be maintained by the Expenditure of my own private Fortune.

In consequence of the Accession of Rank which is to be conferred upon me, I make no positive Demand for pecuniary Compensation, but I do feel that the following is what I may reasonably expect to receive :—

1. That inasmuch as, instead of being conveyed in a Ship of War to Quebec, I was hurried in the Depth of Winter, without my Family, to New York, from thence to proceed to Canada by Land, for the express Object of fulfilling the King's Promise to the House of Assembly of this Province, my actual Outfit and Expenses to Toronto (namely 800*l.*), as well as the actual bonâ fide Expense of my Family, Servants, and Baggage from London to Toronto (which I expect will amount to about 500*l.*), but for which regular Vouchers shall be produced, should, as well as my Travelling Expenses on my Indian Tour of Inspection, be defrayed by His Majesty's Government, for whose Interests alone these Expenses were specifically incurred.

2. That in addition to my Salary of 3,000*l.*, *which I declare to your Lordship is totally inadequate to my Expenses*, such a Sum or Increase of Income be granted to me as His Majesty's Government may deem an economical and moderate Remuneration for the Services which I have had and still have to perform, and for the Profession and Prospects which, at the Request of His Majesty's Government, I abandoned.

In estimating the Sum to be granted to me, I only ask your Lordship to consider for a Moment, first, What Remuneration any Company of English Merchants would think it proper to allow to any Individual who had Claims upon them similar to those I have submitted ; and, secondly, Whether any professional Man in England, giving up a certain and well-paid Practice to serve His Majesty's Government, would consider mere Board and Lodging in a Foreign Country as sufficient Compensation for his Sacrifices and Services.

If, in consequence of what I have now stated, His Majesty's Government should deem it just and proper to grant me the moderate Remuneration and increase of Income I have suggested, as an extraordinary Expense required by a particular Emergency, I should feel quite satisfied at its being clearly understood that I am to hold myself liable to be dismissed at a Moment's Warning, and without Pension, as soon as cheaper Services can be procured.

I have, &c.

(Signed) F. B. Head.

As the public Expenses of my Station have involved me in considerable pecuniary Embarrassment, I request your Lordship to be so good as immediately to cause to be placed to my Account at Messrs. Praed and Co. :—

* For Outfit and Travelling Expenses of myself and Suite to Toronto, with Baggage, &c. &c. -	£800	0	0
* Ditto, ditto, for Lady Head, Governess, Children, Four Servants, Furniture, Carriage, Baggage, &c. from London to Toronto - - -	500	0	0
My Travelling Expenses in this Province, in consequence of your Lordship's Order that I should report for the Information of the House of Commons on the Reductions to be effected in the Indian Department - - -	299	7	7
	£1,599	7	7

* The above Journies were performed in Winter, which rendered them expensive.

No. 43.

No. 43.
Sir F. B. Head
to
Lord Glenelg,
4th Feb. 1837.

(No. 7.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 4th February 1837.

I am at last enabled to reply to the following Communications which I have had the Honour to receive from your Lordship :—

1. Despatch, No. 95., of the 8th September 1836, enclosing to me a Copy of Dr. Duncombe's Petition to the House of Commons, as presented by Mr. Hume on the 19th August last.

2. Despatch, No. 96., of the 12th September 1836, enclosing to me a Copy of a Correspondence between Dr. Duncombe and the Colonial Office on the Subject of the late Elections in Upper Canada ; as also a Copy of a Letter on the same Subject, addressed to Sir George Grey by Mr. Hume.

3. Despatch, No. 99., of the 22d September 1836, enclosing to me a Copy of a Letter addressed to your Lordship by Dr. Duncombe, "detailing the Charges respecting Sir F. Head's Conduct during the recent Elections in Upper Canada."

4. Despatch, No. 105., of the 31st October 1836, transmitting to me a Copy of a Letter addressed to Lord Melbourne by Mr. Hume, who, enclosing a Memorial to be presented to His Majesty respecting what he terms "the extraordinary Proceedings of Sir Francis Head during the late General Election," states, "it is with deep Regret I complain of the Conduct of Lord Glenelg to the Agents of the Reformers from Upper Canada, in having refused to give an Interview either to Mr. Baldwin, a Member of the late Executive Council, or to Dr. Charles Duncombe, Member for Oxford, in the new House of Assembly, although they came 4,000 Miles, deputed by their Colleagues, on purpose to explain to His Majesty's Government the Conduct of Sir Francis Head, the Lieutenant Governor, and of the public Officers in that Province. I most earnestly requested his Lordship to grant an Audience to the Gentlemen, as they had requested, but he refused those Applications, and thereby behaved to them in a Manner which I do greatly regret."

Before I proceed to reply to the serious Accusations which have been thus made against me by Dr. Duncombe, a Member of the House of Assembly of this Province, as also by Mr. Joseph Hume, a Member for Middlesex, in the Imperial Parliament, I consider it my Duty to record the Feelings of Gratitude as well as of Respect which I entertain towards your Lordship for having directed your Under-Secretary to reply to Dr. Duncombe on the 21st of September last as follows :—

"Lord Glenelg directs me to state, for your Information, that he proposes to avail himself of the earliest Opportunity for transmitting a Copy of that Letter to Sir F. B. Head, for such Explanations as that Officer may be able to give respecting the Matters laid by you to his Charge. In the meantime his Lordship will of course suspend his Opinion on the Subject. He directs me, however, to state, that he cannot receive Accusations of such a Nature against a public Officer of high and unblemished Character, without recording his Persuasion that they will be found susceptible of a satisfactory Answer. With reference to your Protest against Lord Glenelg's Decision to carry on his Communications with you, not in personal Interviews, but in Writing, his Lordship directs me to observe, that the Obligation of acting with strict Impartiality towards all Persons with whom he is brought into official Intercourse would have forbidden him to receive, in mere Conversation, Charges impugning the Honour and Reputation of any Man, however humble his Station in Life ; nor can his Lordship think that, as a public Accuser of the Lieutenant Governor of Upper Canada, you are justly entitled to complain that you have been required to prefer your Charges in that Form in which alone they could be expressed with Precision, and subjected to the Test of an exact Inquiry."

On the Receipt of your Lordship's Despatches which I have referred to, I deemed it advisable to lay them, without Loss of Time, before the Assembly, and accordingly, on the Day that the House replied to my opening Speech from the Throne, I transmitted to it the following Message :—

"F. B.

No. 43.
Sir F. B. Head
to
Lord Glenelg,
4th Feb. 1837.

" F. B. Head.

" The Lieutenant Governor has received from His Majesty's Government a Copy of a Petition addressed to the House of Commons by a Member of the House of Assembly of Upper Canada.

" As the Lieutenant Governor conceives that the said Petition contains Allegations which affect the Liberty of the Inhabitants of this Province, as well as the Character and Privileges of the House of Assembly, he deems it advisable that the House should be immediately acquainted with the same, and he therefore transmits a Copy for their Information."

This Message, with the Documents which accompanied it, were referred by the House to a Committee, whose detailed Report, with the Resolutions of the House, amply and specifically refute all the Accusations brought by Mr. Hume before the House of Commons, before Lord Melbourne, and before your Lordship; nevertheless I feel it proper that I should myself reply to those Charges which directly assail my own Character.

Dr. Duncombe's Petition, as presented to the House of Commons by Mr. Hume, commences by asserting that he has been *deputed to England* by the Reformers of Upper Canada.

It is my Duty to inform your Lordship, that this Assertion is totally and wilfully devoid of Truth.

Dr. Duncombe's Departure from Upper Canada for England was known only to a very few Individuals, who, for Reasons which shall hereafter be explained, kept it such a profound Secret that Dr. Duncombe's own Family were, I am credibly informed, in Ignorance of what had become of him.

He embarked at New York under a false Name, by which he was addressed during the whole of his Passage; and such Secrecy was preserved, that not even his own Constituents were aware that their Representative had left America to utter Complaints in their Name to the British House of Commons, until the Arrival of English Newspapers astonished the Province of Upper Canada, by divulging the Petition which Mr. Hume had presented for him.

On Dr. Duncombe's Return to Upper Canada, and on his appearing before the Committee whose Duty it was to investigate his Petition, he did not venture to attempt to prove, or even to assert, that he had been deputed to England by the Reformers, or by any one; neither by Documents nor by Witnesses did he attempt to substantiate a single one of his Allegations; and though he assumed his Seat in the House of Assembly, never once did he open his Lips on the Subject, but in a few Days ignominiously shrunk from the Investigation. The Committee, however, not satisfied with this negative Proof of his Guilt, summoned before them and examined the leading Radical Members of the late as well as of the present House of Assembly; for instance, they examined —

1. The Speaker of the late House of Assembly, Marshall Spring Bidwell, Esq., who scarcely a Month ago, when called upon by your Lordship to avow in this Country the Allegations contained in his Letter concerning me to your Lordship, declined to do so.

2. Dr. Baldwin, President of the Constitutional Reform Society, Chairman of the Toronto Political Union, the Father of Mr. Robert Baldwin (One of the Members of my late Executive Council, who was lately in England with Dr. Duncombe), and lately dismissed by me from the Office of Judge of the Surrogate Court.

3. Mr. Peter Perry, Chairman of the Committee of the late House of Assembly, which drew up the Report against me concerning the Executive Council, the Leader of the Radicals of the late House of Assembly, and whose Name has lately been omitted by me in the Commission of the Peace.

The above-named, as well as all others of the same Party who were examined, confessed that Dr. Duncombe had not been deputed to England by *them*, several of them admitting that they had not even known of his Departure till they saw it announced in the British Newspapers; and though the Committee were engaged in the Investigation more than Two Months, not a single Individual in the whole Province of Upper Canada ventured to come before them, before me, or before either House of the Provincial Legislature, to assert directly or indirectly that Dr. Duncombe had been deputed to England by him, or by any Portion of the Party self-named Reformers.

No. 43.
Sir F. B. Head
to
Lord Glenelg,
4th Feb. 1837.

I must now beg your Lordship to contrast the foregoing Evidence with the following most extraordinary Assertions of Dr. Duncombe and Mr. Hume.

1. Dr. Duncombe, in his Petition to the House of Commons, states "That your Petitioner has been *deputed by the Reformers of that Province* to lay before His Majesty's Government and your Honourable House the dangerous Crisis at which the Affairs of that Province have unhappily arrived, through the unconstitutional Violence and Outrage practised and sanctioned by Sir F. Head, the present Lieutenant Governor, and those under his immediate Influence and Control, at the late Election, for the Purpose of obtaining a Majority in the House of Assembly.

2. In Dr. Duncombe's Letter to your Lordship of the 20th of September, he states, "These, my Lord, are only a few of the many unconstitutional Acts of Sir F. B. Head and his Dependents, of which the People of Upper Canada complain, and which the Reformers *instructed me* to point out to your Lordship personally." * * * * "I very much desired to communicate to your Lordship personally Facts connected with the present discontented and unhappy Condition *of the People of Upper Canada*, which could have been done much more readily and satisfactorily verbally than by Letter, and *for which especial Purpose I was deputed to this Country*."

"I take this Opportunity of enclosing my Protest against the Course which your Lordship has adopted of refusing to grant me an Interview, at which I should have done more Justice than I now can to the important Duty *imposed upon me by my Fellow Countrymen in Upper Canada*.

"I shall return to Upper Canada and *report the Treatment* I have received, and what the Expectations *of my Countrymen* for Justice can be from the Colonial Minister."

"I have therefore, my Lord, as the only Resource left, *in the Name and in behalf* of the Reformers of Upper Canada," &c. &c.

Mr. Hume, in his Letter to Sir George Grey, of the 19th of August, states, "Allow me to introduce the Bearer, Dr. Duncombe, Member of the New House of Assembly of Upper Canada, *come to England expressly at the Request of the Reformers* of Upper Canada to state to Lord Glenelg Circumstances connected with the Elections in that Province very important to be made known to the Colonial Office. I request you will give him an Opportunity of stating to his Lordship the important Details he has *been commissioned to make known* to His Majesty's Government here."

Mr. Hume, in his Letter to Lord Melbourne, dated 3d October, stated—

"My Lord,

"When I last had an Interview with your Lordship I requested your Attention to the State of Upper Canada, and to the extraordinary Proceedings of Sir Francis Head during the late general Elections.

"It is with deep Regret I complain of the Conduct of Lord Glenelg *to the Agents of the Reformers* from Upper Canada, in having refused an Interview either to Mr. Baldwin, a Member of the late Executive Council, or to Dr. Charles Duncombe, Member for Oxford, in the New House of Assembly of that Province, although they came 4,000 Miles, *deputed by their Colleagues*, on purpose to explain to His Majesty's Government the Conduct of Sir F. Head, the Lieutenant Governor, and of other public Officers in that Province.

"It appears that Sir F. Head has put down the Reformers in Upper Canada by giving his official Support to the Tories and Orangemen, and he has acted by fabricating Votes after the Elections had been begun, to overpower the old Electors.

"I trust such Conduct will not be countenanced by the British Parliament, from whom alone, after such Conduct, the People of Upper Canada can expect to obtain Justice.

"I cannot believe that your Lordship is acquainted with the State of Affairs in Upper Canada, and with the Conduct of Sir F. Head, or you would not approve of the Proceedings of the Colonial Office towards these *Agents from the Province*,—Conduct which appears to me calculated to *drive the People to Desperation*."

While

No. 43.
Sir F. B. Head
to
Lord Glenelg,
4th Feb. 1837

While the foregoing Statements are fresh before your Lordship's Mind, I think it advisable I should clearly explain the precise Extent of Authority which Mr. Hume was invested with in England to act in the Name and on behalf of "the People of Upper Canada;" which Fact will be best elucidated by the following Extract of the Committee's Report, which, after a most patient Investigation, has just been adopted by more than Two Thirds of the Members present in the House of Assembly.

"Before closing their Report, the Committee feel it their Duty to call the Attention of your Honourable House and the Country to the Fact, that the Petition was presented to the House of Commons by Mr. Joseph Hume, a Member of the Imperial Parliament for the County of Middlesex, and that that Gentleman appears to have been chosen as the Agent through whom Mr. Duncombe and Mr. Robert Baldwin have conducted their Communications with the Colonial Office. And it further appears, from Letters of Mr. Hume addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the Agent, or, at all events, as being authorized to express the Sentiments of the People of Upper Canada on the Subject of their political Feelings and the public Affairs of the Province. Your Committee are of opinion, that the Honour and Character of His Majesty's loyal Subjects in this Province require that it should be promptly and emphatically declared by their Representatives, that Mr. Hume is among the last Men they would select to advocate their Cause, or represent their Feelings or Wishes to the British Nation. The People of Upper Canada recollect, that in the Year 1834, Mr. Joseph Hume addressed a Letter to a Correspondent of his in this Country, which, referring to his Correspondent's recent Expulsion from and Re-election to the Assembly, contained the following treasonable Language and Advice:—'*Your triumphant Election of the* 16*th, and Ejection from the Assembly of the* 17*th, must hasten that Crisis which is fast approaching in the Affairs of the Canadas, and which will terminate in Independence and Freedom from the baneful Domination of the Mother Country, and the tyrannical Conduct of a small and despicable Faction in the Colony. The Proceedings between* 1772 *and* 1782 *in America ought not to be forgotten; and to the Honour of the Americans, and for the Interest of the civilized World, let their Conduct and Result be ever in view.*' And when it is remembered with what Indignation and Disgust the Publication of this detestable Communication was received throughout the Province, His Majesty's loyal Subjects cannot but regard with Abhorrence the Idea that the Person who had thus insulted them should be supposed by their Sovereign and their Fellow Subjects in the United Kingdom to be their accredited Agent, that they held any Communication with him, or that he was in any way clothed with Authority to speak their Sentiments, or represent their Views on any Subject public or private."

It certainly does appear, from the Extracts I have submitted to your Lordship, that Mr. Hume and Dr. Duncombe, in undertaking to represent the People of Upper Canada, possessed as Agents no other Credentials than those which in London they mutually imparted to each other; for the House of Assembly seem to repudiate Mr. Hume as unequivocally as Mr. Bidwell the late Speaker, Dr. Baldwin the Chairman of the Constitutional Reform Society, the Chairman of the Toronto Political Union, and the other Reformers examined by the Committee, combine in repudiating Dr. Duncombe.

Mr. Hume, in his Letter to Lord Melbourne, says, "I cannot believe that your Lordship is acquainted with the State of Affairs in Upper Canada;" and adds, that the Proceedings of the Colonial Office are "calculated to *drive the People to Desperation;*" but the House of Assembly appear totally to disagree in Opinion with Mr. Hume respecting the political State of Upper Canada, for they state, "*the Result of the Election is known, and from that Period to the present Peace and Tranquillity have existed throughout the Province, and continue to exist without the slightest Interruption; and it may be truly said, in opposition to the Statements of Mr. Baldwin and Mr. Duncombe, that the Blessings of Contentment and Unanimity were never more apparent among any People than now reign throughout this highly-favoured Land.*"

Having explained to your Lordship the Nature of the Credentials of Messrs. Hume and Duncombe, I will now proceed to reply to the Accusations they have made against me.

No. 43.
Sir F. B. Head
to
Lord Glenelg,
4th Feb. 1837.

1. Mr. Hume, in his Letter to Lord Melbourne, states, "It appears that Sir F. Head has put down the Reformers in Upper Canada by giving his official Support to the Tories and Orangemen."

With respect to the Accusation of my having given Support to the Tories, I beg to remind your Lordship, that the very first Act of my Administration of this Government was my appointing to my Executive Council Three avowed Reformers. Before the Elections commenced, I particularly cautioned all those who were immediately about me to do nothing to influence the Contest; and though Subscriptions were general on both Sides, I neither directly nor indirectly contributed myself: and I am assured by my Aid-de-camp, by my Secretary, and by all the Clerks in the Government Office, that they implicitly followed my Example.

With respect to my having given what Mr. Hume terms "official Support" to the Orangemen, the following Extract from an Affidavit of one of the Aldermen of Toronto, who possesses great Influence with the Orange Party, will show what was my Conduct towards that Body.

Copy of Extract.

"Deponent further made Oath and said as follows: That His Excellency the Lieutenant Governor, having been given to understand that I had considerable Influence with the Orange Association of this City, sent for me (I think some Time in the Month of June), and intimated to me a strong Desire that the Orangemen should give up their usual Processions held on the 12th of July; which Desire being communicated to the Principals of that Body, together with His Excellency's Unwillingness, as expressed to the House of Assembly forcibly to prevent the said Processions as apparently desired by the House, an unusually large Number of the Association met, and of their own Accord, and agreeably to the Wishes of His Excellency, passed a Resolution against Processions of any Kind on the aforesaid Day; and accordingly no Exhibition of any Kind took place, although it was, I am informed, a usual Custom since the Year 1819.

(Signed) "Alexander Dixon.

"Sworn before me this 19th January 1837.
(Signed) "George Gurnett,
Alderman and J. P. of the City of Toronto."

As Mr. Hume, on an Occasion previous to Dr. Duncombe's Arrival in England, brought my Name before the House of Commons as a Supporter of Orange Societies in Upper Canada, I beg your Lordship's Perusal of the following Extracts of a Correspondence which took place, previous to the Elections, between my Secretary and John Stewart, Esq., Deputy Grand Secretary of the Orange Lodge in North America.

"To Mr. Secretary Joseph.

"Sir,

"I have the Honour of acknowledging the Receipt of yours of the 14th of May, and I entirely concur with the Suggestions of His Excellency, that the best Mode of securing the Tranquillity of the Province will be a voluntary Dissolution. In pursuance of this Determination, I have called together the leading Men of the Association in and about London (Upper Canada), and they seem to be of One Heart and of One Mind that the Society be virtually dissolved, though a public Declaration to that Effect must originate with the Grand Lodge of British North America, which will shortly meet.

"I have, &c.
(Signed) "John Stewart."

"From Mr. Secretary Joseph to John Stewart, Esq.

"Sir, "Government House, 9th June 1836.

"I am directed by the Lieutenant Governor to express to you his high Approbation of the Sentiments contained in your Letter respecting the voluntary Dissolution of the Orange Associations in this Province.

"His

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Sir F. B. Head
to
Lord Glenelg
4th Feb. 1837

"His Excellency is of opinion that such Determination would be highly creditable, and that the Example would be worthy of Imitation by all who desire to promote the Peace and Harmony of Upper Canada. The Address you forwarded for His Excellency's Inspection is herewith enclosed.

"I have, &c.
(Signed) "J. JOSEPH."

2. Mr. Hume, in his Letter to Lord Melbourne, states, "It appears that Sir F. Head has acted (by fabricating Votes after the Election had begun to overpower the old Electors) contrary to the Rules laid down by the preceding Colonial Secretary, and in violation of the Rights of the People."

My Lord, the Accusation which Mr. Hume, as a Member of the House of Commons, has thus made against me to His Majesty's Prime Minister, of "fabricating Votes," is so infamous, it is so derogatory to the Station I hold, and so subversive of the Liberty of the People of Upper Canada, that I feel it incumbent upon me to give your Lordship the clearest possible Explanation on the Subject.

Mr. Hume's Expression of my "*fabricating Votes*," as well as Dr. Duncombe's Expression of my "issuing Patents on Grants of Land," seem to denote that Patents, which are nothing more or less than Title Deeds of Land, emanate solely and at will from the Lieutenant Governor; whereas the Fact is, that the Lieutenant Governor has no Power whatever to bestow Land upon any one, his Signature only completing the Title arising out of legal Claims, which it is out of the Power of the Lieutenant Governor to extinguish.

For instance, the U. E. Loyalist, appearing before the Magistrates of his own District in General Quarter Sessions assembled, presents his Claim in the Form of a Petition, which must be authenticated by a Certificate signed by the Chairman of the Sessions in open Court and countersigned by the Clerk.

The Petition is presented at the Government Office, whence it is referred to the Inspector General to report in Writing, on the Back of the Petition, whether the Name of the Petitioner be on the U. E. List, of which he has official Charge; if so, it is then referred to the Executive Council, when, in conformity with His Majesty's Regulations, an Order is made in favour of the Petitioner of 200 Acres. The next Step of the Petitioner is to select the Location of his Grant at the Office of the Surveyor General, who gives him a Ticket containing the Number of his Lot, the Number of the Concession, and the Name of the Township. The Ticket also states the Quantity of Land required to be cleared, and requires actual Settlement to be made within Two Years, otherwise the Location to be null and void. When the above Conditions are all complied with, the Grantee is entitled to claim his Patent or Title Deed upon furnishing satisfactory Proof, which consists either in the Certificate of a Land Surveyor, or in the Affidavit of one or more Persons cognizant of the Facts.

The following Formalities are then required, not only for U. E. Claims, but for *all* Patents of Land.

On the last-mentioned Certificate being presented to the Surveyor General, he issues a Description of the Land to the Attorney General, who embodies it in his Draft of the Patent, which is engrossed by the Provincial Secretary and sent by him to the Attorney General for Examination, by whom, if correct, it is countersigned; it is then returned to the Provincial (not the Governor's) Secretary, who also countersigns it; and when all these Forms have been completed and complied with, the Patent is presented for the Signature of the Lieutenant Governor: it is then taken back to the Office of the Secretary and Registrar, who affixes to it the Great Seal, registers it, and when called upon delivers it to the Grantee or his Agent, which completes the Transaction.

I trust that the bare Recital of the foregoing precautionary Formalities will prove the Impossibility of my having been guilty of the Charges brought against me by Mr. Hume, namely, of "having *fabricated* Votes to overpower the old Electors." From the Date of my Arrival in this Province to the present Hour, in no one Instance have I ever withheld from any Individual my

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Sir F. B. Head
to
Lord Glenelg,
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Signature to that Patent or Title to his Land, which, bearing the Signature of the Attorney General, has thus been officially declared to me to be his Due; and, on the other hand, in no one Instance have I ever affixed my Signature to a Patent which did not carry on its Face that Mark of Authenticity.

I solemnly declare to your Lordship, that in no one Case have I ever stopped for a Moment to consider what might be the political Opinion of him whose Name inscribed upon a Parchment was demanding from me a Right which I am proud to feel I am not entitled to withhold; for my Station of Lieutenant Governor would be despicable indeed if my Powers enabled me to deprive a British Subject of his Rights.

Having in general Terms explained to your Lordship the Manner in which Patents are granted in this Province, and having also in general Terms denied Accusations made against me on this Subject by Mr. Hume and Dr. Duncombe, I will now proceed to rely to the particular Charges alleged.

It is stated, "that Sir F. Head, in order to overwhelm these legally registered Electors, issued a large Number of Patents or Grants of Land under the Great Seal, in many Cases for only a Quarter of an Acre of wild Land on which no Buildings are erected," and that "*Thousands of such Grants of Land were issued and voted upon at the Elections.*"

The Appendix to the Report of the House of Assembly contains Returns of every Patent issued by me since I assumed the Government of this Province, the Date of the Order in Council under which they were completed, with other Particulars.

From these it will appear, that the whole Number of Patents issued under Orders in Council from the Day of my Arrival in this Province to the Close of the Election amounted to - - - - - - - - - - 233

Of which Number there were, Females - - - - -	30
Purchasers from the Crown who had paid up their Purchase Money -	7
Settlers under the Honourable Colonel Talbot and the Honourable Peter Robinson, who were entitled to their Deeds upon producing Certificates of having performed their Settlement Duties - -	73
U. E. Loyalists, Militia Men, Pensioners, and old Soldiers - -	120

I beg your Lordship to compare the above Statement with Dr. Duncombe's Assertion, that "*Thousands* of Grants of Land were improperly issued to overwhelm legally-registered Votes, and *acted upon.*"

Dr. Duncombe, since his Return here from England, has not even attempted to prove that a single One of the above 233 Patents signed by me between the Day of my Arrival and the Close of the Election was improperly issued; but supposing for a Moment that the whole of them had been granted for the base Purpose of influencing the Elections, your Lordship will perceive, by the following Comparison, what Effect would have been produced:—

Number of Patents issued by me - - - - - - -	233
Number of Persons who voted at the late Elections - - -	20,385

In taking leave of this Subject, it only remains for me to declare to your Lordship, most deliberately, that I did not corruptly issue a single Patent, and that Mr. Hume's Assertion, that I "fabricated Votes to empower the old Electors," is totally incorrect.

3. Dr. Duncombe, in his Letter to your Lordship of the 20th of September, states, that "Public Money has been most unconstitutionally placed at the Disposal of Committees or other Agents of the Tory Candidates, to assist them in their Elections; that the Sum of 5,000*l.* was placed at the Disposal of the Tories calling themselves the Constitutional Society, to be expended in aiding the Election of the Tory Candidates."

Your Lordship will perceive from the Evidence brought before the Committee, that the above Allegations are also without the slightest Foundation. To this Evidence, I have only to add my Declaration, that not a Shilling of the Public Money was expended in the way stated, or in any way directly or indirectly placed at the Disposal of either Party.

4. Dr. Duncombe next states, "that another Sum was placed in the Hands of the Clerk of the House of Assembly, with Instructions to go to the Eastern District, and use that Money to the best Advantage (no doubt corruptly), for securing the Election and Return of Members who would support the unconstitutional Policy of Sir F. B. Head."

As

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Sir F. B. Head
to
Lord Glenelg.
4th Feb. 1837

As every Word of this Statement is incorrect, I feel it necessary to lay before your Lordship the Truth. Shortly before the Elections took place I received a Letter, dated 14th June, from Mr. M'Lean, Member for Cornwall, and now Speaker of the House of Assembly, informing me that Acts of extreme Violence had been committed by the Irish Labourers working on the Canal at Cornwall, "which rendered it unsafe for the Inhabitants to travel on the public Highways;" and earnestly praying that a Body of Troops might be sent down previous to the approaching Election. Shortly afterwards I received a similar Letter from the Sheriff, urging the "*imperative Necessity for the Presence of Troops.*"

After giving the Subject considerable Reflection, I was so averse to the Principle of sending Troops to the Neighbourhood of an Election, that I positively declined to do so; at the same Time, feeling that, in the Case of any of the Inhabitants being murdered by the Irish Labourers, considerable Responsibility would rest upon me for having refused the Application of the Sheriff and of the Member for Cornwall, I determined to send down Fifty Stand of Arms, to be used by the Militia in case of absolute Necessity; but to render Security doubly sure, I selected Colonel Fitzgibbon (who, though Clerk of the House of Assembly, is a Soldier universally respected in this Province for his well-tried Coolness and Intrepidity in Action), and placed the Arms in his Charge, with strict Orders and Instructions not to deliver them up to the local Magistrates, however urgently they might require them, unless he himself was convinced of the absolute Necessity of doing so; and, as he could speak Gaelic, I directed him to use every Persuasion in his Power to prevail upon his Fellow Countrymen to keep the Peace.

Colonel Fitzgibbon succeeded admirably in his Mission; no Force was required; no Disturbance took place. On his Return he applied to me for Remuneration; I submitted his Application for the Consideration and the Report of the Executive Council, who recommended that he should receive for the Seventeen Days that he was absent Two Guineas per Day, with his actual Travelling Expenses. The Sum of 47*l.* 14*s.* 3*d.* was accordingly paid to him, and thus ended the Affair which in the Petition presented to the House of Commons by Mr. Hume is so grossly misrepresented.

5. The Petition presented by Mr. Hume states, "that the Elections were fixed by the Lieutenant Governor at Places to favour the Tory Candidates."

In reply to this Allegation, I have only to state that of the Thirty-nine Towns and Counties where Elections were held, Thirty-eight were re-appointed by me (with the Advice of the Executive Council) at the same Places where they had been held by Direction of Sir John Colborne at the late General Elections in 1834.

6. The Petition also states, "that the Returning Officers were appointed by the Lieutenant Governor of such Persons as were known most likely to forward his Views."

In reply to this Allegation, I have to state that in the Thirty-nine Towns and Counties where Elections were held I re-appointed (with the Advice of my Executive Council) the same Returning Officers who had been appointed by Sir J. Colborne in the Elections of 1834, excepting Four, one of whom was dead; where the Returning Officer became himself a Candidate, and consequently declined to act, another Person was appointed in his Stead.

7. In Mr. Hume's Letter to Lord Melbourne, he states, "It appears that Sir F. Head has put down the Reformers by giving Support to the Tories and Orangemen."

I have already shown to your Lordship that instead of having "supported the Orangemen," as stated by Mr. Hume, I not only discouraged their Processions but actually prevailed upon the Orangemen to discontinue them; that when called upon by the Individuals of the Party which Mr. Hume designates as Tories to support them with Troops, I positively declined to do so. I also beg leave to inform your Lordship that the Day after the Three first Town Elections began, and a Week before the County Elections took place, the Wesleyan Methodists, whose Assistance at the Elections would have been of the greatest Service, forwarded to me an excellent Address, expecting of course that I should reply to it, as I had replied to the Sixty-seven Addresses I had previously received.

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Sir F. B. Head
to
Lord Glenelg.
4th Feb 1837.

The Answer I gave to this Address from the Methodists, as well as to similar Addresses which almost at the same Time I received from the United Synod of Upper Canada, from the Townships of Nepean, Goderich, Warwick, Ramsey, and from Gananogue, was as follows :—

"Gentlemen,—As the Elections have commenced, I must decline giving any other Reply to the Address I have just received from you than merely to acknowledge its Receipt."

I may also mention, that just before the Elections began I was very earnestly entreated to promulgate some Appointments in the Militia which had long been promised, and which it was represented to me would greatly assist the constitutional Candidates. In reply to these Applications, I expressly ordered the Adjutant General of Militia to make no Militia Appointments of any Sort during the Elections; and, that I might not be misunderstood, with my own Hand I wrote for the Adjutant General a Letter for him to copy on the Occasion, stating that I was unwilling to approve of the Names recommended "*until the Election is concluded.*" I also submit to your Lordship the following Extract:

"City of Toronto, to wit. } "Personally came before me George Gurnett, Esq., one of the Aldermen and Mayor elect of the said City, Alexander Dixon, Esq., one of the Aldermen elect for said City, who, being sworn upon the Holy Evangelists, deposeth and said as follows:

"Having read in some of the public Papers a Document purporting to be a Copy of a Petition from Dr. Charles Duncombe to the House of Commons, in which it is alleged that His Excellency Sir Francis B. Head, in order to enable People to vote at the late general Elections, issued a Number of Patent Deeds without requiring the Payment of the usual Fees, I feel it my Duty to state a Fact which came to my own Knowledge in disproof of that Allegation. During the Period of the Elections, I was requested by a considerable Number of resident Settlers in the Second Riding of the County of York, many of whom had been from Twelve to Fifteen Years in the Country, and had made very valuable Improvements on their Lands, but not having paid the customary Fees were deprived of the Right of Franchise, to facilitate the issuing of their Deeds. Being anxious that these Settlers should have their Patents to give them this Right, I waited on Sir Francis B. Head, and after stating their Wishes to His Excellency and their Readiness to give the most ample Security for the Payment of the Fees due upon their Lands, and after begging in the most urgent Manner I was capable of that their Request might be granted, His Excellency in reply emphatically said, '*No, Mr. Dixon, I cannot do it, if it should gain the whole of the Elections;*' which Reply I communicated not only to the Applicants but to many Persons in Town and Country."

8. In the Petition presented to the House of Commons by Mr. Hume, it is stated, that "in general every public Functionary made common Cause with the Tories and Orangemen against the Reformers."

To this general Allegation I have only in general Terms to reply, that as the Laws of the Province are open to any one who conceives he has been aggrieved, and as there has not been a single contested Election, it is reasonable to infer that the Allegations contained in the Petition are vexatious and groundless.

9. It is stated in Dr. Duncombe's Petition, as presented to the House of Commons by Mr. Hume, "that in the County of Oxford, where your Petitioner was a successful Candidate, John B. Askin, Esq., Returning Officer, in the early Part of his Election, while the Contest was doubtful, refused to take the Votes of many Reformers. They declared their Willingness to take the Oath of Allegiance at the Hustings, where it had frequently been administered at former Elections, but which was utterly refused on this Occasion by Mr. John Askin the Returning Officer."

The following Statement of Gentlemen of high Station and Character in this Province will prove to your Lordship, not only that the Allegation against Mr. Askin is incorrect, but that Dr. Duncombe, when he made it, *must have known it* to be incorrect.

"To

" To John B. Askin, Esq., Returning Officer at the late Election for the County of Oxford.

" Sir,

" Having read an Extract from the Petition of Charles Duncombe, Esq., to the House of Commons, in which you are charged with gross Partiality in the Execution of your Duty as Returning Officer, we feel ourselves called upon to make the following Declaration on the Subject, leaving it optional with you to make whatever use of it you may think expedient.

" At the Close of the Election Mr. Duncombe addressed the Persons present, and declared that, '*although he understood you were of different political Sentiments, he was compelled in justice to admit that your Conduct as Returning Officer had been most gentlemanly and impartial throughout the whole Election.*'

" *To the Truth of this Statement in Substance we pledge ourselves, and we are ready at any Time when called upon to confirm it on Oath.*

" We have, &c.

(Signed) " HENRY VANSITTART, Rear Admiral.
HENRY VANSITTART jun.
WM. BETHRIDGE, B. D., Rector of Woodstock.
JOHN HATCH, J. P.
W. LAPONOTIERE.
SAMUEL NORWAY.
SPENCE MACKAY.
EDMOND DEECLES.
R. H. PACE.
P. GRAHAM, J. P., Commander, R. N.
H. C. BARWICK.
THOMAS LAPONOTIERE."

Having now replied to the various Allegations which have been made against me by Messrs. Hume and Duncombe, I beg to refer your Lordship to the circumstantial Refutation of them contained in the Report, with its Appendix, of the House of Assembly.

I am so confident that these Documents, together with the Evidence I have myself submitted, will establish my Innocence, not only in your Lordship's Mind, but in the Opinion of the House of Commons and of the Country, that I shall leave Mr. Hume, who has so wantonly attacked my Character, to the Punishment of his own Reflections.

Experience will now teach him what Honour and Justice have failed to inculcate, namely, that there is Danger in unjustly attacking the Character even of an absent Man.

The House of Assembly of Upper Canada have forcibly expressed, in Language that cannot be mistaken, their utter Detestation of his Principles, which indeed Dr. Duncombe himself has reprobated by publicly selecting him to be the Organ of his Falsehoods.

Repeating my Thanks to your Lordship for the Justice you have rendered to me by refusing to grant *secret and irresponsible Interviews* to a Party whose Clamour for the last Year has been in favour of " *open responsible Government*," and repeating my Acknowledgments that the Instructions I received from your Lordship to correct all real Grievances in this Province have enabled me to overcome the Difficulties that opposed me,

I have, &c.
(Signed) F. B. HEAD.

" Resolved, That the Report of the Select Committee, to whom was referred the Message of His Excellency the Lieutenant Governor, and Documents accompanying the same, on the Receipt of the Petition of Charles Duncombe to the House of Commons, be adopted, and that an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency to transmit a Copy of the said Report and the Appendix to His Majesty's Principal Secretary of State for the Colonies, to be laid at the Foot of the Throne, and Two other Copies with the Appendix to the Secretary of State, to be presented to both Houses of the Imperial Parliament.

" Truly extracted from the Journals of the 30th January 1837.

(Signed) " JAMES FITZGIBBON.

" For adopting the Report, Yeas 33, Nays 16.
" Absent 13, of whom 10 were Conservatives."

No. 44.

(No. 13.)

No. 44. Sir F. B. Head to Lord Glenelg, 6th Feb. 1837.

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 6th February 1837.

I have the Honour to acknowledge the Receipt of your Lordship's Despatch No. 113. (which only arrived here on the 6th Instant), in which, referring to my having removed Mr. Ridout from the Offices of Judge of the District Court of Niagara, Colonel of Militia, and Justice of the Peace, your Lordship states, "it is with the deepest Reluctance that I overrule a Decision publicly adopted "by you, especially in a Case of the present Nature." * * * "I have "accordingly to convey to you His Majesty's Commands that Mr. Ridout "should be permitted to resume the various Employments from which he "has been removed."

As the Refutation of the last Set of Accusations made against me, namely, those made by Messrs. Hume and Duncombe (despatched to your Lordship only Two Days ago), completed the Victory which, after a Year's hard Fighting, I have managed to gain over the Opponents of the British Constitution, it was with some little Disappointment and Surprise that I received from His Majesty's Government, a Communication amounting almost to a Dismissal, not in the lenient Form of being relieved, but by publicly being rendered incompetent to retain my Station.

When my Predecessor Sir John Colborne was ordered by your Lordship to lay before the House of Assembly of the Province he governed your Lordship's decided Disapprobation of his Conduct, he preferred at once to tender his Resignation, a Course which I believe almost every Man of Honour who has ever been placed in similar Circumstances has deemed it incumbent upon him immediately to adopt.

I feel, however, so confident that I can succeed in bringing Conviction to your Lordship's Mind that I am as innocent of having acted unjustly towards Mr. Ridout as I have been proved to be innocent of the various Allegations brought against me by Messrs. Hume, Duncombe, Baldwin, Bidwell, Rolph, &c., that I have determined to submit to the Consideration of His Majesty's Government the following Statements and Observations :—

It is perfectly true that in the Month of July last I dismissed Mr. Ridout from the Situations of Judge of the District Court of Niagara, Colonel of the Militia, and Justice of the Peace, alleging to him, as the Grounds of my doing so, that he (Mr. Ridout) *appeared* to be an active Member of a Society which had lately widely circulated a printed Address signed by Dr. Baldwin, Judge of the Surrogate Court, of which the following is an Extract :—

"It is our Duty solemnly to assure you that the Conduct of Sir F. B. Head "has been alike a Disregard of Constitutional Government and of Candour and "Truth in his Statements to you."

It is also true that Mr. Ridout declares "he had nothing to do with drawing "up the Address alluded to; that he had never seen it till it met his Eyes in a "printed Form; that he was not a Member of the Society from which it had "proceeded, and that at the Meeting at which the Society in question was "established he opposed its Foundation on the Principles contained in the "Resolutions brought forward by its Author," (which latter Statement I admit is corroborated by the Affidavit of Mr. Stewart, a Carpenter, who declares he was present on the Occasion.)

If your Lordship will be so good as to refer to the Letter from my Secretary to Mr. Ridout, you will perceive that it was not stated by me that Mr. Ridout had drawn up the Address alluded to, or that he had ever seen it till it met his Eye in a printed Form, or that he was a Member of the Society from which it proceeded. All that was declared was that the Paper had been published by a Society "of which Mr. Ridout" (long after it had been placarded all over the Province) continued "to appear to be an active Member."

I need hardly observe to your Lordship that Mr. Ridout as a Judge of the District Court must have known perfectly well that many a Man has been hanged as an Accomplice in a Murder who never saw it committed, and that when a Society of avowed Republican Principles has placarded and published in the Newspapers a gross and wilful Insult upon the King's Representative,

any

any Officer in the Service of His Majesty's Government might even legally be considered an Accomplice by constantly attending the said Meeting, most especially if, like Mr. Judge Ridout, he was heard to utter there most inflammatory Speeches; but the following Instructions to me from your Lordship on this Subject admit of no Misinterpretation :—

" I further unreservedly acknowledge that the Principle of effective Respon-
" sibility should pervade every Department of your Government; and for this
" Reason, if for no other, I should hold that every public Officer should depend
" on His Majesty's Pleasure for the Tenure of his Office. If the Head of any
" Department should place himself in decided Opposition to your Policy, whe-
" ther *that Opposition be avowed or latent*, it will be his Duty *to resign his*
" *Office into your Hands.*"

" Unless this Course be adopted it would be impossible to rescue the Head
" of the Government from the Imputation of Insincerity, or to conduct
" the Administration of public Affairs with the necessary *Firmness* and
" DECISION."

I most respectfully submit to your Lordship whether His Majesty's Government, after giving me the above Instructions to act with Firmness and Decision, is justified in suddenly turning upon me for having obediently carried them into effect.

I most respectfully ask, whether in framing the above Instructions it ever occurred to your Lordship for a Moment to conceive that I could possibly meet with such an extreme Case of " Opposition avowed or latent " as that of Two Judges, who above all People ought to be immaculate from political Sin, openly attending a Republican Society, which at every Meeting grossly and publicly insulted the King's Representative; the one Judge actually fixing his Name as Chairman to a most infamous Placard, the other constantly haranguing the People.

Supposing, instead of being Members of the judicial Bench, the especial Duty of whom is by Example as well as by Precept to maintain the King's Authority, they had been Officers of the Army or Navy, would any Quibble or Subterfuge whatever be sufficient to secure them from Dismissal.

Mr. Judge Ridout's legal Talents are sufficiently demonstrated by the Craftiness of his Defence and Evidence, which insidiously attempt to prove that he had " attended at the Meeting at which the Society in question was estab-
" lished, and *opposed its Formation* on the Principles contained in the Reso-
" lutions brought forward by its Author."

He conceals, however, from your Lordship the following important Explanation :

Until Mr. Bidwell delivered to the House of Assembly Mr. Papineau's Letter, openly proposing to the North American Colonies to unite together for a revolutionary Purpose, the Society in question was known by the Name of the " *Alliance Society.*"

On my dissolving the House of Assembly the Constitutionalists formed a " Constitutional Society " for the express Purpose of exposing the unholy Doctrines of this Alliance Society, some of the Members of which, finding that it therefore required a Veil, proposed to change its Name from the Alliance to the Constitutional Reform Society. The most reckless and violent of the Party opposed this Change, preferring what is vulgarly termed here " to go the whole Hog."

Of this Number was Mr. Judge Ridout, who, truly enough, informed your Lordship that he " opposed the Formation of the Society in question."

Having given this short Elucidation of the Letter of Dismissal which my Secretary addressed to Mr. Ridout, as also of his Reply, I proceed to your Lordship's Observation thereon :—

Your Lordship states, " In deliberating on the Advice which it becomes my
" Duty to submit to the King on this Occasion I have thought myself obliged
" to exclude from my Consideration every Ground which has been alleged in
" defence of your Proceedings against Mr. Ridout which was not assigned by
" yourself in your Correspondence with that Gentleman."

" But, in the Absence of Evidence as to the Fact, you have referred me
" to the legal Opinion of the Solicitor General of Upper Canada, who states
" that Mr. Ridout *most decidedly did appear* to be an active Member of the
" said Society. It will of course not be ascribed to any Want of Respect

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to
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" towards Mr. Hagerman if I observe that I do not understand why any legal " Reference is necessary in this Case. The Question involves no legal Prin- " ciple, but relates to a simple Matter of Fact: Mr. Stewart, though describing " himself as a Carpenter, is, I think, *far more entitled to speak with Authority* " *on this Occasion than the Solicitor General of the Province.*"

I cannot but believe that on Reflection it will be evident to your Lordship that if the solemn deliberate Judgment of the King's Representative in a British Colony, without any Opportunity being afforded to him for Explanation, be suddenly over-ruled by His Majesty's Government on the mere Denial of the Individual sentenced to Punishment, supported only by a Witness of unknown Character; if, going still further, it be decreed that the Governor's official explanatory Despatches on the Subject are to be treated by His Majesty's Government, to whom they are respectfully addressed, as mere hearsay Evidence which must not affect the Merits of the Case; if the deliberate judicial Opinion given by His Majesty's Attorney (not Solicitor) General to the King's Representative be declared to possess no more Weight in the Mind of His Majesty's Government than the Evidence of a common Carpenter,—I state with Deference that the Dignity, Power, and Authority of the Governor is virtually extinct.

I respectfully submit that in no Department of the State, not even in your Lordship's own Office, has it ever been deemed necessary, or even advisable, that every Reason for which an Individual is to be relieved from Office must be stated to him.

It may be necessary to remove a public Servant for many Reasons which it may not be desirable to explain to him, and even for Reasons which it might be impossible to explain to him. But in maintaining the Dignity of the Station of Lieutenant Governor of this Province I am, by your Lordship's own Instructions especially, absolved from any such Necessity, for it is distinctly stated, " It is " the Duty of the Lieutenant Governor of Upper Canada to vindicate to the " King and to Parliament every Act of his Administration." * * * " To " His Majesty and to Parliament the Governor of Upper Canada is at all Times " fully responsible for his official Acts;" and yet, when I proceed to do so, His Majesty's Government casts my official Vindication aside, and hastens to pass a severe Judgment upon me, with the following Preamble: " In deliberating " on the Advice which it becomes my Duty to submit to the King on this " Occasion, I have thought myself obliged to exclude from my Consideration " every Ground which has been alleged in defence of your Proceedings against " Mr. Ridout, *which was not assigned by yourself in your Correspondence with* " *that Gentleman.*"

The following Circumstances officially detailed to your Lordship in my Despatches Nos. 72, 62, and 57, must have been accordingly " excluded from your " Consideration" in judging of the Propriety of Judge Ridout's Dismissal.

1. " That on the 27th March Mr. Ridout, heading the Deputation, read that " Address to me from a public Meeting held in the City Hall by Dr. O'Grady " (the Editor of the Correspondent and Advocate) and others, which I for- " warded to your Lordship on the 6th April."

2. " That shortly afterwards Mr. Judge Ridout made a Declaration which " became the Subject of general Conversation, that in the event of his being " dismissed by me from Office I should deserve to be tarred and feathered, and " that he (Mr. Judge Ridout) 'would lend a Hand to do so.'"

3. " That in one of the public Offices he (Mr. Judge Ridout) declared 'that " we must or should now have *War to the Knife.*'"

4. " That from a benevolent Desire to reclaim Mr. Ridout from Radical " Principles the Situations he held were successively heaped upon him by " Sir Peregrine Maitland and by Sir John Colborne, but the more he was " favoured the more violent he became."

5. " That shortly after my Arrival here I myself took a great deal of Trouble " to endeavour to reclaim Mr. G. Ridout, and kindly to persuade him of his " Errors, but in vain."

6. In my Despatch to your Lordship, No. 57, I stated, " I will therefore " merely assure your Lordship that in the Elections, as well as in the prompt " Dismissal of a few of the Ringleaders of the Republicans, I have acted " cautiously and conscientiously."

7. " That

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7. " That Mr. Judge Ridout, in a Letter dated 27th July, which he addressed " to me as the Lieutenant Governor of this Province, declared that the Reasons " assigned by me '*are altogether untrue ;*' that I have turned him out of Office " '*under false Pretences ;*' that, 'clothed in a little brief Authority,' I am " 'exercising my Power in a violent reckless Manner,'" &c. &c.

If the foregoing Extracts from my public Despatches all directly bearing upon the Subject in question be deliberately excluded from your Lordship's Consideration, I cannot but most respectfully repeat, I am at a Loss to understand why, in your Lordship's Instructions to me, after distinctly stating that " unless I had Power to dismiss from Office any Person who might 'openly or " LATENTLY oppose my Policy' it would be impossible to conduct the Ad- " ministration of public Affairs with the necessary Firmness and Decision," it is added, " that it is the Duty of the Lieutenant Governor of Upper Canada to " vindicate to the King and to Parliament every Act of his Administration ;" for how can I possibly vindicate my Dismissals but by Despatches which I have the high Privilege and Honour to address to your Lordship?

I had certainly conceived that as long as I was deemed worthy of the Confidence reposed in me, independent of the Production of Facts and Arguments, the mere Expression of my Opinion of the absolute Necessity for the Dismissal of any Person from Office who from my local Knowledge I deemed hostile to the British Constitution would have carried with it infinitely more Weight than the Individual's Denial of his own Guilt. The dangerous Duty which is imposed upon me of selecting for Office those who are most fit for it, and of dismissing those who are unfit, requires the coolest Deliberation and Judgment. My very Appointment to the Station I hold pre-supposes my Competence to the Task, and it will now be my Endeavour respectfully to demonstrate to your Lordship that, as regards the Dismissal of Mr. Ridout, I have discharged this Duty conscientiously and correctly.

Your Lordship must be aware that I succeeded in defeating the Republican Party in this Province by calmly appealing to the Judgment and good Sense of the People. It was not therefore very likely that when the Victory was established I should suddenly lose the Equanimity by which I had gained it. But because I had defeated the political Machinations of my Opponents, I was in all Directions assailed by Language which gradually increased in Virulence, until it became evident to me that, for the Dignity and even Maintenance of the King's Authority, it was absolutely necessary I should check it. Inasmuch, however, as the Danger of doing so was apparent, I deeply reflected on the Course it would be most prudent for me to adopt. The Press, the shameless, traitorous Language of which it would be impossible to describe, I determined to let alone; I also determined to prosecute by Law nobody; I also resolved not to notice Affidavits and other Evidence which I received concerning Individuals of low Station, who although holding Commissions in the Militia had publicly declared " that the Lieutenant Governor was the damnedst Liar and damnedst Rascal in the Province." I considered these Persons as not worthy to be made Examples of; but the Two Individuals whom I eventually determined to select for Punishment were Mr. Ridout and Dr. Baldwin, because I considered that, as Judges of the Land, they had no Excuse whatever for the offensive Conduct they had been pursuing.

Instead however of at once following my own Judgment, which, on the Subject in question I never mistrusted for a Moment, my first Course was to seek the Advice of my Council, who, with the Facts existing before their Eyes, deliberately and unanimously approved of the Dismissal of Dr. Baldwin and Mr. Ridout. Not satisfied with their Concurrence, I deemed it necessary to consult His Majesty's Attorney General on the whole Subject, and especially whether I should be authorized in declaring that Mr. Ridout " appeared to be an active Member " of the Association at which he had been and still was a constant Attendant. The Attorney General made every due Inquiry, the Result of which was a deliberate Confirmation of my Views on the Subject.

I accordingly publicly dismissed Mr. Ridout and Dr. Baldwin from the Offices which they respectively held under His Majesty's Government, and though, like Dr. Duncombe, Mr. Bidwell, Dr. Rolph, &c., Mr. Judge Ridout has framed a Remonstrance to His Majesty's Government, yet in this Country neither he nor Dr. Baldwin have presumed to get up even a Petition to the House of Assembly on the Subject.

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Sir F. B. Head
to
Lord Glenelg,
6th Feb. 1837.

The People of any British Colony are always ready enough to espouse the Cause of an injured Man; and, trusting to inflammatory Speeches, &c., an Attempt was made to stamp the Disapprobation of this Capital upon my Conduct, by returning Dr. Baldwin, Mr. Ridout, and Mr. Small (whom I had also dismissed) as Aldermen for the City. Your Lordship knows the Result, which has only just taken place, namely, that in spite of Dr. Baldwin's Wealth, in spite of Mr. Ridout's Efforts, in short, in spite of every thing, they completely failed in their Object; and though they sought the Crown of Martyrdom in England, they failed in being dubbed even Aldermen at Toronto!

If I have unjustly treated him it cannot be a Secret to the House of Assembly; but the Opinion which that Branch of the Legislature has just forwarded to your Lordship, as well as to both Houses of the Imperial Parliament, states,—

"Few Governors of a Colony were ever placed in Circumstances of greater "Difficulty than those which assailed Sir Francis Head within Three Months "of his assuming the Government of the Province, and it is perhaps not too "much to say that no Man could have met those Difficulties (ungenerously "and unreasonably thrown in his Way) with more Temper, Firmness, and "Judgment than he did."

Not satisfied with these concurrent Verdicts in my Favour, on receiving your Lordship's Despatches ordering Mr. Ridout to be restored to his Offices, I again assembled my Council, who, without having been made acquainted with your Lordship's Decisions, forwarded to me this Morning the following Minute of their Opinions:—

"In Council, 9th February 1837.

"His Excellency the Lieutenant Governor was pleased To-day to come to "the Council, and to inform them that the Case of Mr. George Ridout, late "Colonel of Militia and Judge of the Niagara District Court, had been referred "to His Excellency by His Majesty's Government, on an Application to His "Majesty by Mr. Ridout, praying for Redress.

"His Excellency, referring to the Circumstances under which Mr. Ridout's "Removal took place, and to the Fact that at the Time the Advice of the "Members of the Council then in Office had been required, was pleased to "desire the Opinion of the Council, as to the Question whether there was "any thing in Mr. Ridout's Statements, and whether any Circumstances have "transpired in the Knowledge of the Council since Mr. Ridout's Removal, "which in their Opinion ought to induce His Excellency to make a Report to "His Majesty's Government, or to come to any Determination respecting his "Case more favourable to Mr. Ridout than those already made and resolved "upon.

"The Members of the Council in Office at the Time of Mr. Ridout's "Removal feel bound to say, that to their Knowledge the Conclusion to "remove him from Office was not arrived at without much Deliberation and "even Reluctance on the Part of His Excellency, under the Conviction that "if Officers in the Employment of His Majesty were to be permitted to express "themselves without Measure or Discretion as to the Conduct of His Majesty's "Representative, and to join with others in endeavouring to destroy the "Respect and Confidence on the Part of the People which are so necessary "to the Well-being of any Government, it would be almost impossible that "the Affairs of the Colony could be conducted for any Length of Time suc-"cessfully. The Members of the Council then in Office performed what they "felt to be a disagreeable and painful Duty in recommending to His Excel-"lency the Dismissal of Mr. Ridout.

"The Council are now unanimously of Opinion that the Power vested in His "Excellency of removing any Officer holding a Situation during Pleasure, when "his remaining in such Office is considered injurious to His Majesty's Govern-"ment and to the Tranquillity and Peace of the Country, was in this Instance "exercised judiciously, and when it scarcely could be avoided without bringing "the Government into Contempt. If Mr. Ridout disapproved of the Measures "adopted by the Lieutenant Governor, he was not called upon to support "them, or even to refrain from Opposition, or Claim of Redress; preserving "the Decorum and Decency of Language which must under any Circumstance "be considered as due to the Representative of the King. When, however, a "Gentleman holding an official Situation departs from the Rules which are

"dictated

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" dictated by the most ordinary Considerations of Propriety, and sets an
" Example to others of Disrespect and Insubordination, which the ignorant
" and evil-disposed are but too apt to follow, the Council cannot but feel that
" it is no less due to the Dignity of the Crown, than to the Feelings of those
" who desire that the Government under which they live should be respected,
" that the offending Individual should be removed from a Place in which his
" Example is calculated to be so peculiarly injurious.

" The Council therefore, feeling the greatest Regret that Mr. Ridout's
" Conduct should have rendered such a Course advisable, cannot at present
" recommend His Excellency to advise His Majesty to restore Mr. Ridout to
" the Offices from which he has been removed.

(Signed) " R. B. Sullivan,
" P. C."

And now, my Lord, I beg to show who these Gentlemen of my Council are who originally concurred and who still concur with me in the Propriety of the Dismissals of Dr. Baldwin and Mr. Ridout.

The first on the List is the Honourable R. B. Sullivan, Dr. Baldwin's own Nephew, whose Sister was married to Mr. Ridout's own Brother.

2. The Honourable Captain Baldwin of the Royal Navy, actually the Brother as well as the Friend of Dr. Baldwin whom I dismissed! Captain Baldwin also for many Years has been the intimate Friend of Mr. Ridout.

3. The Honourable William Allen, for many Years President of the Bank of Upper Canada, a Man whose Character for Probity would be admired in any Country in the World.

4. The Honourable John Elmsley, an Officer in His Majesty's Navy, a Person of considerable Property, and perhaps the most Ultra-reformer in the Legislative Council.

5. The Honourable W. H. Draper, who has lately joined the Executive Council, and who is Member or Representative for this City, where every Fact concerning Mr. Ridout's Dismissal is of course known and at hand.

I have now submitted to your Lordship the leading Reasons for which I deemed it necessary to dismiss Mr. Ridout from the Offices he held under His Majesty's Government; and I have only to add, that had I not done so, the principal Members of the Bar would have declined to appear in the Court of Niagara on account of the reprehensible political Conduct of Mr. Judge Ridout.

With respect to the Order which I have received from your Lordship to restore this Gentleman to the Offices from which he has been removed, I have only to state, that if such should continue to be His Majesty's Desire, I will obey the Command. It is not my Intention petulantly to tender my Resignation because my Judgments have been over-ruled; at the same Time I feel perfectly confident that the Moment Mr. Ridout's Authority is restored to him I shall be deprived of my own, as well as of all Power or Possibility of carrying on the Government of this Province.

As I expect every Hour to hear of the Arrival of my Family at New York, they having sailed from England on the 10th of January, I can have no Desire they should so immediately recross the Atlantic; but I am not ashamed to say that I have not Courage to face the Difficulties which from all Sides would assail me the Moment it became known that His Majesty's Government had openly declared itself opposed to one of the most prominent Measures of my Administration of this Government.

I have, &c.
(Signed) F. B. Head.

No. 45.

No. 45.
Sir F. B. Head
to
Lord Glenelg,
4th March 1837.

(No. 22.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Upper Canada, Toronto, 4th March 1837.

In compliance with the Request contained in an Address presented to me by the House of Assembly of this Province, of which a Copy is annexed, I have the Honour to forward to your Lordship, to be laid at the Foot of the Throne,

(41.) a Copy

No. 45.
Sir F. B. Head
to
Lord Glenelg,
4th March 1837.

a Copy of the Report of the Select Committee of that House, (and the Documents appended thereto,) to whom was referred the Subject of the Petition of Dr. Duncombe to the House of Commons during the last Session of the Imperial Parliament.

I have also the Honour to forward to your Lordship Two Copies of the said Report, to be laid before the Houses of Parliament, as requested in the above-mentioned Address.

For Report and Appendix, vide Papers ordered to be printed by the House of Lords June 1837, No. 135, and by the House of Commons, 3d May 1837, No. 271.

I trust that, if it be not irregular, your Lordship will be so good as at the same Time to lay before the House of Commons my Despatch to your Lordship, No. 7., containing my Reply to the Charges alleged against me by Mr. Hume and Dr. Duncombe.

I have, &c.
(Signed) F. B. Head.

Enclosure.

(Copy.)

To His Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to transmit a Copy of the Report of the Select Committee, to whom was referred your Excellency's Message and Documents accompanying the same, on the Subject of the Petition of Charles Duncombe, Esquire, to the House of Commons in England, and Documents appended thereto, to His Majesty's Principal Secretary of State for the Colonies, to be laid at the Foot of the Throne; and also Two Copies of the same to be presented, One to each of the Houses of the Imperial Parliament.

(Signed) Arch. M'Lean, Speaker.

Commons House of Assembly,
3d Day of March 1837.

No. 46.

No. 46.
Sir F. B. Head
to
Lord Glenelg,
4th March 1837.

(No. 23.)

Copy of a Despatch from Sir F. B. Head, K.C.H., to Lord Glenelg.

My Lord, Upper Canada, Toronto, 4th March 1837.

I have the Honour to transmit to your Lordship, in compliance with the Request of the House of Assembly, to be laid at the Foot of the Throne, the accompanying Address to the King from that House, together with a printed Copy of the Report of a Select Committee of the Assembly, relative to a Letter and Resolutions of the Assembly of Lower Canada, forwarded by Mr. Speaker Papineau to the Speaker of the last House of Assembly of this Province during its last Session.

I have &c.
The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

Enclosure.

(Copy.)

To His Excellency Sir F. B. Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal Subjects the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to acquaint your Excellency that we have passed an Address to His Majesty on the Subject of certain Resolutions

No. 46.
Sir F. B. Head
to
Lord Glenelg,
4th March 1837.

lutions received from the Speaker of the House of Assembly of Lower Canada by the late House of Assembly of this Province at its last Session, and humbly request that your Excellency will be pleased to transmit the same to His Majesty's Principal Secretary of State for the Colonies, together with a Copy of the Report of the Select Committee of this House to which was referred the Letter of L. J. Papineau, Esquire, Speaker of the House of Assembly of Lower Canada, to be laid at the Foot of the Throne.

(Signed) ARCH. M'LEAN,
Speaker.

Commons House of Assembly,
3d Day of March 1837.

(Copy.)

Enclosure.

To the King's most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal Subjects the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to acquaint Your Majesty, that during the last Session of the Legislature certain Resolutions which had been adopted by the House of Assembly of Lower Canada were transmitted to the Assembly of this Province, accompanied by a Letter from the Speaker of that House soliciting the Concurrence of this House therein.

After a careful Examination of those Resolutions, and an Investigation of the Principles they involve, we have deliberately adopted the Report which we beg leave to transmit herewith ; and we also feel it our bounden Duty to disavow the Sentiments contained in those Resolutions, and to assure Your Majesty that we earnestly deprecate any Departure from the Principles of our Constitution, or the Adoption of any Course of Policy calculated to weaken the Ties which attach this Colony to the British Empire.

(Signed) ARCH. M'LEAN,
Speaker.

Commons House of Assembly,
3d Day of March 1837.

To the Honourable House of Assembly.

Your Committee, to whom was referred that Part of the Journals of last Session containing the Letter of the Speaker of the House of Assembly of Lower Canada, with certain Resolutions of that House accompanying the same,

Beg leave to submit the following Report :—

The Subject to which the Attention of your Committee has been directed can be most conveniently treated under Two distinct Heads :

First, the Resolutions of the Honourable the House of Assembly of Lower Canada.

Second, the Letter of Mr. Speaker Papineau.

The Resolutions adopted with the Expectation of similar Views in the Sister Provinces.

Those Resolutions, it seems, were adopted by the House of Assembly of the Lower Province in February last, and apparently with the Expectation and Hope that similar Views were taken, and a Co-operation for similar Purposes might be obtained, in the Sister Colonies of North America, but more especially in this Province.

This Expectation expressed in the first Resolution.

The first of these Resolutions declares, " That this House, in its Exertions " to procure a Redress of the various Grievances under which the People " of this Province labour, and to introduce a good and responsible System " of Local Government, have, in addition to the other weighty and substantial " Reasons by which it has been guided, been greatly encouraged by the " Hope and Expectation that any Amelioration in the Political Institutions " of the Colony would be followed of right by similar Advantages to our " Brethren inhabiting the Sister Provinces of British North America."

It is evident to this Committee what Form of Government was to be set aside in favour of the new one recommended.

The Introduction of what is termed " a good and responsible System of Local Government," and the Extension of " similar Advantages " to other Colonies, are the main Points of this Resolution. With regard to the former

former, your Committee are at least able to form a conclusive Opinion of the Form of Government which is to be set aside in favour of some other which the Assembly of Lower Canada style "good and responsible," since the Constitutional Charter of the Two Colonies is identical; and although the Laws relating to Civil Rights and Property differ (and that Difference can be no Cause of Complaint for the Assembly of Lower Canada) the Machinery of the Local Government and the general Principles of its Administration are the same in both Provinces.

Machinery of Government the same in both Provinces, although in some respects the Laws differ.

By the Treaty of Paris in 1763, Canada, with its Dependencies, (then in the Possession of Great Britain by Conquest,) was ceded to His Majesty George the Third, who by that Treaty guaranteed to the Canadians the Liberty of the Catholic Religion, and also Permission to any of them who were desirous to do so to sell their Property and emigrate at any Time within Eighteen Months from the Ratification of that Treaty. The Population at that Time did not exceed 70,000. The great Acquisition of Territory in North America which Great Britain gained rendered the Creation of additional Colonial Governments necessary for these newly conquered Countries; and at the same Time, with a View of encouraging Settlers in them, Lands were offered to Officers and Men who had served in the late War. In the Proclamation of 7th October 1763 Provision was made for the Civil Government, which was entrusted in each Colony to a Governor and Council, who had Power to erect Courts of Judicature, to determine in all Cases, Civil or Criminal, according to Law and Equity, as near as might be, in conformity to the Laws of England, giving an Appeal to the Privy Council. The Government of the Province of Quebec was thus administered until the Year 1774, when the Statute 14th Geo. III. was passed. The Inhabitants at that Time amounted to about 90,000, the principal Part of whom were of French Extraction. The Objects of that Law appear to have been to provide a Council for all the Affairs of the Province, except Taxation, in which Council the French Canadians were eligible to a Seat; *to establish the French Laws*, and Trial according thereto, in Civil Cases, and the English Laws, with Trial by Jury, in Criminal; to secure to the Roman Catholic Clergy (with certain Exceptions) their Estates, as well as Tithes from those of their own Persuasion. A most cursory Examination of the Details of this Act cannot fail to lead to the Conclusion that it was passed with an earnest Desire to give to the French Canadians the free Enjoyment of those Laws to which they had been accustomed; to secure to them the full Exercise of their Religion as it had existed prior to the Conquest; and to extend to them the Right of being Members of the Council appointed to advise the Governor in the Conduct of their local Affairs. It was an Act, in short, full of Benefits and Privileges for those newly acquired Subjects of the Crown, and it was complained against, at the Time of its passing, as depriving those Persons of British Origin who had or might thereafter become Inhabitants of Canada of the (to them) highly valued Privilege of Trial by Jury in all Cases, Civil or Criminal. Between this Period and the passing of the Act of 1791 a Change gradually took place in the Population of the Province of Quebec; British Capitalists became engaged in its Commerce, British Emigrants began to settle on its uncultivated Lands, while Numbers of those whose unconquerable Loyalty had kept them faithful to the British Crown during all the Vicissitudes of the American Revolutionary War were induced to emigrate to that Province as a Refuge, where they might enjoy that Government and those Rights which they had sacrificed all to sustain. Each of these Classes of Persons were strongly attached, by Habit and Principle, to the Laws and Constitution of the Mother Country; and indeed different Proclamations had from Time to Time promised, more particularly to the U. E. Loyalists, that in Canada they should still enjoy the Benefit of that Constitution to which they were so warmly attached. Pledged, however, as the Faith of the Government was, and bound by every Consideration to fulfil the just Expectation of such Settlers, the Interests of the French Canadians were not overlooked; and with a view to do Justice to the former Classes, without infringing on any thing that had been granted or promised to the latter, the Province of Quebec was divided into Upper and Lower Canada. The Act of 1791, the Constitutional Charter of these Provinces, was passed, by which, in addition to the Advantages already secured to the French Canadians, they had Power further conferred upon them to provide for the Establishment of such Laws for their own Peace, Welfare, and

Liberty of the Catholic Religion guaranteed to Lower Canada by the Treaty of Paris in 1763.

Population at that Time about 70,000.

Increase of Territory rendered additional Governments necessary.

U. E. Loyalists invited to settle in the different Provinces.

Government of the Province of Quebec till 1774.

Number of Inhabitants about 90,000.

Statute 14 Geo. 3. passed.

Object of that Statute.

Passed with a view to give to the French Canadians the Enjoyment of their Laws, the free Exercise of their Religion, &c., and the Right to Seats in the Governor's Council.

Act complained of at the Time as being inimical to British Feelings.

Between that Period and 1791 British Emigrants began to arrive,

and Loyalists who had suffered during the American Revolution.

Proclamations had been issued, that in Canada they should enjoy the Constitution to which they were attached.

To redeem the Pledge given to each Party, the Province of Quebec was divided into Upper and Lower Canada.

1791.

Constitutional Act passed, conferring the further Privilege of making their own Laws, subject to Revision in certain Cases.

and good Government as they should consider most advisable. In granting this Legislative Authority there was a Power of Revision, however, reserved to the Crown to prevent any particular Measure injurious to the public Welfare being inconsiderately adopted. The Degree of Independence necessary for the Freedom and Prosperity of the People of both Provinces was unreservedly granted, while the Connexion with Great Britain was secured, the *King himself* being one of the Branches of the Legislature of each Province, and thereby ample Security was afforded for the Prosperity and Safety of the Provinces and of the whole Empire.

Constitution formed on the Model of that of the Mother Country.

That such a Constitution ought to have been considered a Boon by any People, and more especially by one who, prior to the Cession to Great Britain, appears not to have had the smallest Share in Self-Government, can scarcely be questioned; and your Committee could scarcely have supposed that the Desire expressed in the First Resolution, to introduce "a good and responsible System of Local Government," could have originated in any other Cause than that the Constitutional Charter had not been carried into effect. A Reference to the Second Resolution, however, dispels this Doubt, and shows what are "the Grievances" complained of, and what is understood by the Terms "a good and responsible System of Local Government;" and your Committee defer remarking upon the "similar Advantages" which this Province might expect to gain from the Attainment of their Objects by the House of Assembly of Lower Canada, until they have examined what these Objects are.

This Constitution should have been considered a Boon by the French Canadians.

A Reference to the Second Resolution shows the real Object of the Assembly of Lower Canada to be—

These are stated in the Second Resolution to be—

"To render the Executive Council directly responsible to the Representatives of the People, in conformity with the Principles and Practice of the British Constitution as they obtain in the United Kingdom.

To render the Executive Council responsible to the People.

"To extend the Principle of Election to the Legislative Council, which Branch of the Provincial Legislature has hitherto proved, by reason of its *Independence of the People*, and of its imperfect and vicious Constitution, insufficient to perform the Functions for which it was designed.

That the Legislative Council shall be elective.

"To place under the constitutional and salutary Control of this House the whole of the Revenues levied in this Province, from whatever Source arising.

Revenues of the Province to be under the Control of the Legislature.

"To abolish Pluralities or the Cumulation in one Person of several or incompatible Offices.

To abolish Pluralities.

"To procure the Repeal of certain Statutes passed by the Imperial Parliament, in which the People of the Province are not and cannot be represented; which Acts are an Infringement of the Rights and Privileges of the Legislature of this Colony, and are injurious to the Interests of the People thereof.

To procure the Repeal of certain Acts of the Imperial Parliament.

"To obtain over the internal Affairs of this Province, and over the Management and Settlement of the wild Lands thereof, (for the Advantage and Benefit of all Classes of His Majesty's Subjects therein, without Distinction,) that wholesome and necessary Control which springs from the Principles of the Constitution itself, and of Right belongs to the Legislature, and more particularly to this House as the Representatives of the People.

To obtain wholesome and necessary Control over the internal Affairs of this Province.

"Which Reforms are specially calculated to promote the Happiness of His Majesty's Subjects in this Province, *to draw more close those Ties which attach the Colony to the British Empire*, and can in no way prejudice or injure the Interests of any of the Sister Provinces."

Benefits of these Reforms.

To examine into every one of these "Reforms" would extend this Report to a most inconvenient Length, and your Committee have therefore judged it better to confine their Attention to the Two leading Topics of the Executive and Legislative Councils, because in them is to be found ample Reason why, in the Opinion of your Committee, the People of this Province ought not, through their Representatives, and would not, in their individual Capacity, co-operate in furthering the Views expressed in this Resolution.

Committee confine their Remarks to the leading Topics of the Executive and Legislative Councils.

Composition of the Legislative Council considered.

The Question regarding the Executive Council it is perhaps unnecessary to discuss. Never was the public Opinion more clearly, more emphatically expressed than on that very Subject, at the late general Election. A large Majority of your Honourable House was, as your Committee firmly believe, returned as advocating Principles and Opinions diametrically opposed to those contained in this Second Resolution. Your Committee, however, cannot let pass the Opportunity of expressing their Opinion, that the Governor, Lieutenant Governor, or Person administering the Government of this Province, is entrusted with the Exercise of the Royal Prerogative within the same, and

Union of the Three Estates the best Feature of the British Constitution.

Nomination of the Legislative Council by the Crown no new Theory.

that he (and not the Executive Council) is constitutionally responsible, as well to the Sovereign as to the People of this Province, for the impartial and upright Performance of the Duties of his Office, a Reponsibility essential to the Preservation of the Rights and Liberties of His Majesty's Subjects in Upper Canada, and which it is the imperative Duty of their Representatives to maintain and enforce, and not to suffer that Responsibility, so far as depends on them, to be weakened or destroyed, by transferring the whole or any Portion of it to other Parties; and that any Attempt to transfer to the Executive Council this Responsibility, and, as a necessary Consequence, the Power and Patronage vested by Law in the Person administering the Government, is in derogation of the Constitutional Charter, and would be dangerous to the Liberties of the People, injurious to the Stability of our social and political Institutions, and utterly destructive of the Ties which attach this Colony to the British Empire.

An elective Legislative Council would give to the People a double Representation, and the balanced System of Government be destroyed.

Such an Experiment would, in the Opinion of the Committee, lead to a Dissolution of our Connexion with the British Empire.

The late General Election decisive of public Opinion with respect to the Executive Council.

On the Subject of the Extension of the elective Principle to the Legislative Council, your Committee have equally decided, and they trust well-founded Views. The Union of the Three Estates, Monarchy, Aristocracy, and Democracy, in the Government, has been always considered the Characteristic and most valuable Feature of the British Constitution; and with a view of securing a free and well-balanced System of Government, with the kingly Power for its Head, the Intervention of a Third Estate independent of the People, though possessing the same common Interests with them, and of the Crown though deriving Rank from it, has been found productive of the happiest Results; and so far from the Creation of Legislative Councils nominated by the Crown being a new Theory or Experiment in Colonial Government, the Constitution of other Colonies, the Date of which is long antecedent to that of our own, abundantly proves alike their Existence and Utility; and your Committee find it difficult to conceive how a Change which would make the Legislative Council elective, and so give the People a double Representation, each Branch being in every respect independent of the Crown, could have any other Effect than to render the whole System democratic, and, as your Committee believe, inevitably to lead to a Separation from the Parent State. Where the Chief Magistrate is elective there can be no Reason why all the remaining Branches of the Legislature should not be so likewise; but such a State of Things would, in the Opinion of your Committee, be incompatible with Monarchical Institutions, and, as a necessary Consequence, must, if adoped, be destructive of our Existence as an integral Portion of the British Empire.

Opinion of the Committee on that Subject.

His Majesty's Representative alone responsible to His Majesty and the People;

and cannot transfer that Responsibility without Violation of the Constitutional Charter.

For Reasons already expressed, your Committee pass by the other "*Reforms*" suggested, and take up the Third Resolution, which is in the following Words:—

The Third Resolution.

"Resolved, That it has long been the Aim of the Enemies of these Colonies, by deliberate and unfounded Misrepresentations, to engender Dissensions and bad Feelings between the People thereof, in the Hope of preventing all Union of Purpose among the People, and of thereby preventing the Reform of those Abuses and Evils of which the People have so frequently complained, and which are connived at or upheld for the Advantage of a Minority hitherto unjustly possessing, and still endeavouring to maintain, a political Ascendancy in this Province, contrary to the Principles of all good Government."

Committee trusts that the Aim of those who have made Misrepresentations of the Affairs of this Province will be defeated.

Upon this your Committee will offer only One Remark. They do not pretend to judge how far the Statements therein contained may be true as regards Lower Canada; but with regard to this Province, they can with great Sincerity assert, that although there have been "*deliberate and* UNFOUNDED *Misrepresentations*," as well before as since the Adoption of this Resolution by the Assembly of Lower Canada, in regard to the Affairs of this Province, yet they confidently hope and believe that the Aim of those who have made them to suit their own unhallowed Purposes will be defeated by the firm Determination of your Honorable House, on all Occasions, "to maintain our happy Constitu-"tion inviolate," and at the "same Time to correct cautiously, yet effectually, "all real Grievances."

With respect to the Third Resolution, which is as follows—

Fourth Resolution.

"Resolved, That this House has seen, with extreme Concern, a Speech delivered at the opening of the present Session of the Legislature of Upper Canada by His Excellency Sir John Colborne, late Lieutenant Governor of that Province, at a Moment when his sudden Recal reflected particularly on the Merits

Merits of his Administration, in which it is stated that the Affairs of this Province had exercised an injurious Influence on the Interests of Upper Canada,—had tended apparently to discourage Emigration and the Transfer of Capital to that Country,—and had acted disadvantageously in respect to the Terms on which the large Loan authorized by the Legislature of that Province was recently negotiated in England: That such a Statement is calculated to misrepresent the Views of this House, to prejudice the People of these Provinces against each other, to disturb that good Understanding which ought to prevail, and which has hitherto prevailed between the said People, and, in place thereof, to sow Discord and Animosity among the several Classes of His Majesty's Subjects in these Provinces."

Opinion of the Assembly of Lower Canada of Sir J. Colborne's Administration incorrect.

Your Committee feel it right, in the first place, to remark, that whatever may be the Opinion of the House of Assembly of Lower Canada on the Merits of the Administration of His Excellency Sir John Colborne, the universal public Testimonies of Respect that were shown to him on his Departure from the Province have abundantly proved in what Light his Character and Conduct were viewed among us. And your Committee would further remark, that in their Opinion it would be idle to deny that the Dissensions in the Lower Province have produced an injurious Influence on Emigration, as well as on the financial Arrangements of Upper Canada, and will, if they continue, be daily more prejudicial to our general Welfare.

The Dissensions in the Lower Province very injurious to the Interests of Upper Canada.

The Fifth Resolution states, that the Assembly of Lower Canada repudiates any Design to embarrass the Upper Province in her Endeavours to improve her political Condition.

The next Resolution declares, "That, strong in the Rectitude of their Intentions and Principles, and moved alone by a Desire to introduce Order and Responsibility into their Political Institutions in the Place of the Disorder and Abuse which now unhappily prevail, this House, and the People whom it represents, indignantly repudiate all Designs to injure the Interests or embarrass the Exertions of the People of Upper Canada, in whose Welfare the People of this Province feel a lively Interest, and for whose patriotic Exertions to improve their political and social Condition this House entertains a sincere Respect; and this House is gratified to perceive that the Representatives of the Sister Province have done this House the Justice to acquit it of being the Cause of any Dissensions or Embarrassments existing in the Colony; and this House firmly repeat, that those Dissensions and Embarrassments proceeded from the defective Constitution of the Legislative Council of these Colonies, and from the continued unconstitutional Exercise by the same Persons of executive, legislative, and judicial Functions, from which Causes have resulted the Abuses of which the People of this Province have so long and so justly complained.

Her Embarrassments proceed from the defective Constitution of the Legislative Council, and from the Exercise by the same Persons of executive, legislative, and judicial Functions.

The Committee are not aware that any such Design has been imputed to the Assembly of Lower Canada, nor do they desire to discuss the Concerns of the Sister Province further than as they tend to affect the Interests of Upper Canada.

Such a Discussion naturally springs from a Consideration of the Resolutions transmitted.

Your Committee are not aware that the House of Assembly of Lower Canada have ever been charged with a Design "to injure the Interests or embarrass the Exertions" of the People of this Province. The Dissensions unfortunately prevailing there have caused, in the Minds of most reflecting Men among us, both Regret and Anxiety; and the Expression of that Feeling is natural and just, when we have Reason to believe that our Interests have sustained a Prejudice in many respects from the peculiar Position of public Affairs in the Sister Province. Under ordinary Circumstances your Committee would have avoided the Expression of any Opinion on the Affairs of Lower Canada, and they now disclaim all Wish to pronounce upon their Concerns, further than to the Extent of a Discussion of Matters affecting the Interests of this Province, and naturally springing from a Consideration of the Resolutions transmitted to this House.

Committee arrive at the Conclusion, that every Disposition has been shown by the Home Government to provide for the Peace and Welfare of the Canadas.

The brief Review taken by your Committee of the History of the Province of Quebec, and its Separation into Upper and Lower Canada, and of the Amelioration of its political Condition by successive Acts of Grace and Favour, has led them to the Conclusion, that every Disposition has been indicated by the Home Government to provide for the Peace and Welfare of all Classes of His Majesty's Subjects inhabiting the Canadas, and to afford them the Protection of liberal Institutions and of Laws subject to their own Revision. That in the practical Operation of these Institutions some Difficulties might arise was naturally to be expected, nor should it be Matter of Surprise that there may have gradually crept in some Abuses which require Amendment and Reform. To all just Complaints, your Committee feel assured a ready Attention would be given; and the careful Investigation by the House of Commons of the Affairs of the Canadas in 1828, together with the ample Information afforded by Government at that Time, proves to the Satisfaction of

The Investigation by the House of Commons in 1828, and the Information afforded by Government at that Time, proves the Correctness of this Opinion.

of your Committee, that every Readiness has been shown by His Majesty and the Imperial Parliament to remove every such Abuse, and to give to the People here every Redress that Circumstances might require. With this Belief on the one hand, and strong in their Conviction of the Excellence of our Constitution as it is on the other, your Committee perceive, with lively Regret and Alarm, the Tone of these Resolutions, and the Spirit in which these or similar Measures have been latterly insisted on by the House of Assembly which adopted them; nor can they withhold an Expression of deep Sympathy for their Fellow Subjects of British Origin in the Lower Province, who seem in some respects to be treated, and who have been almost denounced, as Foreigners and Intruders in a Colony which was won by the Enterprise and heroic Courage of British Warriors. Geographically situated as Upper Canada is, and governed under the same Constitution with the Sister Province, whatever Change occurs in their Form of Government, or whatever Remedies the Imperial Parliament may adopt for the Cure of the Evils now prevailing there, must in some Degree, and perhaps to an Extent not now contemplated, affect us likewise. When a Member of the British House of Commons, the salaried Agent of the Assembly of Lower Canada, declared in his Place, (as Mr. Roebuck is reported to have declared,) that in the Neighbourhood of Lower Canada "there were 13,000,000 of Republi-" cans, who, *as soon as the Flag of Rebellion should be unfurled*, would " rally round it, and trample in the Dust the whole Establishment," your Committee think it right for your Honourable House promptly to declare, that in their Opinion the few Traitors in either Province who would desire to hoist the Standard of Revolt are so sensible of their Weakness that there is no Fear of such an Effort being made; and that, should they be rash enough to attempt it in the Expectation of Foreign Support, they would look in vain for Aid from the United States, whose Government has been actuated by Feelings of the most friendly and pacific Character towards the British Empire, and whose high Sense of national Honour would always prevent their Aid to a traitorous Conspiracy. Whatever Course may be taken with regard to the Affairs of the Lower Province, your Committee cannot let slip the Opportunity of expressing their anxious Hope, that no Consideration will induce a Departure from the Principles contained in the Charter of 1791, and that, in any remedial Measures which may be adopted, the Preservation of our Rights as British Subjects, and of our intimate Connexion with the Mother Country *as* a Colony, will never be lost sight of or endangered by weak and temporising Concession.

Convinced of the Truth of the same, they deeply regret the Tone of the Resolutions transmitted, and the Spirit in which they were conceived and adopted; nor can they withhold their Sympathy for the Treatment shown to their Fellow Subjects of British Origin in Lower Canada, a Province won by British Arms.

Situated as Upper Canada is, every material Change in Lower Canada must affect the Upper Province also.

When a Member of the House of Commons makes such a Declaration as Mr. Roebuck is reported to have done,

Committee think it right to deny their Belief of the Truth of the Assertion.

The high Sense of national Honour and friendly Feelings of the American Government would prevent their lending their Aid to any traitorous Conspiracy.

Committee trusts that whatever Course may be adopted towards Lower Canada, the Rights of this Province will not be endangered by temporising Concession.

Your Committee, after this Examination of these Resolutions, have arrived at the Conclusion, that to pursue the Course which has been followed in the Lower Province, and to espouse the Principles avowed and insisted on by the House of Assembly there, would be contrary to the Wishes as well as the Interests of Upper Canada, would shake our System of Government to its Centre, and would rapidly and inevitably tend to establish a Republican Form of Government among us. Impressed with this Conviction, your Committee feel it their Duty to submit to your Honourable House the Propriety of presenting an humble Address to His Majesty, solemnly disavowing the Sentiments contained in these Resolutions, and earnestly deprecating any Departure from the Principles of our Constitution, or the Adoption of any Course of Policy calculated to weaken the Ties which attach this Colony to the British Empire.

Impressed with the Conviction that the Adoption of the Principles contained in the Resolutions would inevitably lead to a Republican Government, recommend an Address to His Majesty solemnly disavowing any Participation in the Sentiments contained therein.

After this Review of the Resolutions, to which your Committee have felt it their Duty to devote their best Attention, there remains little for them to do but to advert to the Letter of Mr. Speaker Papineau.

Committee advert to Mr. Papineau's Letter.

By the last Resolution he was authorized to transmit Copies thereof to the several Assemblies of Upper Canada, and of the other Sister Provinces, "and " to express the Desire of this House cordially to co-operate with the said " Assemblies in all constitutional Measures calculated to promote the mutual " Interests of these Colonies."

The last Resolution authorizes Mr. Speaker Papineau to transmit the Series.

It is under the Authority of this latter Clause that Mr. Papineau has assumed to write this Letter, which, in addition to a lengthened Commentary on the Resolutions, contains some Expressions to which your Committee beg to draw the Attention of your Honourable House. In reference to one of the Imperial Statutes, imposing certain Duties, Mr. Papineau remarks, "It is true that the " Government of Upper Canada induced a *bribed* or unwary Parliament to " petition

Under this Authority alone Mr. Papineau wrote his Letter.

Mr. Papineau not authorized to insult the Government or Assembly of this Province.

" petition for the Revival and Continuation of those Taxes." Your Committee find nothing in the Resolutions giving Authority to Mr. Papineau to use Language insulting to the Government of this Colony, or to a former House of Assembly; nor do they believe that the House of Assembly of Lower Canada ever designed such an unwarrantable and indecent Course should be followed. For this Violation of Decorum, and of the Courtesy due from one Legislature to another, Mr. Papineau stands solely responsible; but your Committee think it beneath the Dignity of your Honourable House to take further Notice of so base and unfounded a Calumny. The Tenor of the whole Letter is, in the Opinion of your Committee, of a purely rebellious Character; and the Sentiments of the Writer will find nothing but Execration from the Inhabitants of this Province. It carries its Antidote in itself, and is so utterly revolting to a loyal and well-disposed Mind, that while deserving of every Punishment, it requires no Confutation, and would have been passed over by your Committee in silent Contempt, without even this brief Notice, if it were not to be found on the Journals of your Honourable House. The late Period of the past Session when it was laid on the Table of the House,—Two Months after the Resolutions were adopted, and rather more than One Month after the Date of the Letter,—prevented the late House of Assembly from taking the Subject into Consideration. This Delay is unaccounted for, and is to be regretted; for your Committee are satisfied that, had there been Time for Consideration, the Journals of the Assembly would not have been disgraced by the Letter of Mr. Speaker Papineau.

Mr. Papineau alone responsible for this Violation of Courtesy and Decorum.

The whole Tenor of this Letter is such that it would have been passed over in silent Contempt, had it not been found on the Journals of the House.

The late Period of the Session at which it was reported alone prevented that Consideration of the Letter which would have prevented the Journals from being disgraced by its Appearance on them.

All which is respectfully submitted.

HENRY SHERWOOD.

Committee Room, House of Assembly,
22d February 1837.

No. 47.

No. 47.
Sir F. B. Head
to
Lord Glenelg,
5th April 1837.

(No. 41.)

EXTRACT of a DESPATCH from Sir F. B. HEAD, K.C.H., to Lord GLENELG.

Government House, Upper Canada, Toronto, 5th April 1837.

I have the Honour to transmit to your Lordship a Copy of a Gazette Extraordinary, by which it will appear that I have made the following Appointments until the King's Pleasure be made known:—

Robert S. Jameson, Esq., Vice Chancellor;
Archibald M'Lean and Jonas Jones, Esqs., Judges in the Court of King's Bench;
Christopher Alexander Hagerman, Esq., Attorney General; and
William Henry Draper, Esq., Solicitor General.

The Appointment of a Vice Chancellor being an Act unprecedented in this Province, I felt strongly disposed to have avoided the Responsibility of making the Selection; however, for the following Reasons, I considered it advisable not to do so.

The Act which has just established a Court of Chancery in this Province did not emanate from the executive Branch of the Legislature, for I neither recommended it in my opening Speech, nor directly or indirectly assisted it in its Progress. It was proposed, argued, and carried in the House of Assembly on its own intrinsic Merit, as being a Measure tending to facilitate as well as purify the Administration of Justice; and having also passed through the Legislative Council, I found when it came before me for Consideration that it was an old Measure which had not only been long required in the Province, but had actually been recommended by His Majesty's Government, especially in a Despatch from Lord Bathurst to Sir P. Maitland, dated 9th April 1827, and in one from Mr. Spring Rice to Sir John Colborne, dated 10th November 1834.

As under these Circumstances I felt it proper to assent to the Bill, it was evident to me that the sooner it was carried into effect the better; first, because, as a general Rule, the Delay attendant on sending 4,000 Miles for Advice

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becomes a real political Grievance if it be unnecessarily resorted to; and, second, because as I knew that the very Name of a Court of Chancery would be a Bugbear in the Hands of the disaffected until its Advantages to the Province were made manifest, I felt that the prompt Establishment of the Court would put an end to all theoretical Discussions on the Subject.

If any Difficulty had existed in finding a Person fitted to perform the important Duties of Vice Chancellor, in that Case I should gladly have availed myself of the Excuse for a Reference to your Lordship; but having received from the late Attorney General the enclosed Memorial I felt that I could not deny his Claims and Fitness for this Office.

Although with Mr. Jameson I have had scarcely any thing but official Communication, which is invariably in Writing, (for I believe I may say I did not send for him Four Times during the whole of the last Session,) yet I constantly had Occasion to remark that his Opinions were clearly and (as far as I am competent to judge) ably expressed.

I did not omit to reflect that your Lordship might possibly desire to promote to this Station some Individual from England or from some other Colony; on the other hand, I felt persuaded that the Tranquilization of this Province would be paramount in your Lordship's Mind to any such Disposition.

The Appointment of Vice Chancellor having been thus fixed on, the Promotion of the Solicitor General to the vacant Attorney Generalship seemed to me to be a natural Consequence, unless any Reason should exist to the contrary.

As regards Mr. Hagerman, I can say that I have not been in the habit of seeing or consulting him, excepting on such Cases as have especially belonged to his Station; and accordingly during the whole of last Session of the Legislature I did not, I think, send for him Four Times. Mr. Hagerman's Claims, as brought under my Consideration, are shortly as follows:

He was present at the Actions of Chrysler's Farm, the taking of Oswego, and the several Engagements on the Niagara Frontier during the Year 1814, and was recommended for a Gold Medal by Sir Gordon Drummond, on whose Staff he served as Provincial Aid-de-Camp. He was first elected Representative for the Town of Kingston in 1826, since that Period has been Three Times returned, and has held the Situation of Solicitor General nearly Eight Years.

On the 30th of November 1829, Sir John Colborne received from Sir George Murray a Despatch, No. 48., "relating to the Disappointment which Mr. Hager-
" man had experienced in consequence of not having been confirmed by His
" Majesty in the Office of Judge, to which he had been temporarily appointed
" on the Removal of Mr. Willis," of which the following is an Extract: "At
" the same Time I readily admit that the Case, as regards Mr. Hagerman, is one
" of some Hardship; and I have to request you will assure that Gentleman
" that I regret extremely that he should have suffered any Inconvenience in
" consequence of the Arrangements which I felt it my Duty to recommend,
" and that I shall be very ready, at a future Opportunity, to give his Claims
" every Consideration."

I believe Mr. Hagerman warmly and enthusiastically attached to the British Constitution, and to the Connexion of this Province (of which he is a Native) with the Mother Country; I consider him to have been a faithful Servant to the Crown.

The Assertion of his Principles has continually drawn upon him in the House of Assembly the whole Fire of the Republicans; and in these Actions, although he has shown considerable Powers of Defence, he has occasionally evinced an Impetuosity which it would have been prudent to have restrained. I believe, however, that his moral Character is respected even by his Opponents; and therefore, on the whole, considering that no just Reason existed why, on the Promotion of the Attorney General, he should not be appointed his Successor, I felt it my Duty to name him as such, until the King's Pleasure should be known.

In the Appointment of the Honourable W. H. Draper to be Solicitor General I believe I have selected an Individual whose legal Acquirements, constitutional Principles,

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Principles, Integrity, Ability, Discretion, and general Character render him eminently suited to the Station.

It is proper, however, your Lordship should know that Mr. Draper, who is one of my Executive Council, was (for their Connexion was publicly dissolved on their receiving their respective Appointments) a Partner with Mr. Hagerman in his legal Business.

In England this might probably be urged as an Objection to his Appointment; but in this small Community if such Connexions were to be regarded as a Barrier to Office the Crown would constantly be deprived of the most useful Supporters, for by Blood, Marriage, or Business People here are almost all more or less connected with each other; for instance, the present senior Member of my Executive Council, the Honourable R. B. Sullivan, was Partner with and is First Cousin of Mr. Robert Baldwin.

Although Messrs. Hagerman and Draper agree together in their Attachment to the British Constitution, yet they have differed in as well as out of the House of Assembly on several political Questions. They have lived in separate Houses, and no servile Connexion of Principles has ever been considered to exist between them.

Of Mr. M'Lean (a Canadian of Scotch Origin), whom I have appointed a Judge of the Court of King's Bench, I have but little personal Knowledge. During the last Session I had only Occasion to have Four Interviews with him, Two of which were for the Purpose of privately intimating to him, that unless his Brother resigned the Office of Sheriff of the District in which Mr. M'Lean himself resides it would be necessary I should insist on his Retirement.

I consider, however, that the Situation of Speaker of the House of Assembly, which Mr. M'Lean is now occupying for the Second Time, is unanswerable Evidence of the Confidence reposed in him by this Province; he is universally respected for Integrity and honourable Conduct, and in the Field as well as in the House of Assembly his Loyalty for Seventeen Years has been conspicuous.

For the above Reasons I selected Mr. M'Lean for the Appointment, without having received from him any Application for Advancement. I enclose, however, to your Lordship a Letter from him on this Subject, which crossed the Notification of his Appointment addressed to him by my Secretary.

Mr. Jonas Jones, M.P.P., the other Individual appointed by me Judge of the Court of King's Bench, is also a Canadian, who, in consequence of his professional Ability, was appointed by my Predecessor Judge of Three of the District Courts of this Province. In the Discharge of these Duties, as well as of many others of a public Nature which he has repeatedly been called upon to perform, he has deservedly gained the Confidence of the Country.

Mr. Jones's Appointment was unsolicited by him; and during the last Session of this Legislature I had but twice Occasion to have an Interview with him.

The only Objection which I think could be made against his Appointment is that he is Brother-in-Law to Mr. Justice Sherwood.

I have already had Occasion to explain to your Lor'ship the general Impossibility of my attending to Objections of this Nature. In the present Instance, however, they are of little Weight, as Mr. Sherwood, nearly a Year ago, applied to me for Permission to retire, in consequence of his advanced Age.

Having submitted to your Lordship the Grounds upon which I have made the Appointments in question, I think it proper to state that it is with unfeigned Regret I have omitted to recommend to your Lordship's Notice the Name of Mr. Bidwell. That Gentleman's legal Acquirements are, I consider, superior to at least One of the Individuals whom I have elevated; his moral Character is irreproachable; and, though he was ostensibly the Leader of a Party who have offered me every possible Insult and Indignity, yet I can assure your Lordship that I entertain towards Mr. Bidwell no Feeling of Animosity, and that, even if I could desire to triumph over a Person whom I have publicly disarmed of his Power to oppose me, I should feel that that Triumph would be infinitely more grateful to His Majesty by Forgiveness than by Revenge. But anxious as I am to give to Talent its Due, yet I cannot but feel that the Welfare and Honour of this Province depend on His Majesty never promoting a disloyal Man.

Divested of all its objectionable Language, Mr. Bidwell's Object (so far as it could be elicited by the Conduct of his Associates) was to separate this Colony

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from the Parent State, to create Disaffection for the paternal Government of the King, and, by forming an Alliance with Mr. Papineau's Party in Lower Canada, to exchange the British Constitution for the low grovelling Principles of Democracy.

I therefore considered that publicly to elevate Mr. Bidwell to the Bench would deprive me of the Respect and Confidence of this Country; and I believe your Lordship will agree with me in Opinion, that where a Man acts with disloyal Associates his Talents aggravate rather than extenuate his Offence.

Having afforded your Lordship all the Information in my Power respecting the Law Appointments I have made, it only remains for me respectfully to express my Hope that His Majesty will be graciously pleased to confirm them.

I have, &c.

(Signed) F. B. Head.

Enclosure No. 1.

First Enclosure in No. 47.

Upper Canada Gazette Extraordinary.

Toronto, Saturday, 1st April 1837.

By Authority.

Government House, 1st April 1837.

His Excellency the Lieutenant Governor has been pleased to make the following Appointments, until the King's Pleasure shall be made known thereon:

Robert S. Jameson, Esquire, Vice Chancellor;

Archibald M'Lean and Jonas Jones, Esquires, Judges in the Court of King's Bench;

Christopher Alexander Hagerman, Esquire, Attorney General; and

William Henry Draper, Esquire, Solicitor General.

Enclosure No. 2.

Second Enclosure in No. 47.

(Copy.)

To His Excellency Sir Francis Bond Head, K.C.H., &c. &c. &c.

May it please your Excellency,

The Bill creating a Court of Chancery having received from your Excellency the Royal Assent, I beg respectfully to tender my Services as Vice Chancellor. I am the less reluctant to present myself at so early a Period, inasmuch as if your Excellency should so far honour me as to determine upon recommending me to His Majesty's Acceptance I might the sooner have the Privilege of assisting your Excellency in those minor Arrangements which must attend the Establishment of a Tribunal hitherto unknown in this Province.

I should not have ventured to offer myself for so important a Trust were it not for the Fact that my professional Education in England was for the Chancery Bar, and my Practice there exclusively in the Court of Chancery; in which, for Seven Years, during the Time of Lords Eldon and Lyndhurst, I was a Professional Reporter; and that during the Time when I held His Majesty's Commission as Chief Justice of one of the West India Colonies, by far the most important Part of my Experience lay in that peculiar Jurisdiction.

I feel therefore that in succeeding in this Application I should only be returning to the strict Line of my Profession.

I have, &c.

Toronto, 8th March 1837. (Signed) Robert S. Jameson.

(Copy.)

No. 47.
Sir F. B. Head
to
Lord Glenelg,
5th April 1837.

To His Excellency Sir F. B. Head, K.C.H., Lieutenant Governor, &c. &c. &c.

Sir, Kingston, 11th March 1837.

When I last had the Honour of an Interview with your Excellency previous to leaving Toronto, I felt a Degree of Unwillingness to obtrude upon your Notice any thing which related solely to myself, but on Reflection I have since thought that I should not be doing Justice to myself or my Family if I did not take an Opportunity of submitting for your Excellency's Considerations the Claims which I conceive I have to some Share of the Patronage and Support of the Government. With this View of what I regard as a Duty to myself, and those whom I am bound by every Obligation to protect and support, I beg leave to lay before your Excellency the following Statement.

Very soon after having attained the Age of Manhood I found myself called upon to give up the peaceful Pursuits of my Profession (for the Practice of which I had then been several Years endeavouring to qualify myself), and to volunteer my Services in Defence of the Province.

I did not hesitate to obey the Summons which went forth to all, and in the course of the War had Opportunities of being more than once engaged with the Enemy.

At the Restoration of Peace in 1815 I established myself at Cornwall, where I have since followed my professional Avocations as a Lawyer.

In 1820 I was returned as a Member of the Assembly, and from that Period to the present I have had a Seat in that House. Your Excellency is aware that I now fill for the Second Time the honourable Situation of Speaker; and it may, I believe, with Truth be stated, that the Two Houses over whose Deliberations I have been chosen to preside have had amongst their Members as many (if not more) Persons of Talent and good loyal Feeling as were to be found in any other Houses elected since the Province has had a Legislature.

I think I may fairly presume, therefore, that my recent Election to the Speaker's Chair may be taken as an Expression of public Opinion as to my Character and Conduct as a public Man; and I believe I have been fortunate enough to escape the Tongue of Slander in my private Relations in Life.

I have now been absent from my Family and from my professional Pursuits Seventeen successive Winters, and generally Three Months or more of each Winter. I need not observe that these frequent Interruptions, and for such long Periods, of Professional Avocations, which required at all Times unremitting Attention, have necessarily proved disadvantageous, and have opened the Way for the Advancement of other Professional Men who could and would devote their whole Time to the Business of their Clients.

Notwithstanding the Professional Loss thus unavoidably sustained, I have felt it my Duty to persevere in my legislative Career, more especially since the great Exertions which have been made by designing and disaffected Men in this and the adjoining Province to destroy that strong Feeling of Confidence in and Affection for the Mother Country which it has always been my anxious Desire to encourage and inculcate. I have not felt myself at liberty to consult my own Interest by withdrawing from the political Field, and leaving it to be occupied by Persons whose Desire seemed to me to be by every possible Means to embarrass the Government, and eventually to overturn it.

In the Period of Seventeen Years various public Situations have become vacant, and have been filled up by Persons who no doubt are better qualified to perform their Duties, or have had stronger Claims than I have. I asked but once for a Situation, but was not fortunate enough to succeed. Finding now that the several Acts of the last Session have placed in your Excellency's Gift various Situations of Honour and Emolument in the Profession to which I belong, I feel called upon to inquire whether I may hope for favourable Consideration in the Disposal of them.

My Standing at the Bar, and the whole Tenor of my Conduct, I think, entitle me to expect that I shall not be overlooked; but in case I may estimate too highly my own Claims and Qualifications, I have no Doubt that your Excellency will be able, from your own Observation, and the Information of Persons whom on such an Occasion it may be thought proper to consult, to discover how far it may be safe or expedient to extend to me a Portion of the extensive Patronage which the recent Enactments have afforded to the Executive Government.

No. 47.
Sir F. B. Head
to
Lord Glenelg,
5th April 1837.

In the Disposition of your Excellency to serve me as far as your Sense of Duty will allow I have every Confidence, and having thus made a Tender of my Services to fill any Situation now vacant for which I may be thought qualified, I have only further to express a Hope that your Excellency may feel yourself at liberty to make favourable Mention of my Name to His Majesty's Government.

I am, &c.
(Signed) Archd. M'Lean.

No. 48.

No. 48.
Sir F. B. Head
to
Lord Glenelg.
30th May 1837.

(No. 66.)

Copy of a Despatch from Sir F. B. Head, Bart, K.C.H., to Lord Glenelg.

My Lord, Government House, Toronto, 30th May 1837.

I have the Honour to inform your Lordship that, with the Advice of the Executive Council, I have this Day determined to convene the Provincial Parliament of Upper Canada on the 19th of June.

I much regret this Measure, as the Council agrees with me in Opinion, not only that there exists no real Necessity for convening the Legislature, but that the Proclamation will tend to ruffle the commercial Tranquillity which at present exists throughout the Province.

The Apprehension that there would be a Run on the Chartered Banks in Upper Canada, in consequence of their continuing Specie Payments, has proved to have been groundless; nevertheless your Lordship will easily believe that it is impossible for me to act contrary to the Policy of the surrounding States without opposing a Number of private Interests which have lately joined in a Hue and Cry for the Assembly of the Legislature; and as I foresee that whatever Embarrassment the Trade of this Province may have to suffer in consequence of the present unexampled State of the Money Market would be industriously declared to be the Effect of the Non-convention of the Legislature, I have deemed it advisable of Two Evils to choose the least, and to meet a real Difficulty rather than one which would be intangible.

I have no Apprehensions respecting the Result, and expect that the Session will last only a few Days.

I have, &c.
The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

No. 49.

No. 49.
Sir F. B. Head
to
Lord Glenelg,
26th June 1837.

(No. 76.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, Upper Canada, 26th June 1837.

I have the Honour to acknowledge the Receipt of your Lordship's Despatch No. 159., dated 17th April 1837, informing me that your Lordship had received His Majesty's Commands to take the necessary Measures for expediting my Patent as a Baronet of the United Kingdom; and that The King had been graciously pleased to confer upon me this Mark of His Royal Favour as a Testimony of the Sense His Majesty entertains of the Services He has been pleased to consider I have rendered in the Administration of the Government of Upper Canada.

In acknowledging the above Communication, I beg leave to express to your Lordship my Gratitude to His Majesty for the distinguished Honour He has graciously been pleased to confer upon me; and I trust I need hardly add that I also feel deeply indebted to your Lordship for having brought my humble Services before His Majesty's Consideration.

I have, &c.
The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c &c.

No. 50.
Sir F. B. Head
to
Lord Glenelg,
12th July 1837.

No. 50.

(No. 82.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord, Government House, Toronto, 12th July 1837.

I HAVE the Honour to transmit to your Lordship a Copy of my Speech on proroguing the Legislature of this Province.

Enclosure No. 1.

In my Despatch, No. 66., dated 30th of May, I explained to your Lordship the Reasons which had induced me most reluctantly to convene the Provincial Parliament, and as soon as it assembled I experienced all the Difficulties I had anticipated. I will endeavour to explain them to your Lordship.

The rapid Improvements which for some Years have been taking place in the United States, have been a Mystery which few People have been able to comprehend; every Undertaking had apparently been crowned with Success, every Man's Speculation had seemed to answer, the Price of Labour, although exorbitant, had every where cheerfully been paid, and Money had appeared in such Plenty that it had profusely been given in Barter for almost every Commodity that came to Market; in short, the Country was triumphantly declared to be "*going ahead*," and as the young Province of Upper Canada was observed to be unable to keep up, the Difference in its Progress, was contemptuously ascribed to the Difference in the Form of its Government.

Monarchical Institutions were therefore ridiculed, Republican Principles were self-praised, and Democratic Opinions were not only disseminated over this Continent, but, crossing the Atlantic, they made their Appearance in our own happy Country, where it has lately been deemed by many People fine and fashionable to point to the United States of America as a Proof that the riveting of Religion to the State and that Nobility of Mind are to Commerce what Friction is in Mechanics.

In the midst of all this Theory the whole Commercial System of the United States suddenly was observed to tumble to pieces, its boasted Prosperity being converted into a State of Disorder altogether new in the moral History of the World, for the Republic declared itself to be Bankrupt, without even pretending to be Insolvent; in short, its Banks simultaneously dishonoured their own Notes, keeping Specie which belonged to their Creditors in their Vaults. This Example of the Banks offered a Pretext to any Man to absolve himself from his Debts by fictitious Bankruptcy. The public Creditors afar off as well as those on the Spot had no Power to save themselves, and under these Circumstances a general Distrust prevailed.

The sudden Annihilation of National Credit in the United States produced of course serious Inconvenience and Alarm in Upper Canada.

The mysterious Prosperity of the Republic was now proved to have been produced by an imprudent and reckless System of discounting, which had supplied the Country with more Money than it was possible for it to repay,—in fact, to lend Money having been supposed to be quite as profitable a Speculation as to borrow it, one Debt had been contracted to pay another, the People had borrowed of the Banks, the Banks had borrowed of each other, and thus the Credit System had been strained till it snapped.

The Chartered Banks of Upper Canada clearly read the Moral which was brought so immediately before their Eyes, and, taking Warning from their Neighbours, they naturally enough suspended their own Discounts. This Precaution immediately created a great deal of Distress to all the Farmers and Merchants who had been in the habit of receiving from the Banks what is termed "*Accommodation*;" the more the Applicants proved their Inability to continue their Business unless they were assisted, the clearer the Banks perceived the Danger of relieving them.

The Borrowers being thus unable to obtain Money, the last Year's Crop of Potatoes having failed, the Public Works being arrested, and the Province being invaded by a Number of Immigrants who were roaming about without the Means of obtaining Food or Employment, it was natural enough that everybody should endeavour to search out the Cause of the Disorder which was observed to prevail.

The Banks, perfectly sensible of the real Reason, were silent; but an Opinion was propagated, which rapidly became popular, namely, that the Distress which existed arose from the Banks continuing their specie Payments.

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Sir F. B. Head
to
Lord Glenelg,
12th July 1837.

Enclosure No. 2.

As soon as the Legislature was assembled this Theory was very strenuously discussed; but the Members of the House of Assembly having, besides their public Duties, a Variety of borrowing and other private Interests to represent, it was found almost impracticable for them to agree either respecting the Disease or the Remedy; the more the Question was stirred the more turbid it became, and as no Party would consent to abandon their own Opinions, a Bill, which almost embodied them all, was framed, and after considerable Discussion it was carried through the House by the following Majority:

For the Bill, 33; Against it, 16; Majority, 17.

In this Bill, 1st, the Chartered Banks (although they had never applied to the Legislature for the Indulgence) were relieved from the Forfeiture of their Charters in case they should continue their Business after they had ceased to redeem their Notes in Specie.

2d, The Notes of all the Banks in the Province, chartered or unchartered, as well as the Debentures passed during the last Session of the Legislature for any Sum over Six Pounds Five Shillings, were in effect made *legal Tenders*.

On this Bill coming to the Legislative Council it was amended as follows:— (*See the Third Enclosure to this Despatch, p.* 401.)

The Power of allowing the Banks to continue their Business of Banking notwithstanding their Suspension of Cash Payments, was placed in the Hands of the Lieutenant Governor in Council, and the making of Notes or Debentures legal Tender was cancelled. On the Amendments of the Legislative Council returning to the House of Assembly they were rejected, and after a long protracted Discussion, which ended in nothing, a Number of the Members in despair made Preparations for returning to their Homes.

On the very eve of their Departure, which was justly enough hailed by the Radicals as an Event *certain* to produce a Revolution in the Province, the House of Assembly became sensible of the Calamity they were about to create. The amended Bill of the Legislative Council was again considered, and, after a most desperate Struggle between private and public Interests, it was, with a few very trifling Alterations, carried by a small Majority, and, being accepted by the Legislative Council, it was assented to by me: and thus the Question which had threatened to convulse this Province (to say nothing of the Effects it would have produced in Lower Canada) was satisfactorily settled and concluded.

The above Account may induce your Lordship to conceive that the Republican and Constitutional Party in the House of Assembly of Upper Canada are nearly balanced, but this is by no means the Case.

The Policy of the Republicans has always been, and still is, to arrest Improvements of every Description, and, by encouraging whatever tends to create Embarrassment and Distress, to bring Monarchical Government into Disrepute. Instead, therefore, of endeavouring to conciliate private Feelings, they artfully did every thing in their Power to irritate the Discussion, whatever Direction it took; and though upon any other Subject they would have totally failed in their Object, yet, in consequence of the Feelings I have described, they certainly in this Instance were very near attaining it.

I have now explained to your Lordship the Result of the extraordinary Session which has just closed, and it only remains for me to state the Course of Policy I propose to pursue.

I intend to recommend the Banks to accommodate the Public as far as they can in Prudence do so; but as the Penalty which attended the Exhaustion of their Coffers is now removed, or, in other Words, as they would not now be obliged to discontinue their banking in case they should become unable to redeem their Notes, it is my Opinion that they should make no expensive Exertions to obtain any more Specie than they now possess, but what they have got they should freely pay away.

If while they are pursuing this honest Course the United States or Lower Canada (finding that suspended Bank Notes are not Money) should be driven to return to Cash Payments, Upper Canada will then triumphantly have weathered the Storm; if, on the other hand, no such Events should occur, and that their Coffers are consequently drained, still the Good Faith of the Province will have been preserved; and, without desiring to value Credit at more than its intrinsic Worth, I have every Reason to believe that the Banks themselves feel that the Commercial Character of Upper Canada is of more Value, even to themselves, than the trifling Cost of replenishing their Vaults whenever this Continent shall resume their Cash Payments.

Although

No. 50.
Sir F. B. Head
to
Lord Glenelg,
12th July 1837.

Although a violent and almost universal Clamour has been raised against our Continuance of Cash Payments, yet I feel proud in informing your Lordship that up to the present Day no Application has been made by any one of the Chartered Banks to the Legislature or to myself, for Permission to suspend. The Power to grant this Permission has now been placed by the Legislature in my Hands; if it be sought for, and if, after attentively listening to the Arguments urged in its Favour, I see Reason to grant it, I will not hesitate to do so: on the other hand, your Lordship may depend that I will not be driven by Clamour to give up the proud Position which by the Integrity of the Chartered Banks this Province has, up to the present Moment, been enabled to maintain.

I have, &c.

The Right Hon. the Lord Glenelg, &c. &c. &c.

(Signed) F. B. Head.

First Enclosure in No. 50.

Enclosure No. 1.

Upper Canada Gazette Extraordinary.

Toronto, Tuesday, July 11, 1837. By Authority.

This Day, at Four o'Clock, His Excellency the Lieutenant Governor proceeded in State from the Government House to the Chamber of the Honourable the Legislative Council, where being arrived, and seated on the Throne, the Gentleman Usher of the Black Rod was sent with a Message from His Excellency to the House of Assembly, commanding their Attendance. The Members present being come up accordingly, His Excellency was pleased to prorogue the Session of the Legislature with the following

Speech:

"Honourable Gentlemen of the Legislative Council, and Gentlemen of "the House of Assembly,

"I thank you for the Zeal and Assiduity with which you have deliberated "on the important Subject for which you were especially convened; and I am "gratified at the Prospect of the Legislative Relief you have afforded to the "Agricultural and Mercantile Interests of the Province.

"The Banking Institutions of Upper Canada are now relieved from all Fear "of Forfeiture or Penalty in case, by extending Accommodation to the Public, "they should find it necessary to discontinue for a Time the Redemption of "their Notes in Specie.

"I am making Arrangements for the Issue of the Money appropriated "during the last Session for the Improvement of the Roads; and I have "Pleasure in informing you that I shall be enabled to cause the Payment of a "considerable Portion of it without Delay.

"The Alteration allowed to be made in the Terms of the Debentures "authorized to be issued for the Construction of Macadamized Roads, will, "it is expected, facilitate the Negotiations of the Loan; and the Outlay of "these Monies, during the present Moment of Embarrassment, will, I trust, "afford timely Relief.

"In the Exercise of the Powers which you have conferred upon me no "Exertion shall be wanting on my Part to give the Measures you have agreed "on their most beneficial Effects; and I trust that the Banks and the People, "by mutually supporting each other, will assist the Government in meeting "the unexampled Difficulties of the present Crisis with Steadiness and Reso-"lution."

Second Enclosure in No. 50.

Enclosure No. 2.

An Act to authorize certain Banks in this Province, for a limited Time, to suspend Specie Payments, under certain Restrictions.

Whereas the Banks of the neighbouring Countries have recently suspended the Redemption of their Notes in Specie: And whereas it is necessary to protect the Banking Institutions of this Province from a Forfeiture of their Charters should a Suspension of Specie Payments on their Part become unavoidable; Be it, &c. That any Incorporated Bank which, from sudden or unexpected Demand of Specie, shall cease to redeem its Notes or other Liabilities in the lawful Current Coin of the Province, shall not, in consequence thereof, be deemed to have forfeited its Charter, or be rendered liable to any Penalty or Forfeiture, or be subject to any Restraint in conducting its usual

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to
Lord Glenelg,
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Business, any thing in any Act of Incorporation of such Bank to the contrary notwithstanding.

2. And be it, &c. That from and after the passing of this Act any Person or Persons, Bodies Politic or Corporate, in this Province, against whom any Action shall be brought by reason that such Person or Persons, Bodies Politic or Corporate, have failed to redeem their Notes or other Liabilities in Current Coin, the Party bringing such Action shall not recover any Costs against the Party sued, if the Judge before whom the Trial of such Action shall take place shall certify that the Person or Persons, Bodies Corporate or Politic, so sued, had offered Payment of the Notes or Liability, for the Recovery of which the Suit was instituted, in Debentures issued under the Authority of any Law of this Province passed during the last Session of the Legislature for any Sum over Six Pounds Five Shillings, or in Notes of any of the Banks within this Province, which shall avail themselves of the Provisions of this Act, for any Sum less than Six Pounds Five Shillings.

3. And be it, &c. That from and after the passing of this Act any Incorporated Bank, or any one of the Banking Institutions in this Province, excepted in any Act passed during the last Session of the Legislature, entitled "An Act to protect the Public against Injury from private Banks," against whom any Action shall be brought by reason that such Bank has failed to redeem its Notes or other Liabilities in Current Coin, shall be sued in His Majesty's Court of King's Bench in this Province, and no other.

4. And be it, &c. That from and after the passing of this Act it shall and may be lawful for any one or all of the Three Commissioners to be appointed hereafter under the Provisions of this Act to examine into the State of each of the Chartered Banks of this Province, and to ascertain the Amount of their Notes or Evidences of Debt then actually in Circulation, the Amount of Capital paid up, the Quantity of Specie or Bullion in the Vaults of each respectively, and all other Matters whatever relating to the Finances of said Banks, and to present a true and correct Report of the same, under his or their Hands, to the Lieutenant Governor within Eight Days from the Date of such Examination.

5. And be it, &c. That the Amount of Notes or Bills issued and in circulation of the Banks of this Province which shall suspend Specie Payment, and which shall avail themselves of the Provisions of this Act, shall be regulated according to the Schedule to this Act annexed and marked A., and so in proportion the Banks with a less or greater Capital paid in.

6. And be it, &c. That if any such Bank or Banks shall have in their Vaults at any Time a Sum of Money in lawful Gold, Silver, and Copper Coins to a larger Amount than according to the Proportions in the said Schedule mentioned, it shall and may be lawful for the said Bank or Banks to issue a Sum of Money in the Notes of such Bank or Banks proportioned to such Excess of Specie beyond the Ten Pounds per Centum of the paid-up Capital of such Bank or Banks, as stated in the Schedule to this Act annexed marked A.

7. Provided always, and be it, &c. That no Chartered Bank shall be allowed at any Time or under any Circumstances to issue more than Three Times the Amount of their Capital actually paid in.

8. And be it, &c. That the Commissioners referred to in this Act be appointed by the Legislature of this Province; and that each and every one of the said Commissioners shall upon Notification of his Appointment to such Office take the Oath to this Act annexed and marked B.; which Oath shall be administered to such Commissioner or Commissioners by the Vice Chancellor of this Province, by the Chief Justice, or any Commissioner of His Majesty's Court of King's Bench therein.

9. And be it, &c. That One or more of such Commissioners shall at least once in every Month personally examine into the Affairs of each and every Chartered Bank in this Province, and of such private Banks as shall within One Month from the passing of this Act make in Writing, signed by the President and Cashier or Manager of such Bank or Banks, Request to the said Commissioners to be placed within the Provisions of this Act; and such Commissioners shall within Eight Days after such Application and Examination present under Oath a true and correct Report of the State of the Finances, &c. of such Bank or Banks to the Lieutenant Governor: Provided always, that such Commissioner or Commissioners shall not in such Report, nor at any other Period, enter into a Statement of or interfere with the private Accounts of Individuals who shall be transacting their ordinary Business with such Bank

or

or Banks; any thing in this Act or in any other Act to the contrary notwithstanding, excepting only so far as may be necessary for ascertaining the gross Amount of Liabilities of such Bank for Deposits.

10. And be it, &c. That during the Continuance of the Suspension of Cash Payments by the Banks aforesaid as authorized by this Act no Person or Persons shall be held to bail upon any Process issuing out of any Court in this Province unless the Affidavit which shall be made for that Purpose shall not only contain the several Matters now required by Law, but also that no Offer has been made to pay the Sum of Money in such Affidavit sworn to in the Manner provided by this Act, upon good and sufficient Proof that any Person or Persons shall have tendered Payment in full of any Demand or Debt, as authorized by this Act, and that such Tender of Payment aforesaid shall have been refused by the Person or Persons to whom such Debt was due; and if such Creditor shall proceed to arrest or hold to bail any Person or Persons after such Tender duly made, such Arrest or holding to bail shall be deemed frivolous and vexatious; and it shall be lawful for the Court from which the Process issued to discharge such Debtor from Custody during the Suspension of Cash or Specie Payments as authorized by this Act: Provided always, that it shall be lawful for such Court, in the Furtherance of Justice or for ascertaining the Amount due to any Creditor or Creditors, to permit Proceedings to be had for any such Purpose.

11. And be it, &c. That from and after the passing of this Act, if any Sheriff or Coroner or other Officer shall have or shall take in execution the Goods and Chattels or Real Estate or other Property of any Defendant or Defendants in any Suit or Action or under any Process issued out of any Court, or by the virtue of any Landlord's Warrant or other Process whatsoever, and shall proceed to sell or dispose of the same, or shall distrain or levy any Distress, after he shall have been duly tendered the Amount of Debt and Costs in the Manner provided by this Act, such Sheriff, Coroner, or other Officer shall be liable to an Action at Law in His Majesty's Court of King's Bench in this Province, and, upon due Proof of such Tender having been made, shall be liable to Damages in an Amount not less than Double the Value of the Property, Goods, and Chattels so sold or distrained upon, or on which any such Distress may have been levied, any thing in any Act of the Parliament of this Province contained to the contrary notwithstanding.

12. And be it, &c. That it shall not be lawful for the President, Directors, and Cashier, or other Officers or Shareholders of any Bank or Banks authorized to suspend Specie Payments under the Provisions of this Act, to sell or dispose of or in any way to reduce or lessen the Amount of Gold, Silver, or Copper Coins in their Possession at the Time of the passing of this Act, or to pay to their respective Shareholders or Stockholders any Dividend or Share of Profits upon their Capital Stock in Cash or Specie, or in any other Manner than with their own Notes respectively, excepting always the component Parts of One Dollar or Five Shillings in Silver Coins, and the component Parts of Sevenpence Halfpenny in Copper Coins; and that the President and Cashier be required in their Returns to make Affidavits that no such Sale or Dividend of Specie as aforesaid has taken place, and no other Reduction of the Specie aforesaid than what was requisite for the Payment of the component Parts of Five Shillings, in the regular Business of the Bank.

13. And be it, &c. That nothing in this Act contained shall be construed to extend to giving any Relief to any private Bank or Banks, or to authorize the Suspension of Cash or Specie Payments by any such private Bank or Banks, unless such private Bank or Banks shall have fully and unreservedly complied, according to the full and true Intent and Meaning of this Act, with each and every Provision of this Act, and shall make it clear to the Commissioner or Commissioners to be appointed under this Act that such private Bank or Banks shall actually have in their Vaults the Amount of Specie proportioned to their paid-up Capitals respectively required by this Act; and if such private Bank or Banks shall refuse or neglect to comply with the Provisions in this Act contained, such private Bank or Banks so refusing or neglecting to comply shall not in any way be entitled to any of the Benefits or Advantages of this Act, and shall continue and remain subject to each and every of the Liabilities, &c. which they would have been subject to if this Act had not been passed.

14. And be it, &c. That if any Bank or Banks which shall become subject

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Sir F. B. Head
to
Lord Glenelg,
12th July 1837.

Enclosure No. 2.

to the Provisions of this Act shall offer any Obstruction to the Commissioners to be appointed under this Act in the Discharge of their Duties as set forth herein, or shall refuse or neglect to comply with the Provisions of this Act, then and in that Case any Bank so refusing to comply with the Conditions of this Act shall not be entitled to any Advantage under its Provisions, but shall be and remain subject to all Liabilities as if this Act had never passed.

15. And be it, &c. That during the Continuance of this Act, or while such Banks shall continue under the Surveillance of the Commissioners to be appointed under this Act, such Commissioners shall be paid Twenty Shillings each per Diem for the Time they are necessarily employed in the Discharge of the Duties imposed upon them by this Act, such Payment to be made from the Funds of the different Banks respectively which may come under the Provisions of this Act, such Payment to be in full for travelling Expenses, and all other Allowances whatsoever, and to continue only during the Time of Suspension of Specie Payments, or during the Continuance of this Act.

16. And be it, &c. That this Act shall take effect immediately, and shall continue in force until the End of the next ensuing Session of Parliament, and no longer.

17. And be it, &c. That the Legislature shall have Power to repeal, alter, or amend this Act at any Time.

18. And be it, &c. That the Honourable George H. Markland, Dr. James Hamilton, and David John Smith be Commissioners to carry into effect the Provisions of this Act.

19. And be it, &c. That it shall and may be lawful for the Lieutenant Governor to fill any Vacancy that may occur in the Board of Commissioners by Death, Resignation, or otherwise.

(A.)

Amount of paid-up Capital.	Proportion of Specie in the Vaults.	Proportion of Notes which may be issued.	——
	£	£	
£100,000 -	10,000	100,000	
	15,000	110,000	
	20,000	125,000	
	25,000	140,000	
	30,000	150,000	
	35,000	160,000	
	40,000	170,000	
	45,000	180,000	
	50,000	190,000	
	55,000	200,000	
	60,000	210,000	
	65,000	220,000	
	70,000	230,000	
	80,000	250,000	
	90,000	275,000	
	100,000	300,000	Resume Cash Payments.

And so in proportion to a less or greater Capital.

(B.)

Form of Affidavit.

I, A. B., do solemnly swear, That I will faithfully, justly, and truly, and without Favour or Partiality, and according to the best of my Abilities and Judgment, discharge the Duties of a Bank Commissioner in the Manner and Way provided for by Law; and that I will, during my Continuance in such Office, once in each and every Month, and oftener if so directed by the Lieutenant Governor, and unless prevented by Sickness or other good and sufficient Cause, carefully and strictly examine the Accounts of such Bank or Banks as I may be authorized to inspect, and, as far as in my Power lies, ascertain the Amount of Notes, or Evidences of such Debt, issued by such Bank or Banks and then in Circulation; the Amount and Nature of Exchange Transactions in which such Bank or Banks may have engaged; the Amount of Gold, Silver, and

and Copper Coins in their Vaults; and all other Matters appertaining to the Finances of such Bank or Banks; and that I will, within Eight Days from the Date of each and every Examination respectively, present under Oath to the Lieutenant Governor a true and correct Report of the Transactions and Affairs of such Bank or Banks, excepting always the lawful Accounts and Transactions of private Individuals with such Banks, which Accounts and Transactions of private Individuals I solemnly swear to keep secret, and not disclose or discuss with any Person or Persons, except the Officers of such Bank or Banks during such Examination of their Affairs, and unless thereto required in Furtherance of Justice as an Evidence in any Court of Equity or Law in this Province, and unless any such Transaction or Transactions should be fraudulent in themselves or detrimental to the general Interests of the Province.

Third Enclosure in No. 50.

Enclosure No. 3.

BILL entitled An Act to authorize the Chartered Banks in this Province to suspend the Redemption of their Notes in Specie, under certain Regulations, for a limited Time, and for other Purposes therein mentioned.

WHEREAS, under the peculiar Circumstances of the Banks in the United States of America and in the Province of Lower Canada having recently determined to suspend Cash Payments, it may become necessary for the several Chartered Banks in this Province to cease from redeeming their Notes with Specie, either in consequence of the Difficulty of procuring Specie, or from the Impossibility of retaining it while the unusual State of Commercial Affairs in the adjoining Countries gives to Gold and Silver an extraordinary Value: And whereas it is of great Consequence to the Commercial and Agricultural Interests of this Province that the Accommodation which Banks of undoubted Solvency can safely extend to those engaged in Business should not be suddenly discontinued, which, under the existing Laws, must be the Consequence of their being compelled to suspend Cash Payments; and it is therefore expedient to make such temporary Provision as may afford Relief against this Inconvenience: Be it therefore enacted, &c. That if any of the Banks in this Province, chartered by Act of the Legislature, shall, during the Continuance of this Act, judge it necessary under existing Circumstances to suspend the Redemption of their Notes by Specie, such Bank may forthwith make a Disclosure of the State of their Affairs to the Lieutenant Governor of this Province in Council, and shall state the Reasons which have led to such Suspension; and in case it shall appear proper and advisable to the Lieutenant Governor and Council that such Bank should, under the Circumstances disclosed by them, be allowed to continue their Business of Banking notwithstanding their Suspension of Cash Payment, then it shall be lawful for the Lieutenant Governor in Council to make a Minute to that Effect, which shall be published in the Upper Canada Gazette during the Time of such Suspension of Cash Payment, and such Minute of the Lieutenant Governor and Council shall have the Effect of saving such Bank from any Forfeiture of their Charter by reason of their Suspension of Cash Payments before or after the making of such Minute, and from any and every Penalty or Disability which would or might otherwise ensue thereon.

2. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor in Council to require from the President and Directors, or the Cashier or other Officer of any such Bank, whatever Information they may deem necessary for their Satisfaction in respect to the Solvency of the Bank and the actual Condition and Management of their Affairs, which Information they may desire to be given under the Oath of the Person or Persons furnishing the same, and that such Oath may be administered by any Judge of His Majesty's Court of King's Bench in this Province, or by any Judge of a District Court therein.

3. And be it further enacted, &c. That in case Authority to continue Business shall be given by the Lieutenant Governor in Council, such Authority may remain in force during the Continuance of this Act.

4. And be it further enacted, &c. That so long as such Authority shall continue it shall and may be lawful for the Lieutenant Governor of this Province

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12th July 1837.

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to appoint from Time to Time Two or more Commissioners with Power to inspect and examine into the Affairs of the Bank to which such Authority shall be extended, and to report thereon in such Manner as shall be thought necessary; and that such Commissioners, and every of them, shall have Authority to require Statements, on Oath, from the President or any Director, Cashier, or other Officer of such Bank, in relation to any of the Affairs or Business of the said Bank; and that any One of the Commissioners shall have Power to administer an Oath for the Purpose aforesaid.

5. And be it further enacted, &c. That during the Time such Authority to suspend Cash Payments shall be continued it shall be the Duty of the Bank to which the same shall be extended to transmit to the Lieutenant Governor in Council, once in each Month, or oftener if it should be thought necessary, a Return of their Business and Affairs, such as they may be required under their Act of Incorporation to furnish for the Information of the Legislature.

6. And be it further enacted, &c. That if any Person shall knowingly swear falsely in any Matter stated by him on Oath under the Provisions of this Act, he shall, on Conviction, be deemed guilty of wilful and corrupt Perjury.

7. And be it further enacted, &c. That so long as any Bank shall continue, under the Provisions of this Act, to conduct their Business of Banking without paying their Notes in Specie on Demand, their total Amount of Paper in Circulation shall never exceed their Capital Stock actually paid up.

8. And be it further enacted, &c. That during the Time of such Suspension of Cash Payments it shall not be lawful for any Bank to make sale of any Proportion of the Gold or Silver which may be in their Possession, or make any other Disposition thereof which would diminish the Amount according to its legal Value, than by paying in Change the Fractional Parts of a Dollar, or by paying on Demand the Amount of such of their Notes for One Dollar each as may be presented to them for Payment; and that the Bank shall observe such Directions as may from Time to Time be given by the Lieutenant Governor in Council respecting the Amount of such Notes which shall be maintained in Circulation, and respecting the Redemption thereof in Specie by such Bank.

9. And be it further enacted, &c. That it shall be in the Power of the Lieutenant Governor of this Province, in Council, to make an Order directing that any Bank which shall avail itself of the Provisions of this Act shall, from the Expiration of One Month, or any further Time that may be thought reasonable, after its Suspension of Payments in Specie, procure and retain in its Vaults an Amount of current Gold or Silver Coin bearing such Proportion to its Amount of Bills or Notes in Circulation as shall be prescribed in such Order, being not more than Ten per Cent. of the Amount in Circulation.

10. And whereas, in case of its becoming necessary for the Chartered Banks in this Province to suspend Payment in Specie, it may be found impracticable for Individuals, during such Suspension, to obtain Gold or Silver; and it is therefore necessary to make such Provision as may afford reasonable Protection in that Behalf; be it therefore enacted, &c. That so long as any of the Chartered Banks in this Province shall be authorized, under the Provisions of this Act, to suspend Payment in Specie, in case any Action shall be depending or shall be hereafter brought in any Court in this Province for the Recovery of any Debt, it shall be lawful for such Court, on the Application of the Defendant, and on the Hearing of the Parties, to stay Proceedings in such Action, without Costs, until further Order shall be made thereon, provided it be made to appear to the Satisfaction of the Court that the Necessity for proceeding in such Action does not arise from the Want of the Amount of Debt being ascertained, or from the Unwillingness or Inability of the Defendant to pay the same, but solely from his Inability to procure Gold or Silver in this Province in order to make such Payment.

11. And be it further enacted, &c. That during the Continuance of this Act no Action or Suit shall be prosecuted against any of the Banks which shall avail itself of the Provisions of this Act in order to compel Payment of any Notes of such Bank expressed to be payable on Demand; and it shall be lawful for the President and Directors of every such Bank, during the Continuance of their Suspension of Cash Payments in the Manner allowed by this Act, to apply to the Court wherein any such Action shall be brought or shall be

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be depending to stay Proceedings therein in a summary Way; and in case such Action or Suit shall be brought to compel Payment of any Note or Notes made payable on Demand, such Court shall stay all Proceedings accordingly during the Continuance of this Act or during the Suspension of Cash Payments as provided by this Act: Provided always, that if it shall appear to such Court to be necessary for the Purpose of ascertaining the Amount of any Demand on such Bank, or otherwise for the Furtherance of Justice, that any Proceedings should be had for such Purpose, it shall be lawful for such Court to permit Proceedings to be had in any such Action or Suit for such necessary Purpose only: Provided also, that no Costs shall be recovered against any such Bank in any Action or Suit which shall be brought for the Purpose of compelling Payment of any Debt or Demand, unless the Court wherein the same shall be brought shall be of opinion that the same was necessary for the Purpose of ascertaining the Amount of such Debt or Demand, or the Title thereto.

12. And be it further enacted, &c. That if any Bank or Banks which shall become subject to the Provisions of this Act shall offer any Obstruction to the Commissioners to be appointed under this Act in the Discharge of their Duties as set forth herein, or shall refuse or neglect to comply with the Provisions of this Act, or with any Order given under its Authority, then and in that Case any Bank so refusing to comply with the Conditions of this Act shall not be entitled to any Advantage under its Provisions, but shall be and remain subject to all Liabilities as if this Act had never passed.

13. And be it further enacted, &c. That the Commissioners to be appointed under this Act shall be paid Twenty Shillings each per Diem for the Time they are necessarily employed in the Discharge of the Duties hereby imposed upon them, such Payment to be made from the Funds of the different Banks respectively which may come under the Provisions of this Act, and to be in full for travelling Expenses and all other Allowances whatsoever, and to continue only during the Time of Suspension of Specie Payments, or during the Continuance of this Act.

14. And be it further enacted, &c. That this Act shall take effect immediately, and shall continue in force until the End of the next ensuing Session of Parliament, and no longer.

15. And be it further enacted, &c. That the Legislature shall have Power to repeal, alter, or amend this Act at any Time.

16. And be it further enacted, &c. That it shall and may be lawful for the Lieutenant Governor for the Time being to fill any Vacancy that may occur in any Board of Commissioners by Death, Resignation, or otherwise; and that each Commissioner appointed under this Act shall, before entering upon the Duties of his Office, take the following Oath, which may be administered by the Vice Chancellor, or any Judge of the Court of King's Bench in this Province, or by any Judge of a District Court therein:

" I, A.B., do swear, That I will faithfully discharge the Duties of a Com-
" missioner appointed to examine into and report upon the Affairs of the
" Bank, under the Act of the Legislature in that Behalf; and that I will not
" disclose any of the Transactions of private Individuals with the said Bank,
" farther than it may become necessary for the faithful Discharge of my Duty.
" —So help me God."

No. 51.

(No. 89.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

No. 53.
Sir F. B. Head
to
Lord Glenelg,
20th July 1837.

My Lord, Toronto, 20th July, 1837.

I have the Honour to submit to your Lordship a Copy of a Memorandum which on the 19th Instant I delivered to a Meeting of the Presidents and Cashiers of the Chartered Banks, who assembled at Government House for the Purpose of learning the Views of the Executive on the Subject of the new Act.

At this Meeting I clearly explained to the Representatives of the several Banks that I had no Desire whatever to induce them to depart from any Course they might consider as most conducive to their Interests; that, on the contrary, I would wish them to be guided only by their Interests.

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Sir F. B. Head
to
Lord Glenelg,
20th July 1837.

After the Meeting left Government House a Consultation took place, the Result of which was a unanimous Determination on the Part of the Banks not to avail themselves at present of the new Act; but to continue their Cash Payments.

I need not say to your Lordship that this Determination will draw upon them great Jealousy; and I fully expect that Exertions will be made to exhaust the Banks.

I have the Honour to be, &c.

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

(Signed) F. B. HEAD.

(Copy.)

F. B. HEAD.

The Lieutenant Governor wishes the Banks of Upper Canada to understand,

That if any Bank shall desire to avail itself of the Provisions of the Act to authorize the Chartered Banks in this Province to suspend the Redemption of their Notes in Specie, it will be necessary—

1st, That the said Bank shall submit to the Lieutenant Governor in Council a full Statement of its Affairs, showing the Solvency of the Institution.

2d, That the Amount of Specie retained or to be retained in the said Bank at the Time of its Suspension shall not be more than sufficient to redeem, on Demand, its One Dollar Notes which are in Circulation.

3d, That the Notes of a suspended Bank cannot be used in Government Transactions.

Government House,
19th July 1837.

No. 52.

No. 52.
Sir F. B. Head
to
Lord Glenelg,
17th August 1837.

(No. 97.)

EXTRACT of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG, dated Toronto, 29th August, 1837.

IN communicating to me a Copy of the Resolutions which it was the Intention of His Majesty's Government to bring forward in the House of Commons respecting Lower Canada, your Lordship was pleased to conclude your Despatch to me, No. ., dated 18th February 1837, as follows:

" I shall look forward with much Anxiety for a full Communication from you " on the Subject" &c. &c.

Besides being thus officially invited to furnish Her Majesty's Government with my Opinions respecting the Measures proposed to be adopted towards Lower Canada, I had a natural Inducement to do so from the political Connexion which exists between the Two Provinces, for I need hardly observe to your Lordship that it is useless for Upper Canada to be expending 300,000*l.* in rendering the upper Portion of the St. Lawrence navigable, if the lower Waters are to remain impassable; our Access to the Ocean, as well as our internal Prosperity, being dependent on the Tranquillization of the Lower Province.

My Residence here had of course enabled me to form an Opinion on the Measures proposed to be introduced by Her Majesty's Government, and as that Opinion was solicited I should not have withheld it except for the Reason that, as your Lordship's Communication reached me too late for my Opinion to be of any practical Use, I felt it would be only vexatiously embarrassing the Government were I to transmit it.

I therefore determined to be perfectly silent on the Subject, and, if the same Reason existed, I should still remain so; but seeing that the remedial Resolutions of the Imperial Parliament have, as I anticipated, totally failed in their Effect,—seeing that the House of Assembly of Lower Canada have again refused the Supplies, that Mr. Papineau's Language has become more insulting than ever, and that his Agents here are openly preaching Revolt,—I feel that as Her Majesty's Government will be now driven to determine what is next to be done

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Sir F. B. Head
to
Lord Glenelg,
29th August 1837.

done, I have no Excuse for any longer withholding my Opinions; and I accordingly reluctantly and respectfully submit them for Consideration.

My Lord, the Portion of the Globe from which I am now addressing your Lordship is the most favoured Region which it has ever been my humble Fortune to visit. The Freshness and Elasticity of the Canadian Air, the peculiar Blueness of the Sky, the Magnificence and Utility of the great Lakes, the unexampled Exuberance of the Soil, the Indications of Mineral Wealth, and the Abundance of Timber and Fuel, form altogether a rich Picture, which it is beyond the Power of the Artist to delineate.

With respect to the Inhabitants I will only say that, so far as I am competent to judge of them, they are worthy of the free Country they inhabit.

The British Population have lost none of the noble Qualities which distinguish their Race; the French Canadians retain all the social Virtues which adorn the Character of the French, without their Propensity for War.

Blessed with these Advantages the Canadas ought to be happy; but on the contrary, the Upper Province was, and the Lower apparently is, on the Brink of Revolution!

Where, it will be asked, does the Blame rest?

I respectfully reply, neither upon the Surface of the Country, nor upon the Morals of the People, but upon the conciliatory Measures which, under successive Administrations, have been unremittingly applied by His Majesty's Government.

If in Common Law respectable Evidence be deemed sufficient to substantiate any Accusation, surely in Politics concurrent Opinions, such as the following, ought not to be rejected.

1. The British Population of Lower Canada deeply lament the Course of Policy which the Home Government for many Years has been pursuing.
2. So does the loyal British Population of Upper Canada.
3. The Chief Justice, the Law Officers of the Crown, every faithful public Servant in this Province, silently evince their Sorrow at the Concessions which have been made, and which are still being made, to those few designing Men who, for self-interested Objects, have been long labouring to subvert the British Constitution.
4. So do I, the Lieutenant Governor of the Province.
5. So does Sir John Colborne, the Commander of the Forces in the Canadas.
6. So do the British Troops; who, though generally speaking regardless of Politics, cannot here avert their Minds from Circumstances which are so glaringly before them, and which they foresee tend to haul down the Colours that from their Boyhood they have been taught to venerate.

If Her Majesty were suddenly to arrive in the Canadas, there is no one of those I have just enumerated who would not be proud to follow Her with Devotion from Niagara to Quebec; but if a Representative of our Colonial Policy were to appear here, I do declare to your Lordship, that in my Opinion he would be seen to traverse the Canadas alone. And now, my Lord, who is the Individual who ventures to bring these Truths before your Lordship's Mind? Why one who is indebted to your Lordship for an Election in his Favour almost unparalleled, who has obtained through your Lordship's Recommendation hereditary Rank, and who at this Moment feels most deeply that all he has ever written, instead of offending your Lordship, has most liberally been pardoned and overlooked. As your Lordship's accredited Agent, as one whose especial Duty it is to act towards his Principal with Honour and Fidelity, the Evidence I offer to your Lordship is entitled to Respect.

The concurrent Opinions which I have just detailed to your Lordship might once have been termed theoretical; but they have now not only been reduced to Practice, but the Proof has been, as it were, mathematically worked out, both positively and negatively, as follows:

1. The Conciliations which Lord Gosford has been commanded to make in Lower Canada, as well as those almost promised by Inference in his late Speech,

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have ended in Anarchy. His Lordship's generous Character, his high-minded Integrity, his Rank, his Fortune, his Affability, his Amiability, have all failed to produce political Tranquillity; his moral Power has gradually sunk under the Experiment; he has now lost "all but his Honour."

Again, in New Brunswick, the Concessions made to Messrs. Crane and Wilmot have equally failed in satisfying that Country. These Gentlemen, as Agents of the House of Assembly, obtained the Surrender of the Casual and Territorial Revenues. When their own Scale was thus heavily laden, they next asked that the Salary or Influence of their Governor might inversely be lightened; when this was granted they returned in Triumph; their Governor retiring from the Conflict, yielded to them the Field. But the Bonfires were hardly extinguished when Mr. A. Wilmot (I perceive from the Journals) proposed that the Executive Council should be converted into Persons "possessing the Confidence of the People;" which, in these Colonies, means nothing more or less than that the Governor's Head is to be emptied of its Contents, and then stuffed with Republican Brains.

2. In Upper Canada, the opposite or negative Proof (I mean the unconciliatory Course of Policy) has, it cannot be denied, practically tranquillized the Province. It has not only completely overthrown the Enemies of the British Constitution, but to a very great Degree it has effected their Conversion. Hundreds of Men who leaned with their whole Weight against the Government, so long as they felt it bend to their Pressure, suddenly stood erect to defend it the Instant it resolutely commanded them to keep off; People of the most violent Politics have lately acknowledged themselves to have been in error; and even the late Speaker, Mr. Bidwell himself, who was the avowed Republican Associate of Mr. Papineau, now openly declares that he deeply regrets the Course he was led to pursue.

I could proceed to prove to your Lordship that the Policy I have humbly pursued has very numerous Supporters, even in the United States; but I will not seek for Evidence beyond the Limits of His Majesty's Dominions.

I will merely observe to your Lordship that the Success which has been obtained in Upper Canada is not adventitious, but that it is a Result which in my very first Despatch (dated 5th February 1836) I explicitly foretold, as follows:

"As far as I have been able to judge, I should say that the Republican "Party are implacable; that no Concession whatever would satisfy them, their "self-interested Object being to possess themselves of the Government of this "Province for the sake of Lucre and Emolument.

"Under these Circumstances I consider that the great Danger I have to "avoid is the slightest Attempt to conciliate any Party; and that the only "Course for me to adopt is to act fearlessly, undisguisedly, and straight-for-"wardly for the Interests of the Country; to throw myself on the good Sense "and good Feeling of the People, and abide a Result which I firmly believe "will eventually be triumphant."

Having concluded the foregoing preliminary Observations, I will now very shortly proceed to submit to your Lordship, not any Remarks respecting the late Resolutions of the Imperial Parliament, for as they have passed it is useless now to discuss them, but my humble Opinion of the Course which should henceforward be adopted.

I therefore respectfully recommend His Majesty's Government to frame their future Policy upon Two unalterable Determinations:

1. Nolumus Leges Angliæ mutari.
2. We will not retain Possession of the Canadas by Force of Arms.

My Lord, I have no Hesitation in saying, that if these Two Maxims are mildly but firmly maintained, Truth, Reason, and Justice will overpower the factious Opposition that is now offered to us, and that a splendid moral Triumph will be the Result.

Much might be written on this Subject, but with the voluminous Details which are already before the Government, I feel that the deliberate Result of my

my Opinion will be less troublesome to your Lordship than a Statement of the minute Arguments on which it has been founded.

The Right Hon. Lord Glenelg, &c. &c. &c. I have, &c. (Signed) F. B. Head.

No. 52. Sir F. B. Head to Lord Glenelg, 29th August 1837.

The Servants of the Crown in Lower Canada ought, I conceive, to be immediately made independent, *for ever*, of the House of Assembly, by an Act of the Imperial Parliament.

No. 53.

(No. 99.)

Copy of a Despatch from Sir F. B. Head Bart., K.C.B., to Lord Glenelg.

No. 53. Sir F. B. Head to Lord Glenelg, 10th Sept. 1837.

My Lord, Government House, Toronto, 10th September 1837.

I have to acknowledge the Receipt of the following Despatches which I have had the Honour to receive from your Lordship :—

1st Despatch, No. 158, dated 5th April 1837, repeating to me, that the Reasons I submitted to your Lordship for having removed Judge Ridout from Office appear to your Lordship inadequate, and that your Lordship still withholds your Approbation of the Measures adopted in Mr. Ridout's Case.

2d Despatch, No. 200, dated 14th July, informing me that your Lordship has not been pleased to confirm the Appointments of the Attorney and Solicitor General which, on the 5th April last, I had the Honour to notify to your Lordship in a Gazette Extraordinary, but that it is the Wish of His Majesty's Government that the Situation of Judge of the Court of King's Bench should, in case of an expected Vacancy, be offered to Marshall Spring Bidwell (the Speaker of the late House of Assembly, the Leader of the Republicans in this Province, and the fellow Labourer and Correspondent of Mr. Speaker Papineau).

As, after very deliberate Consideration, I have determined to take upon myself the serious Responsibility of positively refusing to place Mr. Bidwell on the Bench, or to restore Mr. George Ridout to the Judgeship from which I had removed him, I feel it my Duty, not only respectfully to explain to your Lordship the Reasons of my Conduct, but frankly to disclose to your Lordship Opinions and Sentiments which, being hostile to the Policy of the Colonial Office, ought not to be withheld from your Lordship.

I feel confident that your Lordship will, with the Equanimity which distinguishes your Character, calmly listen to the Observations I am about to make; and I can assure your Lordship that at the present Instant there is no Feeling more strongly impressed in my own Mind, than that, in the Utterance of strong Opinions which I feel most deeply, I may not be led to use an Expression which can in any Way be considered as evincing a Want of that Respect which is justly due to your Lordship as well as to the high Station you hold.

My declining, or, in plain Terms, my refusing to carry your Lordship's Orders into effect, would, I am aware, commonly be considered as an overt Act of Hostility; but when it is considered that the Population of our Colonies amounts to Ninety-nine Millions of People scattered over Thirty-five Portions of the Globe, it must be evident that their Prosperity depends, not only on the Colonial Minister commanding what he deems to be right, but on the Colonial Governors refusing, on their Peril, to execute what they conscientiously believe to be wrong.

In a Conflict of this Nature it does not therefore necessarily follow that Disobedience in a Lieutenant Governor is Disaffection to the Minister; and although I am sensible that your Lordship has Power abruptly to terminate any such Objection on my Part, by immediate Dismissal, yet I have no Observations to offer on that Subject, as it is my own Duty and not your Lordship's that I am at present desirous to perform.

My Lord, in my Despatch No. 97, dated 29th August last, I respectfully informed your Lordship that, in my humble Opinion, the whole Blame of the Dissensions which exist in the Canadas rests "neither upon the Surface of the "Country, nor upon the Morals of the People, but on the conciliatory Mea-

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" sures which, under successive Administrations, have been unremittingly " applied by the Colonial Office."

I stated to your Lordship, " that the British Population of the Canadas, the " Chief Justice, the Law Officers of the Crown, and every faithful public " Servant, were of this Opinion;" and " that although if Her Majesty were " suddenly to arrive in the Canadas, there was no one of those I have enume- " rated who would not be proud to follow her with Devotion from Niagara to " Quebec, yet that if a Representative of our Colonial Policy where to appear " here, I declared to your Lordship that in my Opinion he would be seen to " traverse the Canadas alone."

In this Statement I communicated to your Lordship the Truth, but not the *whole* Truth; your Lordship's late Despatches oblige me to supply the Deficiency.

My Lord, there exists in this Country no personal Feeling against your Lordship, but the loyal British Population of the Canadas loudly complain, that there exists in the Colonial Department an invisible overruling Influence which either favours the Introduction of Republican Principles as productive in Theory " of the greatest Happiness to the greatest Number," or, acting under the mistaken Persuasion that Democracy must inevitably prevail over this Continent, deems it politic to clear the Way for its Introduction rather than attempt to oppose its Progress; in short it has for many Years been generally believed that however loyal may be the *Head* of the Colonial Department, its *Heart* is in favour not only of Republican Institutions, but of the Expediency of assisting rather than of retarding the launching our North American Colonies into that vast Ocean of Democracy, upon which the United States (the Cable of their public Credit having snapped) are at this Moment driving without Rudder or Compass.

If the Statement of the above Opinion were to reach your Lordship anonymously, or bearing the Signatures of a few Individuals, or even of a large Body of Individuals, it would of course be cast aside as contemptible; but your Lordship, whose Attachment to the British Constitution is well known, will, I conceive, be startled when I tell you, not only that the British Population of the Canadas partake largely of this Opinion, but that I, Her Majesty's Representative in this Province, am of that Opinion; that the late Lieutenant Governor Sir John Colborne, who had Eight Years Experience, is of that Opinion; that Lieutenant General Sir Peregrine Maitland, who as Lieutenant Governor had Ten Years Experience, is of that Opinion; I believe Lord Aylmore, Lord Dalhousie, Sir A. Campbell (the late Lieutenant Governor of New Brunswick), to be of that Opinion; and moreover that if the Lieutenant Governors of all the British Colonies were to be examined by your Lordship, their Testimony would, generally speaking, substantiate rather than deny what I have stated.

If, therefore, your Lordship believes the Statement I have made, the concurrent Opinions I have quoted must be conclusive; if, on the other hand, your Lordship doubts the Accuracy of my Statements, I beg your Lordship to examine the Witnesses whose Names I have submitted to you. I have had no Communication with any of them but from the Seat of Government of this Province, where the Sentiments of my Predecessors are recorded; I clearly see what is passing before my Eyes, I plainly hear what is sounding in every body's Ears.

Your Lordship must of course be aware that a Monarchy may mechanically be lowered to a Republic by means of an Inclined Plane, the Angle of which may be so acute that the Surface to a common Observer appears to be level; but, lest this Metaphor should not be clear to your Lordship, I will state, in still plainer Terms, that the Way to convert a Monarchy into a Republic is to take every Opportunity to subtract Power from the Crown in order to add or give it to the People.

Now it must be evident to your Lordship that this Arrangement may be practically effected by a secret Influence which it may be almost impossible to detect. For instance, there may be appointed to the Government of His Majesty's Colonies a Series of Military Men, each ignorant of the Principles of Civil Government, as well as unacquainted with the various Classes of Society of which it is composed. During their Initiation to their new Professions, every Encouragement may be given, at your Lordship's Office, to Representations

arriving

arriving there from any Portion of "the People;" while, on the other hand, every possible Discouragement may be given to the Friends and Supporters of Monarchy; a Man asking for Concessions may invariably be represented to your Lordship as highly intelligent and respectable, a Man staunchly recommending their Refusal may be termed politically biassed.

The Lieutenant Governors, observing that they are applauded whenever they concede any thing to the House of Assembly, and that somehow or other they invariably get themselves into Difficulty whenever they support the Legislative Council, may for a long Time be led unconsciously to do what all Military Men are naturally disposed to do, namely, recklessly to carry into Effect the *Spirit* of their Instructions. So long as they do this they may peacefully enjoy their Stations; but when Experience in their new Profession opens their Eyes, when Reflection staggers their Judgment, when, beginning to perceive that Concessions to what is falsely termed the "People" increase rather than satiate the Appetite, they appeal to the Colonial Office, and in Language, military rather than diplomatic, bid them "*be firm*," then and from that Moment they may immediately find themselves unaccountably afflicted with a sweating Sickness, which is a sure Precursor of their Removal, the Language of Praise ceases to cheer them, they may receive slight Rebukes, Objections may be raised to the Appointments they make, People who oppose them in the Colony may be raised to Distinction, any trifling Disputes in which they may be involved may invariably be decided against them, their tiny Authority in the Colony may be continually shaken, until by a Repetition of petty Circumstances which mortify rather than offend they may become disgusted with their Duty, they may intemperately proffer their Resignation, a new Man may be appointed, and the same Process may be renewed.

The whole of these Circumstances may occur; the Democratic Power may gradually be increased, the Influence of the Executive may gradually be diminished, the whole loyal Population may become indignant at observing their inevitable Declination towards Democracy, and yet there may be no particular Moment, or no one particular Circumstance, sufficiently strong to arouse the Colonial Minister to a Knowledge of the dreadful Fact that the Tendency of his own Office is Republican, and that while all on its Surface is seen flowing towards the Throne a strong under Current is absolutely carrying every thing away from it!

The Case I have just sketched may be merely one of Imagination, but I beg your Lordship just to keep it in Mind as I bring before your patient Consideration the following Statements and Observations:

My Lord, on my assuming the Government of this Province I was desired by your Lordship to consider, as the Guide of my Proceedings, Lord Gosford's Instructions, in which were contained the following Words:—"In every Part of "the Instructions with which, either as Chief Commissioner or as Governor, "you are charged, *Conciliation* and the Reconcilement of all past Grievances "are studiously presented as the great Object of your Mission."

Being convinced that the Concessions which had been made in our Colonies to the Advocates of Democracy had been the sole Cause of the Disturbances in the Canadas, I very shortly after my Arrival here expressed myself to your Lordship as follows:

"The more seriously I contemplate the political Tranquillity of this Province, "the more stedfastly I am convinced in my Opinion, that cool, stern, decisive, "unconciliatory Measures form the most popular System of Government "that can be exercised towards the free and high-minded Inhabitants of the "Canadas."

I need not observe to your Lordship that it is impossible for Two Systems to be more diametrically opposed to each other than that prescribed to Lord Gosford, and that which I was determined to pursue. I had not the slightest Intention to rebel against what I considered to be your Lordship's real Policy, (namely, the Maintenance of the Queen's Authority in the Canadas,) but being convinced that this Object could only be obtained by the Means I have explained, I did not hesitate to inform your Lordship of the Course I had deliberately determined to pursue.

My Policy having been shortly explained, I beg Leave to bring before your Lordship's Mind the following Sketch of my Principles as they have been avowed to your Lordship in my various Despatches.

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to
Lord Glenelg,
10th Sept. 1837.

1. In my Despatch dated 28th October 1836 I state, "The Owners of "Property in Upper Canada *detest* Democracy; they dislike it infinitely more "than the People in England do, because there it is a fine omne ignotum pro "magnifico Theory that no Man understands, whereas here it is seen prac- "tically working before our Eyes in the United States; and it is because the "British Population in Upper Canada *see* it in operation, that they deli- "berately detest it; in which Feeling, or rather Judgment, they are joined by "many of the Americans themselves, who sorrowfully foresee that Lynch Law "must, ere long, unavoidably treat their Rights, their hard-earned Property, "and their Religion, just as the Cataract of Niagara everlastingly behaves to "the calm gliding Waters of Lake Erie."

2. In my Despatch marked Private, dated 8th July 1836, I stated to your Lordship as my Opinion, "that if Half the British Empire were offered to the "Republicans they would immediately trample it under their Feet, spit upon "it just as they do on their Carpets, and then demand the Remainder."

3. Having with very deep Regret listened to and combated the Principles which were openly advocated by one of the Royal Commissioners, I addressed to your Lordship a Despatch, No. 41, dated 1st June 1836, of which the following are Extracts:—

"I have received from Lord Gosford and the Commissioners of Inquiry a "Copy of their Reports to your Lordship on the Executive Council, and I "have had an Interview with Sir George Gipps, who was here Two Days ago "on his Way to Niagara.

"It may have appeared strange to your Lordship, that during the short "Time that has elapsed since my Arrival here I should have twice respectfully "tendered to your Lordship my Resignation of the Station I hold. The osten- "sible Reason which I gave for so serious a Proposal was, that my Income and "Rank were inadequate, as I still declare them to be, to the Duties I had to "perform. But having read the Commissioners Report, and having conversed "with Sir George Gipps, of whose Talents and Probity I am deeply sensible, "I have resolved to hesitate no longer to confess to your Lordship that I do "not agree in opinion with the Commissioners of Inquiry, and that I have long "felt I should eventually embarrass them by remaining in this Country. I "should not do Justice to myself, or act frankly towards your Lordship, the "Governor General, or the Commissioners, were I any longer to conceal that "as regards their Policy, I have not an Idea in common with them."

* * * * * *

"I can declare to your Lordship, that before I came to this Country many "of my Friends fancied I was a Radical; and indeed I almost fancied I was one "myself, for in all the Countries I have ever visited I have been devotedly "attached to what is vulgarly called the Liberty of the Subject. But I cannot "go as far as the Commissioners, and I only feel it due to them and to your "Lordship to state so.

"For instance, I consider that the Language of the Ninety-two Resolutions "from Lower Canada was not only insulting to the British Government but "traitorous. If this be true, it unavoidably follows that the Author of these "Resolutions is a Traitor; and to create him a *Judge* was, in my humble "Opinion, to place on the British Bench a Man whose proper Situation was "the Dock.

"I do not in the slightest Degree presume to offer these Observations as "Complaints against the Commissioners, (your Lordship is aware how strongly I "have expressed my Sense of Lord Gosford's high-minded Conduct towards "me,) or even as Suggestions worthy your Lordship's Consideration, but "merely as a Confession that my Principles and Opinions differ completely "from Gentlemen under whom I *believe* I should act, and with whom I am "sure it is highly desirable I should concur."

I added, "There exist in the Commission of Inquiry Opinions openly pro- "mulgated, which many may term liberal, to which I cannot and never will "subscribe. But, far from wishing to oppose them, I only desire to offer to "your Lordship to yield to them the Field."

4. In my Despatch No. 87, dated 7th November 1836, I stated as follows:—

"I will now proceed to reply to the latter Paragraph of your Lordship's "Despatch No. 95, which states that 'a zealous and cordial Co-operation on

"'my

" ' my Part in prosecution of the System of Policy thus solemnly announced,
" ' is the Condition upon which the Administration of the Province can be
" ' continued in my Hands.'

" The above Observation of your Lordship is so unequivocal, that if it stood " isolated I should receive it with respectful Silence; but as it appears to be " connected in a slight Degree with the Baronetage which your Lordship " announces to me it is His Majesty's Intention to confer upon me, I feel the " strongest possible Anxiety to explain myself most clearly on the Subject " before the gracious Intention of His Majesty can possibly be carried into " effect."

* * * * * *

" If it were open to Argument I do yet believe I could bring Conviction " to your Lordship's Mind, that Lower Canada, having refused to serve any " longer under the British Constitution, has virtually absolved His Majesty " from any previous Offers of Accommodation He may graciously have made. " I look upon the Territorial Revenues of the Crown as our last Cable, that " when it goes we shall be on a Lee Shore, and at the next Tempest be driven " on the Rocks. As the Pilot in charge of your Vessel I warn your Lordship " of the Danger; and if it be necessary that I should abandon my Opinion, " or the Reward which is intended for me, I have no Hesitation in at once " renouncing the latter, for every Hour of Reflection makes me cling firmer " and firmer to the former."

I have now recapitulated to your Lordship a plain Statement of the Policy and Principles which have regulated my Proceedings; and, without advocating any political Theory, I only refer to the practical Result of the conciliatory System which has been adopted in Lower Canada and of the *un*conciliatory System which has been adopted in Upper Canada, and respectfully to say to your Lordship,—

" Look on this Picture, and on that."

As far as regards your Lordship's Approbation of my Services, I have every Reason to be grateful for the Terms in which it has been expressed, and for the Distinction which His late Majesty has graciously conferred upon me. But I have now arrived at the Point of my Narrative in which I think it will appear what Sort of Reception my Principles and Policy have met with from the Colonial Office.

In my Despatch (No. 87.) to your Lordship, dated 7th November 1836, I stated, "Up to the Receipt of your Lordship's Despatch No. 95, I have " suffered from the Treatment I have received from His Majesty's Govern- " ment more Pain than it would be possible for me to describe. On the " 29th February almost every Member in the House of Assembly, with a " Majority of the Legislative Council, recommended to your Lordship that an " Individual should be appointed to the important Station of Surveyor General " of this Province, in opposition to an Appointment which I had made. In " resisting this Aggression I had no Interest but that of the public Service, " and I undertook a heavy Responsibility in standing against a Recommendation " apparently so respectable.

" Your Lordship must have received this Communication about the End of " April; and though my Arguments and Reasoning appeared to you satisfactory, " and though eventually you approved of my Conduct, yet it was not until the " 27th of September that I was relieved from the painful Belief which generally " existed here, that the Measure I had taken was discountenanced by His " Majesty's Government.

" On the 4th March I received from the Executive Council a Document " ferociously supported by the House of Assembly, which I immediately trans- " mitted to your Lordship, with my Answer, which your Lordship was pleased " eventually to notice in the following Terms:—' From the Construction thus " given to the Act of 1791 I must altogether dissent, nor do I know that it " would be possible to refute it in Terms more complete and satisfactory than " those employed in your Answer of the 5th of March.'

" The above Support, however, I did not receive from your Lordship until " the 27th of September, during which-Time I was engaged single-handed in " one of the severest moral Contests on Record in the Colonial Office. Your " Lordship's Silence was construed, not only by my Enemies but by every

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" body, even by my own Executive Council, as the marked Disapprobation of
' His Majesty's Government, and it bore me almost to the Ground.

" By my own unassisted Exertions I received Addresses of Support from
" about 28,000 Yeomen, Farmers, &c., all of which I forwarded to your Lord-
" ship, but to which to this Day I have never received the slightest Acknow-
" ledgment from His Majesty's Government addressed to those who thus
" generously came forward to support me.

" Whenever a Mail arrived I was asked with the greatest Anxiety what
" Remarks the British Government had made to these noble Addresses? The
" mortifying Answer I had to give was '*None.*'

" The Speech I delivered to the Legislature at the Close of the last Session
" has, in this Province as well as in the United States, been noticed in a Manner
" strongly supporting me as the Administrator of this Government. Upwards
" of 100,000 Copies of it have been distributed.

" The greatest Curiosity naturally existed in this little Community to know
" what Notice His Majesty's Government had taken of this Speech. I had
" again to reply, ' None.'

" When I eventually gained a Victory, which I hope I do not over-rate when
" I say that it has saved the Canadas, Weeks and Weeks elapsed without the
" slightest Acknowledgment or even Mention of it by His Majesty's Govern-
" ment; the Effect of which corroborated the general Belief that I was acting
" against the Policy of His Majesty's Government, and that I should eventually
" be recalled.

" During this Period of painful Suspense I was subjected to Expenses which
" I had hardly sufficient private Means to defray; my Family were in the
" greatest Embarrassment and Anxiety. And though certain Points of my
" Conduct were approved of by your Lordship, yet other minute Points were
" visited with Observations I never expected to receive. For instance, I was
" told that by having given to the Legislature the Whole instead of the Sub-
" stance of my Instructions I had ' disregarded the express Injunctions of the
" King,' that I had ' avowed, in the most public Manner, that in thus
" divulging the precise Terms of my Instructions I was acting in opposition to
" His Majesty's Orders,' and that I had ' thereby contributed a little to
" impugn the Respect due to the Royal Authority.' Again, in your Lord-
" ship's Despatch No. 73, in Spite of the Triumph I had gained, I was slightly
" reproved for having accepted the Resignation of Messrs. Rolph, Baldwin, and
" Dunn; and your Lordship withheld your Approbation from what was stated
" to be ' my Recommendation that Mr. Dunn should be removed from the
" Office of Receiver General;' whereas, if your Lordship will be so good as to
" refer to my Despatch on the Subject, it will appear that I never recommended
" that Gentleman's Removal, on the contrary, that I earnestly requested your
" Lordship *not* to remove him until I found him associated (vide Proposal to
" appoint Commissioners on the Part of Upper Canada to meet Commissioners
" on the Part of the Lower Province) with Mr. Papineau and Mr. Bidwell,
" when I merely retracted the above Recommendation, leaving it entirely to
" your Lordship to deal with him as you might think proper.

" My Lord, I could continue these Observations further, and I could show
" your Lordship the mischievous political Effect they produced, in the Canadas
" as well as in England, of causing every body to believe that I was dis-
" countenanced by His Majesty's Government, to whose Interests, Honour,
" and Policy I had never been faithless for a Moment. But I will say no
" more on the Subject; I dismiss it from my Mind and from my Memory.

It being very desirable that I should secure the Services of my presiding Councillor, the Hon. R. B. Sullivan, a Lawyer of considerable Eminence, who, of course, could not devote to me his whole Time for the Councillor's Salary of £100 a Year, I gave him an Appointment, which, as he immediately quitted his Profession, I requested might be confirmed. A technical Objection was immediately raised in your Lordship's Office to this Recommendation, and though I earnestly repeated it, yet Mr. Sullivan's Appointment has not, at the Expiration of Fourteen Months, even yet been confirmed.

I have now to proceed to your Lordship's Despatch No. 200, dated 14th July 1837, in which I learn that Her Majesty's Attorney and Solicitor General of this Province, both of whom were lately appointed by me, have not been confirmed by your Lordship. My presiding Councillor and both my Law Officers

Officers thus stand at this Moment before the Public in the equivocal Situation of having been countenanced by me and of having been discountenanced by the Colonial Office, the Moral of which evidently appears to the Public to be, that His Majesty's Government has no Confidence in the Lieutenant Governor of this Province.

My Lord, I refer with Satisfaction to the Despatches I had the Honour to address to your Lordship on the Subject of the late Law Appointments, as my Conscience tells me that the difficult Duty I was there called upon to perform was executed with Caution, Reflection, and strict Impartiality. With respect to the Attorney General, whose Feelings at this Moment must be suffering severely from the Indignity which has so publicly been offered to him, I find from your Lordship's Despatch, that although it is admitted, that as the late Solicitor General of the Province, Mr. Hagerman, had a Claim not to be passed over on the Promotion of Attorney General Mr. Jamieson to be Vice Chancellor (an Appointment which your Lordship has confirmed), although your Lordship acknowledges Mr. Hagerman's private and public Merits, as also that as Solicitor General he has afforded me the utmost Support and Co-operation, in spite of all this, and I must respectfully add in spite of the Shock which the marked Disapproval of the Colonial Minister gives to my Administration, yet Mr. Hagerman's Promotion has been publicly stopped, merely because, in some Resolutions passed by the Congregation of a single Church of a single Town in this Province, it was printed in the Newspapers, that in a religious Discussion in the House of Assembly he uttered an Opinion concerning the Rights of the Church of Scotland which was illegal.

My Lord, the Story of Mr. Hagerman's Conduct on the great Subject of the Clergy Reserves was shortly as follows:

When that Question was about to be brought before the Assembly I foresaw it would give rise to a most angry Debate, which would probably end in nothing.

I therefore, although I had no precise Instructions on the Subject, determined to use all the Influence in my Power to help the Question to a Conclusion; and I accordingly determined to recommend that the Reserves should be divided among the Churches of England, Scotland, Rome, and Wesleyan Methodists, in the Proportions which the Population of those great Sects, relatively bear to each in the Mother Country.

On submitting this abstract Proposition to Mr. Hagerman, he at once assented to the Church of England, the Church of Scotland, and the Methodists sharing the Reserves, but he avowed to me that unless strong Arguments were adduced he could not conscientiously be the Advocate of the Roman Church.

The more I argued in favour of that Part of my Proposition the more did Mr. Hagerman urge his Objections to it; and I can truly add, the more did I respect him for doing so. He firmly adhered to his Opinion; but he concluded by observing, that though he could not promise to vote in favour of the Catholics, yet for my sake he would retire from opposing their Admission.

I conceive that on a Question of Conscience Mr. Hagerman ought not to have done more than he did. However, after all, the Proposition never came to a Division.

Finding that Party Feeling was running so high that it was impossible for any Man breathing to guide it, I became of opinion that it would be prudent to abandon the Contest, by placing the Reserves at the Disposal of His Majesty, or, in other Words, by re-uniting them in the Crown.

This Proposition I explained to Mr. Hagerman, who brought it forward in the House of Assembly, advocated it most ably, and failed in carrying it only by One Vote.

The great Discussion having thus failed, it was therefore abandoned in Despair by all Parties; but a Memorial was addressed to the House of Assembly by the Ministers, Elders, and Congregation of Lancaster in connexion with the Church of Scotland, complaining that "there appeared to have been an "organized System pursued by the different Provincial Administrations of "thwarting them in the Attainment of their just and legal Rights;" that the Endowment of the Fifty-seven Rectories was "unjust, illegal, and unconstitu-"tional;" and "that your Memorialists complain especially of the Power "which the Act under which these Rectories have been established gives to "the Church of England of lording it over our Consciences, and exercising a

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" spiritual Tyranny over us, to which, as conscientiously attached to the " Doctrine, Discipline, and Worship of the Presbyterian Church, we cannot " submit."

It was impossible for any one acquainted with the religious Feelings which existed at that Moment in the House of Assembly to read the Language of this Petition without foretelling that it would be productive of a violent religious Debate, and accordingly as soon as the Subject was broached the Conflict began. Sometimes the Scotch got uppermost, sometimes the English; but what was ejaculated by either I believe no Man living can declare. However, it happened that Mr. Mackenzie's Newspaper came out the next Day, and as he is not only a Scotchman, but one of Mr. Hagerman's bitterest Enemies, your Lordship may easily conceive that Mr. Hagerman's Speech was purposely and mischievously made as offensive as possible to the Scotch.

As I never do read the Debates, which I know to be inaccurately reported, I have not the most distant Idea of what was published on this Subject, but I understand it was transferred from Mr. Mackenzie's Paper to others, and the Consequence was, that the Congregation of Saint Andrew's Church in the Town of Kingston, at an Evening Meeting, passed Ten Resolutions, Two of which censured the Solicitor General, Mr. Hagerman, for the incorrect Statements and intemperate Language he had been declared to have uttered respecting the Church and Clergy of Scotland.

I have now detailed to your Lordship Mr. Hagerman's Conduct as regards the great Question of the Clergy Reserves, and I cannot but feel most deeply the Treatment he has received.

Mr. Hagerman's whole Life in this Province has been one of Loyalty to his Sovereign, and of devotional Attachment to the Mother Country.

In the Field, as well as on the Floor of the House of Assembly, he has done his Duty; and while the Republican Majority was against him, Night after Night was he seen fearlessly standing as Solicitor General of the Province against Language which would have disheartened almost any Man.

On the Promotion of the Attorney General he naturally looked for Distinction and Reward; but it is sickening to the Heart to observe that all his Services have been forgotten, and that he has been publicly discountenanced by the Government he had joined, for no other Reason than because by some Channel or other, a Newspaper Account of a common religious Squabble, was allowed to enter the Colonial Office.

My Lord, the very Man, Mackenzie, who published the Statement to which I allude, is known to every one to be the Disseminator of Falsehoods of the grossest Description, and I have no Hesitation in saying that no Man's Character or Promotion is safe in this Province if Extracts from his Paper are to be received in the Colonial Office as Evidence of Guilt.

But, even supposing that the Speeches of the Members of the House of Assembly were correctly reported, surely it cannot be desirable to establish as a Precedent that every Word that in the Heat of Debate may be uttered by a Member on the Floor of that House flies to the Colonial Office, to arise in Judgment against him if ever he be recommended for Reward.

I respectfully submit, that your Lordship should look to the Lieutenant Governor, and not to the Editors of Provincial Newspapers, for the Fitness and Character of an Attorney General to the Crown.

But in this particular Case of Mr. Hagerman a most singular Circumstance has occurred. The Statement concerning the Rectories, submitted by your Lordship for Opinion to the Crown Officers of England, has completely overlooked Lord Bathurst's Despatches of the 2d April 1818 and of the 22d July 1825, which contain the very Authority in question.

The Decision of the Crown Officers of England is consequently erroneous, and on referring to the Despatches in question your Lordship will at once perceive that what they declare to be " not valid or lawful " is in fact both one and the other.

This Error may throw the whole of this Province into Commotion; and I mention this Circumstance as a strong Proof, that as Mistakes even in deliberately written Documents must occasionally occur, how hard it is to punish the Attorney General of Upper Canada for an illegal Opinion which is merely reported in a Newspaper to have escaped him in the Anger of Debate, and which after all *he denies to have uttered.*

I have

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I have already stated to your Lordship, that I have only official Acquaintance with Mr. Hagerman, but I deeply feel for him, because I know him to have served faithfully, and it is my Duty to protect those who have honestly served the King's Government.

Of the Honourable W. H. Draper, who is also another public Sufferer from this Newspaper Report, I have but little to say, as your Lordship has just had an Opportunity of judging for yourself how far the Description I have given to your Lordship of this Gentleman is correct.

He has said not one Word to me on the Subject of his Appointment to be Solicitor General not having been confirmed, but I know that he must feel deeply mortified.

As far as regards my Government, the Non-confirmation of my Law Officers shakes it to the Foundation. It encourages the Republicans; it disheartens the Constitutionists.

The Despatch in which your Lordship informs me of the Reasons which have arrested the Appointments of Attorney and Solicitor General of this Province concludes by your Lordship announcing to me the Desire of His Majesty's Government that Mr. Marshall Spring Bidwell, the Leader of the Republican Party of this Province, should, contrary to my Recommendation, be raised to the Bench.

My Lord, among the various difficult Duties which I am called upon to perform there is no one which requires cooler Judgment than the impartial Selection of Individuals for Office. The Duty is at all Times invidious, but there is no Part of it more painful to my Feelings than the bad Custom which exists of giving a Description of the various Individuals to His Majesty's Government; and I have often almost determined to request, that so long as Confidence be reposed in me my Appointments may be confirmed on the Faith of my Recommendations.

To describe behind his Back the Character of every Individual selected as well as rejected for Office, to point out the Qualifications of the one, and to record for ever the Failings of the other, is an Occupation revolting to my Feelings; for however violently a Man may have opposed the King's Government, to paint all his Faults, to delineate all his Weaknesses, and to make Accusations against him which I know he has no Power to contradict, is a Service which I think no Man of Honour should ever be called upon to perform.

In the Case of Mr. Bidwell I drew his Character to your Lordship with a light and I may say a feeling Hand. I wished to avoid saying more of him than was absolutely necessary to show your Lordships that I had sufficient Reason for not having selected him for Promotion. I accordingly acknowledged Mr. Bidwell's Ability and moral Character, but added, "yet anxious "as I am to give to Talent its due I cannot but feel that the Welfare and "Honour of this Province depend on His Majesty never promoting a disloyal "Man. I therefore consider that publicly to elevate Mr. Bidwell to the "Bench would deprive me of the Respect and Confidence of the People of "this Province."

I certainly considered that the whole Tone of my Observations respecting Mr. Bidwell would have satisfied His Majesty's Government, that in not selecting him for Promotion I had reluctantly performed a necessary Duty; however, having failed in my Expectations, I have now to detail to your Lordship Circumstances respecting this Gentleman which it is most painful to me to record.

Mr. Bidwell's Father, who was a prominent Member in Congress, was long distinguished in the United States for his Detestation of Great Britain. After having taken the Oath of Allegiance to the Republic, and of abjured Allegiance to the Crown of England, it became necessary for him, on account of Conduct which I need not relate, to abscond from Justice, and being in consequence outlawed by the States, he became an Inhabitant of Upper Canada.

On being called upon by Sir Gordon Drummond, during the Invasion of this Country by the Americans, to take the Oath of Allegiance to our Sovereign, he at first refused, claiming to be a natural-born British Subject; but it being resolutely required of him, he did so, protesting, however, to the Magistrate that the Oath was not binding, inasmuch as it had been compulsory; and on being returned as a Member of the Provincial Parliament he

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was expelled, and never re-elected. To the last Hour of his Life his Hatred to the British Constitution was consistent and unchanged.

His Principles were inherited by his Son, whose Talents, as your Lordship perfectly well knows, have been unceasingly exerted in endeavouring, by subverting the Constitution, to dethrone our Sovereign from this Portion of his Dominions. He has been the untired Advocate of Republican Government, and by his Ability and by his Eloquence he rose to become the Leader of the Republican Party, and eventually he became Speaker of the House of Assembly. Whenever he had an Opportunity of expressing his Sentiments they were in favour of an Elective Legislative Council,—of an Executive Council responsible to the People; and just as I was arriving in Upper Canada he declared in the House of Assembly "that the King had insulted the Legis- "lature by appointing Commissioners to inquire into the Affairs of the "Province."

In his Capacity of Speaker he delivered to me, to be transmitted to the King, one of the most insulting Addresses that ever has been offered to the British Sovereign. It declared that I was "despotic," "tyrannical," "unjust," "deceitful;" that my Conduct had been "derogatory to the Honour of the King,"—"demoralizing to the Community;" and that I had treated the People of this Province as being "little better than a Country of Rogues and "Fools."

Not satisfied with this, Mr. Bidwell, on the last Night of the Session, presented to the House of Assembly a traitorous Communication addressed to him from his Fellow Labourer and Colleague Mr. Speaker Papineau. This Letter impeached the King's Ministers, accused your Lordship of "Arro- "gance," termed the Royal Commissioners the King's "deceitful Agents," and was altogether of a purely rebellious Character.

On my dissolving the Parliament, and appealing to the People of Upper Canada for Redress, they completely overturned the Republican Party in general, and Mr. Bidwell in particular. In vain he attempted to retain his Station, but he was driven by the People, not only from the Speakership, but from the House of Assembly itself; in fact he actually lost his Election.

My Lord, the whole of the above Facts are known to your Lordship; and yet, in the very same Despatch in which I learned that the Promotion of His Majesty's Attorney and Solicitor General has, after a whole Life of Loyalty and Devotion to our Sovereign, been arrested from a Newspaper Statement of an erroneous Opinion said to have been uttered in the Heat of a religious Debate, I am informed that, in opposition to my Recommendation to the contrary, it is the Wish of His Majesty's Government that Mr. Bidwell should be raised to the Bench!

In my former Despatch on this Subject I submitted to your Lordship, that "publicly to raise Mr. Bidwell to the Bench would deprive me of the Respect "and Confidence of the People of this Province, the Welfare and Honour of "which" I added "depended on His Majesty never promoting a disloyal "Man."

To these Principles and Opinions I respectfully but unalterably adhere, and nothing is therefore left for me but to declare to your Lordship with the deepest Regret, that so long as I remain Lieutenant Governor of this Province I will never raise Mr. Bidwell to the Bench; and I think it proper to confess to your Lordship, that I have at this Moment Two Appointments to make of King's Counsel, neither of which can I conscientiously bestow upon that Gentleman, who has not, as your Lordship seems to conceive, "at least for the present "*withdrawn himself* from political Strife," but who in a moral Conflict has been forcibly driven from the Field. Seeing that I have prevented him from becoming President of the Republican State of Upper Canada, he might now no Doubt be happy to become a Judge under the Monarchy.

I know that he expresses his Regret at having written to your Lordship a Letter of Accusations against me, which when called upon by your Lordship's Desire to furnish me with a Copy of he deemed it prudent to decline, but he has never yet publicly recanted his Principles or disavowed his Party, and his Name is at this Moment appearing uncontradicted in the Radical Newspapers of this Province as follows:

"Resolved, That reposing the greatest Confidence in our Fellow Citizens, "John Rolph, M.P.P.; Marshall S. Bidwell; T. D. Morrison, M.P.P.; James "Lesslie;

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to
Lord Glenelg,
10th Sept. 1837

" Lesslie; James Price; John Tims, and Robert M'Kay, Esquires, we do " hereby nominate and appoint them Members of the Provincial Convention " for the City of Toronto. Carried unanimously and by Acclamation."

I have now to reply to your Lordship's Despatch No. 158., dated 5th of April 1837, respecting Mr. G. Ridout, which involves constitutional Principles of the same vital Importance as those which relate to Mr. Bidwell.

Mr. Ridout's Case is shortly as follows: On the 12th of July 1836 my Secretary addressed to Mr. Ridout a Letter, of which the following is a Copy:—

" Sir, Government House, 12th July 1837.

" I am commanded by the Lieutenant Governor to call your Attention to the enclosed printed Address, which has lately been widely circulated by and " on behalf of" a Society of which it appears you are an active Member.

" The Lieutenant Governor desires me to observe that the Language contained in that Address has hitherto remained unnoticed by him, only from his Determination not to interfere with that public Verdict which he felt confident the Country would clearly express; but as the Elections are now over, His Excellency considers, that in order to maintain the happy Constitution of this Province inviolate it is absolutely necessary, in obedience to the King's Instructions, that no Person should be permitted to retain any Office of Trust or Confidence under the British Government who attempts (however unsuccessfully) to insult the Lieutenant Governor of the Province by Language such as is contained in your Society's Address. His Excellency therefore deems it his painful Duty to direct me to inform you that His Majesty has no further Occasion for your Services as Judge of the Niagara Court and Justice of the Peace.

" I have, &c.
" J. Joseph."

" George Ridout, Esquire,
&c. &c.

On the 12th of September 1836 I transmitted to your Lordship a Memorial from this Gentleman, complaining that he had experienced unjust Treatment from me in having been dismissed from the Situations of Judge of the District Court of Niagara, of Justice of the Peace, and of Colonel of Militia. Conceiving that your Lordship had Confidence in my Character and Judgment, and having neither Time nor Inclination to detail the many Reasons which had induced me, after mature Deliberation, to determine on Judge Ridout's Dismissal, I deemed it sufficient merely to inform your Lordship, that " on the 27th March " last Mr. George Ridout, heading the Deputation, read that Address to me " from a public Meeting held at the City Hall by Dr. O'Grady (Editor of the " Correspondent and Advocate) and others, which I forwarded to your Lord- " ship on the 6th April 1836, in my Despatch No. 24.

" Shortly afterwards Mr. Ridout made a Declaration, which became the " Subject of general Conversation, that in the event of his being dismissed by " me from Office "*I should deserve to be tarred and feathered, and that he would* " *lend a Hand to do so.*"

" In one of the public Offices at Toronto he declared that we must or should " have "War to the Knife."

" Mr. George Ridout was a frequent Attendant as well as Speaker at the " Constitutional Reform Society, from which was widely circulated a printed " Address signed by Dr. Baldwin, of which the following is an Extract:

" *It is our Duty solemnly to assure you, that the Conduct of Sir F. B. Head* " *has been alike a Disregard of Constitutional Government and of Candour* " *and Truth in his Statements.*"

" Mr. Ridout declares that he is not a Member of this Society; yet from his " frequent Attendance and speaking at the Meetings of this Society, before as " well as after it had, for mere electioneering Purposes, changed its Name " (only a few Weeks ago) from the " Alliance" to the " Constitutional Reform " Society," I felt I had a Right to consider him as an active Member.

" Previous, however, to declaring him to be such, I took the Precaution of " obtaining a legal Opinion on the Subject, which was, that Mr. G. Ridout " most decidedly *did* appear to be an active Member of the said Society.

" It is perfectly true that old Mr. Ridout was a loyal, gentlemanlike, and " estimable Man; and it was from a benevolent Desire to reclaim Mr. George

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" Ridout his Son from Radical Principles that the Situations he held were " successively heaped upon him by Sir Peregrine Maitland and by Sir John " Colborne ; but the more he was favoured the more violent he became ; and " when as a Judge and Colonel of Militia he talked about tarring and feather- " ing the King's Representative, I considered that it was my Duty to inform " him that His Majesty had no farther Occasion for his Services.

" I may add, that shortly after my Arrival here I myself took a great deal " of Trouble to endeavour to reclaim Mr. George Ridout, and kindly to per- " suade him of his Errors, but in vain."

In reply to the above Communication, which contained an Outline of the Charges against Mr. Ridout, as well as of what he had alleged in his Defence, your Lordship was pleased to command me to replace Mr. Ridout in the various Employments from which he had been removed.

It being utterly impossible for me to obey this Order and retain my Authority in the Province, I immediately addressed to your Lordship a very long Despatch, No. 13., dated 6th of February 1837 (to which I particularly beg leave to refer), showing your Lordship that, far from having acted hastily, I had not dismissed Judge Ridout until I had consulted and received the concurrent Advice of the Attorney General of the Province as also of my Executive Council.

I also referred your Lordship to an extraordinary Document in my Favour transmitted by the House of Assembly, not only to your Lordship but to both Houses of the Imperial Parliament, of which the following is an Extract:

" Few Governors of a Colony were ever placed in Circumstances of greater " Difficulty than those which assailed Sir Francis Head within Three Months " of his assuming the Government of the Province ; and it is perhaps not too " much to say, that no Man could have met those Difficulties—*ungenerously* " and *unreasonably* thrown in his Way—with more Temper, Firmness, and " Judgment than he did."

My Despatch contained many other Documents, all supporting me in the Course I had adopted. However, after having maturely considered this Evidence, your Lordship was pleased again to reply, that "you felt it your Duty " still to withhold your Approbation of the Measures adopted in Mr. Ridout's " Case."

It is useless for me to argue any longer with your Lordship or with Mr. Ridout on the Subject, Mr. Ridout resting his whole Defence upon Two Quibbles ;—

1st, That he was not *a Member* of the Constitutional Reform Society, which I have always admitted, having merely said that by constantly attending and speaking there he *appeared* to be a Member ; and, 2dly, That he opposed the Name of the Society being changed from the " Alliance Society" to the " Constitutional Reform Society ;" which latter Argument, as I have already explained to your Lordship, is the same as if a Clergyman, on being expelled by his Bishop for attending an irreligious Meeting, were to prove that he had opposed the Society becoming " *deistical*" because he had wished it to remain " *atheistical*."

I have no further Accusations to make against Mr. Ridout. I have nothing further to urge against what he has said in his Defence ; but having, as Lieutenant Governor, by the Advice of my Council, selected him for Punishment as the most intemperate of my Opponents, I feel it necessary, as in the Case of Mr. Bidwell, respectfully but explicitly to declare to your Lordship, that so long as I am deemed competent to be Lieutenant Governor of this Province I decline to have any further Communication with Mr. Ridout, and decline to restore him to the Stations from which I have removed him.

My Lord, I have many Subjects similar to those which I have already introduced, but will trouble your Lordship with only One more, namely, your Lordship's Despatch dated 6th June 1837, in which I am censured by your Lordship for not having sent Mr. Dunn to England with my Despatches respecting the monetary Affairs of Upper Canada, instead of the Honourable W. H. Draper, a Member of my Executive Council.

Your Lordship is already aware that Mr. Dunn, as a Member of my late Executive Council, signed that hostile Document which involved me in one

of

of the greatest Struggles recorded in the Colonial Office, and that he was subsequently appointed by the late House of Assembly as an Associate with Mr. Bidwell and others to meet Mr. Papineau and others on the Part of Lower Canada.

I have never complained to your Lordship of Mr. Dunn, or have ever shown him any Feeling of Hostility; but to have selected him out of the whole Province as a Messenger to your Lordship, in preference to the confidential Members of my own Council, would have been an Act of Inconsistency which would have deprived me of the Confidence of this Country.

It was with Regret I observed, that after I had sent from Upper Canada to your Lordship Mr. Draper as a Member of my Government possessing my Confidence, that Gentleman should have been allowed to return without being the Bearer to me of a single Line from your Lordship on the Subject of his especial Mission, or on any other Subject, and yet that Despatches in which Mr. Draper himself was particularly concerned and even named were given to a Military Officer who was a Passenger in the very same Packet with Mr. Draper.

It is perfectly well known in your Lordship's Office, that in a Colony very considerable Importance is assumed by any one who has the Honour to be the Bearer of your Lordship's Despatches to the Lieutenant Governor, and I need not say that these Despatches having been withheld from my Executive Councillor and given to another form one of the Proceedings of the Colonial Office which to the People of this Province appears as if it were intended purposely to discountenance my Administration.

My Lord, I have now finished my Statement, and although I am sensible it may offend your Lordship, yet I have the Consolation of reflecting that I have acted on the defensive solely for the Benefit of this noble Province.

I have no Complaints whatever to make against your Lordship, whose Intentions I am perfectly confident are pure and just; but it is impossible for me to observe the Support which, not only in this Province but elsewhere, is invariably given to the Republican Party, and the Discouragement which is shown to the Supporters of the British Constitution, without becoming of opinion that in the Colonial Office an invisible Republican Influence exists, under which Governor after Governor has succumbed.

It may be said, that no one of the Statements I have made, taken separately, supports so serious an Accusation, and freely I admit it; but I ask your Lordship to consider whether the innumerable official Obstructions which have been found in my Path could all possibly have come there by Chance.

Whatever may be the Opinion of His Majesty's Government on this Subject, I do declare to your Lordship that I join the loyal British Population of the Canadas in believing that such Obstructions have been intentional, and that any Governor who acts as I have done, although he may receive Honours from his Sovereign and Thanks from the Colonial Minister, will experience, as I have done, an intangible Power, which, though it never looks him in the Face, will unequivocally decree—

"I will drain him dry as Hay:
"Sleep shall, neither Night nor Day,
"Hang upon his Pent-house lid;
"He shall live a Man forbid;
"Weary Seven Nights, Nine times Nine,
"Shall he dwindle, peak, and pine."

My Lord, I can truly say that my Spirits as well as my Strength are worn out by the minute Vexations I have met with; and among them there is nothing that I feel more deeply than the Mortification which those who have faithfully served the King's Government are now feeling at the public Non-confirmation of their Appointments. I am not writing under the Influence of Temper; but my Judgment warns me that it is impossible for any Government on Earth to be carried on without the Maintenance of a firm and consistent System of Rewards and Punishments, and that if the Colonial Office reward those I punish, and punish those whom I reward, my Authority here as well as my Character must be ruined. I have not been hasty either in my Opinions

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or in my Measures, for from the Moment of my Arrival to the present Day my Despatches have invariably expressed to your Lordship Sentiments such as are contained in the following Extract, which was addressed to your Lordship Seventeen Months ago :—

"It is out of my Power to describe to your Lordship, without the Appearance "of Exaggeration, the Joy and Gladness expressed to me by all Parties at the "constitutional Resistance I have made. But I will not conceal from your "Lordship that there is One Question at this Moment in almost every body's "Mouth, namely, "*Will the Lieutenant Governor be supported by the Home "Government?*" "He never will!" say the Radicals. "We fear he will "not!" say the Constitutionists.

"Your Lordship has to settle this Question, and, in my humble Opinion, upon "your Decision rests our Possession of the Canadas."

With the deepest Regret I have at last been driven deliberately to refuse to carry into effect your Lordship's Instructions; and having done so, and having avowed Opinions hostile to the Colonial Policy, but which I can assure your Lordship are accompanied with no angry Feeling towards any Man, I feel it to be a Duty which I owe to your Lordship as well as to myself, respectfully to request that your Lordship will be pleased immediately to tender to His Majesty my Resignation of the Station which I have the Honour to hold.

My Lord, I belong to no political Party in England, and even if I did the British Distinction between Whig and Tory, like our London Fog, does not cross the Atlantic. The Two Parties here are Constitutionists on the one Side, and Democrats on the other. The Dispute on this Continent is, not as it is in England, which of Two Parties shall obtain the Honour of conducting the Government of their Sovereign, but here the great Mass of Society is striving to secure to their Children the Blessings of the British Constitution, which a small Party, from self-interested Motives, is endeavouring to pull down.

I have with Attention personally observed the Effects of Democracy in both Continents of America; and having Reason to feel deeply attached to the People of Upper Canada, I have determined for their Welfare to do all in my humble Power to arrest a Course of Policy which in my Opinion has long tended to the Subversion on this Continent of British Institutions.

No one can read an Account of the early Stages of the American Revolution without being struck with the Resemblance of much that we now witness to that unfortunate Period of our History.

It was then a capital Error in the Government of the Mother Country that they seemed to believe the Americans to be sincerely contending for the single Object of Freedom from Taxation by the British Parliament, and they imagined that by renouncing that Power, and by disabling themselves (by 18 Geo. 3.) from receiving Money in the Colonies, even for the necessary Support of the Government, they would overcome all Difficulties; but it was soon evident that the Outcry raised about Taxation was but the Means to another End; Separation from the Mother Country was from the first the self-interested Object of the few ruling Demagogues who gave the Impulse, and they persevered just as resolutely *after* their ostensible Ground of Difference had been removed as before; the Government soon learned that their Measure of Conciliation availed them nothing.

So here, in our own Time, the Government has gone back Step by Step for Years, giving Ground before the Pretensions of Mr. Papineau and the Assembly, however insolently advanced, weakening by each Concession the Confidence of the King's loyal and attached Subjects, and encouraging as well as strengthening an unprincipled Faction, avowedly hostile to British Rule; no Approach to an amicable Adjustment has followed any or all of these Concessions; on the contrary, they have been so many unprofitable Sacrifices of Principles and Usages necessary to the Maintenance of good Government, and at the last an End is arrived at, when the King's Ministers are reduced to choose between an unequivocal and direct Violation of the Colonial Constitution, or an Abandonment of the Power of governing.

A firm

A firm Determination early evinced to yield nothing to Clamour, to surrender nothing for the mere sake of Conciliation, would have secured to the Government the Respect of all Classes, and would have averted the Necessity of resorting to Measures which admit, in Principle, of no Defence.

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Sir F. B. Head
to
Lord Glenelg,
10th Sept. 1837.

No. 54.

(No. 100.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

Government House, Toronto, Upper Canada,
11th September 1837.

My Lord,

I HAVE the Honour to forward to your Lordship a Copy of a Letter from the Attorney General in reply to a Letter addressed to that Officer by my private Secretary, transmitting an Extract from your Lordship's Despatch of the 14th of July last, No. 200.

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Sir F. B. Head
to
Lord Glenelg,
11th Sept. 1837.

I have, &c.

The Right Hon. the Lord Glenelg, F. B. HEAD.
&c. &c. &c.

Enclosure in No. 54.

Sir, Toronto, 7th September 1837.

Enclosure.

I have the Honour to acknowledge the Receipt of your Letter of this Day's Date, enclosing me an Extract from a Despatch addressed by the Right Honourable Lord Glenelg, Her Majesty's Secretary of State for the Colonies, to His Excellency the Lieutenant Governor, transmitting Copies of certain Resolutions adopted at a Meeting of Members of the Church of Scotland in Kingston, in which Opinions are ascribed to me as having been expressed in my Place as a Member of the Provincial Legislature during the last Winter's Session relative to the Claims of the Church of Scotland to a Participation in the Clergy Reserves in this Province under the Act of the Imperial Parliament of 1791, and which his Lordship states widely differ from the View taken of the Subject by Her Majesty's Government, supported by the Opinions of the Law Officers of the Crown, in 1819; and in which I am further informed, that his Lordship suspends his Opinion as to the Propriety of my Advancement to the Office of Attorney General until I shall have had an Opportunity of offering any Explanations which I may desire to give with reference to the Subject.

With reference to the Matter contained in the Resolutions alluded to, it will, I trust, be considered sufficient for me to say, that they are founded on an unauthorized Report of a Debate in the House of Assembly, which appeared in a Newspaper published in this City, which Report is known to be most incorrect, and to have been published in an exaggerated and extremely offensive Form, for the express Purpose of creating unpleasant Feelings among a particular Class of Persons. With respect to myself, it imputes Language to me I never used, and Sentiments and Opinions I utterly repudiate.

In addition to this distinct Denial I can only broadly and plainly declare, that, so far from having placed myself in opposition to the Views entertained by Government on the Subject of the Clergy Reserves, (and which Views I believe I have always fully understood,) I have done every thing in my Power to advance them, and give them full Effect; and this I shall continue to do, whether I am in Office or not, from a full Conviction that by doing so I shall best consult the Interests, Peace, and Welfare of my native Country, and preserve and strengthen the Attachment of its Inhabitants to the Parent State.

I have, &c.

John Joseph, Esq. (Signed) C. A. HAGERMAN.
&c. &c. &c.

No. 55.
Sir F. B. Head
to
Lord Glenelg,
15th Sept. 1837.

No. 55.

(No. 101.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Upper Canada, Toronto, 15th September 1837.

I have the Honour to transmit to your Lordship the Copy of a Second Letter (dated the 12th Instant), which has been addressed to my Secretary by the Attorney General, on the Subject of that Part of your Lordship's Despatch (No. 200., 16th July last,) which your Lordship directed should be communicated to that Officer.

With respect to the Appeal made in the last Paragraph to my personal Knowledge of Mr. Hagerman's official Conduct during my Administration of the Government, I beg to refer your Lordship to my Despatch, No. 99., of the 10th Instant.

I have, &c.

The Right Hon. the Lord Glenelg, F. B. Head.
&c. &c. &c.

Enclosure.

Enclosure in No. 55.

(Copy.)

Sir, Toronto, 12th September 1837.

The deep Mortification which it is reasonable to suppose I experience at the Delay that has occurred in confirming my Appointment to the Situation His Excellency the Lieutenant Governor has been pleased to confer on me, and the Reasons assigned by the Right Honourable the Secretary of State for the Colonies for that Delay, induces me to address this Letter to you in addition to the one I had the Honour to transmit on the 7th Instant, containing a particular Reference to the Extract from Lord Glenelg's Despatch of the 14th July last which his Lordship desired should be sent to me for any Observations I might have to make upon it; and I trust His Excellency will do me the Favour of transmitting a Copy of this Communication, as well as of my former one, to the Secretary of State.

I have for the last Twenty-five Years filled different public Offices in this Province, all of them of Trust and Confidence, and for Half that Period I have been employed in Situations that have brought me under the immediate Notice of and in constant personal Communication with the different distinguished Individuals who have been selected by successive Sovereigns to fill the important Office of Governor of the Province; and I have the Gratification of being able to say, that, so far from having given Dissatisfaction to any one of these Officers, they have each of them considered me worthy their Protection, and manifested a Desire for my professional Advancement; and I may venture to add, that no Office that has at any Time been conferred upon me has given Dissatisfaction to my Fellow Subjects or to the great Body of the People of any Creed or Party.

It is true that during the Time referred to I have sometimes experienced Inconvenience and Mortification from the Misrepresentations of those whose Measures and Policy I was bound as a Subject and Servant of the Crown to oppose, but on these Occasions Justice was eventually done me, as I have no Doubt will be done me now.

For the Purpose, however, of more clearly proving, by Evidence that admits of no Dispute, the Principles by which I have been guided as well in my Situation of one of the Law Officers of the Crown as that of a Representative of the People, I beg to transmit Extracts from the Journals of the Assembly, by which it will be best seen whether I have been desirous of retarding or of advancing the Policy of Her Majesty's Government with respect to the Affairs of this important Colony.

The Extract No. 1. is the Copy of a Resolution moved by me during the *last* Session of the *late* House of Assembly, and has reference not only to the Instructions of which His Excellency was the Bearer to this Country, but also to a Despatch sent out by Lord Ripon (then Lord Goderich) when Secretary of State for the Colonies. This Resolution I moved for various Reasons: *First*, to induce, if possible, the House of Assembly to declare their Confidence

dence in the Justice and Impartiality of His then Majesty's Government; *Secondly*, to remove Doubts, if any existed, as to my Sincerity and that of my Friends to act in concert with and give an earnest Support to the Measures and Policy of Government; and *Thirdly*, to give an Opportunity the most public and ample to such of my Opponents as were then present to sustain any Charge showing that the Resolution thus proposed was inconsistent with my Conduct on any former Occasion. It was the only Opportunity that had been afforded me of meeting this Question before the Public, and where the Truth was best known and most easily proved, and I availed myself of it, knowing that I was in the Presence of my Opponents, and that they commanded a large Majority of the Members of the House. The Resolution was negatived, and the Yeas and Nays will show who resisted and who supported a Proposition which, if my Measures had been adverse to Government, must have led, and at my own Instance, to my immediate Dismissal from Office.

The Extracts Nos. 2., 3., and 4., present the best Evidence I can give of my sincere Desire to bring to a safe and amicable Settlement the perplexing Question of the Clergy Reserves, and my Readiness to confide the Subject *unconditionally* to the Decision of Government.

With respect to what occurred in Debate on different Occasions, I can only say, in addition to the Declaration contained in my Letter of the 7th Instant, that I have always endeavoured, and I think successfully, to confine myself to a Defence of Rights that have never been disputed, without attacking the Claims of other Parties. I could say much more in vindication of my Conduct in this Particular, but I deem it unnecessary, and forbear. The Members of the House of Assembly who are Adherents of the Church of Scotland, have never charged me with Want of Generosity towards them.

In conclusion, I beg respectfully to observe, that although His Excellency the Lieutenant Governor has not been in this Province for a very long Period of Time, Events have occurred during his Government of as much political Importance as any that ever took place in the Colony, and in which it became my Duty (at Times a thankless and unpleasant one) to take a somewhat prominent Part. My Intercourse with His Excellency has been of a purely official Character, but he has had Opportunities of judging how far my humble Endeavours have tended to preserve the just and constitutional Authority of the Crown, and to bring about that State of Contentment and Peace which may be said now universally to prevail; and His Excellency has moreover had ample Means of learning my past History as a Subject and Servant of my Sovereign. I am sensible that he will do me Justice, and I ask no more.

I have, &c.

(Signed) C. A. Hagerman.

Extracts from the Journals of the House of Assembly of Upper Canada.

Extract No. 1.

Second Session, Twelfth Parliament.

5th February 1836.

Mr. Solicitor General, seconded by Mr. M'Kay, moves, in Amendment, that the Address be not now adopted, but that it be—

Resolved, That this House receives with Gratitude and Cordiality the renewed Proof of His Majesty's paternal Solicitude for the Welfare of His loyal Subjects in this Province, evinced in the Despatch of the Right Honourable the Secretary of State for the Colonies of the 5th December last; and that this House, actuated by an earnest Wish to co-operate with His Majesty in His gracious Desire to increase the Prosperity of this interesting and valuable Portion of His Dominions, will exert itself to advance and maintain the Principles of Government set forth in the Despatch referred to, as also in that of the Right Honourable the Earl of Ripon of the 8th November 1832, addressed to His Excellency Sir John Colborne; and that, fully impressed with the Conviction that an undeviating Adherence to the Spirit and Principles of those Despatches in the Administration of the public Affairs of this Province will be viewed with Satisfaction by all Classes of His Majesty's Subjects in the Colony, and

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to
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have the Effect of strengthening the Attachment now universally felt by them for His Royal Person and Government, this House earnestly hopes that His Majesty will forthwith banish from His Counsels all such Persons as shall attempt, by any Means whatever, to counteract the beneficent and gracious Instructions laid down for the Guidance of His public Servants in this Province:

On which the Yeas and Nays were taken as follows:—

Yeas. — Messrs. Boulton, Caldwell, Cornwall, Dunlop, Lewis, M'Donnell of Northumberland, M'Kay, M'Lean, Robinson, Rykert, Solicitor General, Strange, and Wilkinson - - 13.

Nays. — Messrs. Alway, Bruce, Chesser, Chisholm, Cook, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Hopkins, Lount, M'Donnell of Stormant, M'Intosh, Mackenzie, M'Micking, Moore, Morrison, Perry, Parke, Roblin, Rymal, Shaver, Small, Thorburn, Walsh, Waters, Wells, Wilson, Woolverton, and Yager - - - - 30.

The Question of Amendment was decided in the Negative by a Majority of Seventeen.

On the original Question the Yeas and Nays being taken were as follows:—

Yeas.—Messrs. Alway, Bruce, Chesser, Chisholm, Cook, Duncombe of Norfolk, Durand, Gibson, Gilchrist, Hopkins, Lount, M'Donell of Stormant, M'Intosh, Mackenzie, M'Micking, Moore, Morrison, Parke, Perry, Roblin, Rymal, Shaver, Shibley, Small, Thorburn, Waters, Wells, Wilson, Woolverton, and Yager - - - - - 30.

Nays.—Messrs. Boulton, Caldwell, Cornwall, Dunlop, Lewis, M'Donell of Northumberland, M'Kay, M'Lean, Mallock, Richardson, Robinson, Rykert, Strange, Walsh, and Wilkinson - - - - - - - 15.

The Question was carried in the Affirmative by a Majority of Fifteen; and the Address was read a Third Time.

Extract No. 2.

22d February 1836.

Mr. Solicitor General, seconded by Mr. M'Lean, moves that the Report be not now received, but that it be—

Resolved, That whereas the Right Hon. the Secretary of State for the Colonies having, in his Despatch of the 5th December last, addressed to His Excellency Sir Francis Bond Head, intimated that His Majesty would consider the constitutional Objections to the Interposition of the Imperial Government in the long agitated Question of the Clergy Reserves at an end if both Branches of the Legislature should unite in Application to that Body, to interpose its paramount Authority: And whereas all Efforts heretofore made by the Legislative Council and House of Assembly to concur in a Measure acceptable to both on this important Subject have been ineffectual, and as there is no reason to suppose that the Differences that exist between the Council and Assembly will be reconciled, it is therefore expedient to pray for the Mediation of our Gracious Sovereign, and dutifully to express our Desire that He will be pleased to recommend to the Imperial Parliament to take the Matter into its Consideration, and to enact such Laws with respect to the future Appropriation and Management of the Clergy Reserves as shall in its Wisdom be thought most conducive to the Peace and Welfare, Moral and Religious Instruction, of the People of this Province.

On which the Yeas and Nays being taken were as follows:—

Yeas.—Messrs. Boulton, M'Lean, Robinson, and Solicitor General 4.

Nays.—Messrs. Bruce, Chesser, Chisholm, Cook, Duncombe of Oxford, Duncombe of Norfolk, Durand, Dunlop, Gibson,

Gilchrist, Hopkins, Lount, M'Donell of Glengarry, M'Donell of Stormont, M'Intosh, Mackenzie, M'Micking, Malloch, Moore, Morrison, Norton, Parke, Perry, Roblin, Rykert, Rymal, Shaver, Shibley, Smith, Thorburn, Walsh, Waters, Wilson, Woolverton, and Yager - - - - - - - - 35.

The Question was decided in the Negative by a Majority of Thirty-one, and the Report was received.

Extract No. 3.

First Session, Thirteenth Parliament.

16th December 1836.

Pursuant to the Order of the Day, the House was again put into Committee on the Bill for the Sale of the Clergy Reserves.

Mr. Aikman in the Chair.

The House resumed.

The Chairman reported, That the Committee had agreed to a Resolution, which he was directed to submit for the Adoption of the House.

The Report was received.

The Resolution was then read as follows:—

* Resolved, That it is desirable that the Lands commonly called "The Clergy Reserves," and the Proceeds arising from the Sale thereof, be appropriated for the Promotion of the Religious and Moral Instruction of the People throughout this Province.

In Amendment, Mr. Rolph, seconded by Mr. Norton, moves that all be struck out after the Word "Resolved," and the following inserted: "That it is expedient to provide for the Sale of the Clergy Reserves, and the Application of the Proceeds to the Purposes of general Education, as one of the most legitimate Ways of giving free Scope to the Progress of Religious Truth in the Community."

On which the Yeas and Nays were taken as follows:—

Yeas.—Messrs. Alway, Armstrong, Bockers, Cameron, Chisholm of Glengarry, Cook, Detlor, Duncombe of Norfolk, Gibson, M'Donell of Stormont, M'Intosh, Merritt, Moore, Morrison, Norton, Parke, Rolph, Rykert, Shaver, Thomson, Thorburn, and Woodruff - - - - - - - - - - - 22.

Nays.—Messrs. Aikman, Boulton, Burwell, Cartwright, Chisholm of Halton, Cornwall, Draper, Dunlop, Elliott, Ferrie, Gowan, Hotham, Jarvis, Jones, Kearnes, Lewis, Macnab, Malloch, Manahan, Marks, M'Crae, M'Donell of Glengarry, M'Donell of Northumberland, M'Kay, Murrey, Powell, Prince, Richardson, Robinson, Ruttan, Shade, Sherwood, Solicitor General, and Wickens - - - - - - - - - - 34.

The Question of Amendment was decided in the Negative by a Majority of Twelve.

On the original Resolution the Yeas and Nays were taken as follows:—

Yeas.—Messrs. Aikman, Armstrong, Boulton, Burwell, Cartwright, Chisholm of Halton, Cornwall, Draper, Dunlop, Elliott, Ferrie, Gowan, Hotham, Jarvis, Jones, Kearnes, Lewis, Macnab, Malloch, Manahan, Marks, M'Crae, M'Donell of Glengarry, M'Donell of Northumberland, M'Kay, Murrey, Powell, Prince, Richardson, Robinson, Ruttan, Shade, Sherwood, Solicitor General, and Wickens - - - - - 35.

Nays.—Messrs. Alway, Bockers, Cameron, Chisholm of Glengarry, Cook, Detlor, Duncombe of Norfolk, Gibson, M'Donell of Stormont, M'Intosh, Merritt, Moore, Morrison, Norton, Parke, Rolph, Rykert, Shaver, Thomson, Thorburn, and Woodruff - - - - - - - 21

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* The Resolution was moved in Committee of the whole by the Solicitor General Mr. Hagerman.

James Fitzgibbon, Clerk of Assembly.

No. 55.
Sir F. B. Head
to
Lord Glenelg,
15th Sept. 1837.

Enclosure No. 3.

The Question was carried in the Affirmative by a Majority of Fourteen, and it was

Resolved, That it is desirable that the Lands commonly called "The Clergy Reserves," and the Proceeds arising from the Sales thereof, be appropriated for the Promotion of the Religious and Moral Instruction of the People throughout this Province.

On Motion of Mr. Jones, seconded by Mr. Robinson,

Ordered, That the Resolution of this House be communicated to the Honourable the Legislative Council, and their Concurrence requested.

Extract No. 4.

2d March 1837.

The Purport of this Bill was the unconditional Surrender of the Clergy Reserves to the Crown for Religious Purposes.
J. F. G.
Clerk of Assembly.

Mr. Solicitor General, seconded by Mr. Jones, moves for Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province, and that the 31st Rule of this House be dispensed with so far as relates to the same.

In Amendment, Mr. Rolph, seconded by Mr. Gibson, moves the Addition of the following Words: "And that the Consideration of the same be postponed "till next Session."

On which the Yeas and Nays were taken as follow:

Yeas.—Messrs. Aikman, Alway, Armstrong, Bockers, Chisholm of Halton, Chisholm of Glengarry, Duncombe of Norfolk, Ferrie, Gibson, M'Crae, M'Donell of Stormont, M'Intosh, Merritt, Moore, Morrison, Parke, Rolph, Rykert, Thomson, Thorburn, and Woodruff - - - - - 21.

Nays.—Messrs. Boulton, Burwell, Cartwright, Draper, Elliott, Jones, Kearnes, Macnab, Malloch, Manahan, Marks, M'Donell of Glengarry, M'Donell of Northumberland, Powell, Prince, Robinson, Ruttan, Sherwood, Solicitor General, and Wickens - - - - - - 20.

The Question of Amendment was carried in the Affirmative by a Majority of One.

The original Question, as amended, was then put and carried, as follows:—

Ordered, That Mr. Solicitor General have Leave to bring in a Bill for the Disposal of the Clergy Reserves in this Province, and that the 31st Rule of this House be dispensed with so far as relates to the same; and that the Consideration of the same be postponed till next Session.

Truly extracted from the Journals of the Assembly,

James Fitz Gibbon,
Clerk of Assembly.

No. 56.

(No. 106.)

No. 56.
Sir F. B. Head
to
Lord Glenelg,
22d Sept. 1837.

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 22d September 1837.

Referring to my Despatch No. 99, dated 10th instant, in which I stated, "that Mr. Bidwell's Name is at this Moment appearing uncontradicted in the "Radical Newspapers of this Province as a Member for the Provincial Con-"vention for the City of Toronto," I have the Honour to enclose to your Lordship an Extract from a Newspaper published this Day (September 22d), in which it appears that Mr. Marshall Spring Bidwell (who if he has not heard directly from your Lordship on the Subject has by some means or other become perfectly well acquainted with the Desire of Her Majesty's Government that he should be raised to the Bench) has just published a Letter, which I observe is antedated to the 3d of August, in which, in guarded Terms, he declines acting as Delegate to the Provincial Convention.

Nearly Seven Weeks have elapsed since Mr. Bidwell's Name was published in the Republican Newspaper as one of the revolutionary Delegates of Toronto. His

No. 56.
Sir F. B. Head
to
Lord Glenelg,
22d Sept. 1837.

His early Attention was called to it by one of the Crown Officers, who privately asked him why he allowed such a Document to stand uncontradicted? No Notice however was taken of this Suggestion until the Desire of Her Majesty's Government to raise Mr. Bidwell to the Bench reached Toronto, when, as I have stated to your Lordship, a Letter suddenly appears from Mr. Bidwell, antedated to the 3d of August, declining the revolutionary Appointment which had been conferred upon him.

I respectfully beg your Lordship to compare the above Facts with the following Extract of my Despatch to your Lordship No. 99, to which I have already referred.

" Seeing that I have prevented him (Mr. Bidwell) from becoming President " of the Republican State of Upper Canada, he might now no Doubt be happy " to become a Judge under the Monarchy."

To the Determination expressed to your Lordship on this Subject in my Despatch No. 99. I continue respectfully but unalterably to adhere.

I have, &c.
(Signed) F. B. Head.

Enclosure referred to in No. 56.

Enclosure.

To the Editor of the Constitution.

Sir, Toronto, 3d August 1837.

Having learned from a Notice in Yesterday's Paper, that I was chosen at the Meeting at Mr. Doel's on Monday Evening, as a Delegate to a Provincial Convention, I think it right without Delay to inform you, as the Corresponding Secretary named at the same Meeting, that I must beg to be excused from undertaking the Duties of this Appointment. While I feel grateful for the Confidence expressed by the Meeting in me, in common with other Gentlemen elected as Delegates, I cannot but regret that my Name should have been used without my Consent or previous Knowledge, by which I have been driven to the disagreeable Necessity of thus publicly declining an Appointment which I have no Doubt was made with kind and friendly Feelings towards me.

I have, &c.
Marshall S. Bidwell.

W. L. M'Kenzie, Esq.,
Corresponding Secretary, &c. &c.

No. 57.

(108.)

No. 57.
Sir F. B. Head
to
Lord Glenelg.
27th Sept. 1837.

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 27th September 1837.

I have the Honour to transmit to your Lordship a Copy of a Letter which I directed my Secretary to address to Mr. John Rolph, in consequence of the Instructions conveyed to me in your Lordship's Despatch No. 184, dated 25th May last.

21 Aug. 1837.

Mr. John Rolph has not (as your Lordship probably anticipated) deemed it prudent to put me in possession of a Copy of the Reasons he has given to your Lordship why His late Majesty should reconsider the Circumstances which led to the Retirement of my late Executive Council; I have therefore no Observations to offer on a Subject respecting which the House of Assembly as well as the public Voice of this Province have concurred in a Verdict under which Mr. Rolph is evidently writhing.

I have, &c.
(Signed) F. B. Head.

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

No. 57.
Sir F. B. Head
to
Lord Glenelg,
27th Sept. 1837.

Enclosure.

Enclosure referred to in No. 57.

(Copy.)

Sir, Government House, 21st August 1837.

I am commanded by the Lieutenant Governor to inform you, that His Excellency has been instructed by the Secretary of State for the Colonies to request (in case you should have neglected to do so) that you will furnish His Excellency at your early Convenience with a Copy of a Communication which it appears you addressed to his Lordship on the 21st of October last.

I have, &c.

John Rolph, Esq., (Signed) J. JOSEPH.
Toronto.

No. 58.
Sir F. B. Head
to
Lord Glenelg,
29th Sept. 1837.

No. 58.

(No. 111.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord, Toronto, 29th September 1837.

I HAVE the Honour to inform your Lordship, that I have this Day in Council issued a Minute authorizing the Commercial Bank to continue its Business notwithstanding the Suspension of its Payments.

I did not however consent to grant this Authority until the Vice President and Cashier of the said Bank had signed an Agreement to pay over immediately in Specie 37,000*l.*, the Amount of the Provincial Debentures in their Hands; and as by this Arrangement they deliver up to the Receiver General the *whole* of the Amount of Specie in their Vaults, besides the Balance which they are immediately to import from New York, the Principle which has hitherto distinguished the Banks of Upper Canada has not, I conceive, been departed from.

I enclose for your Lordship's Perusal a Copy of a Letter I Yesterday received from the Cashier of the Upper Canada Bank, which will, I think, satisfy your Lordship that no Probability exists of that Institution suspending the Redemption of its Notes.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) F. B. HEAD.
&c. &c. &c.

No. 59.
Sir F. B. Head
to
Lord Glenelg,
3d Nov. 1837.

No. 59.

(No. 119.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord, Toronto, 3d November 1837.

I HAVE the Honour to transmit to your Lordship a Copy of a Letter I have lately addressed to Sir John Colborne, which will explain to your Lordship my Reasons for desiring that the Troops may be withdrawn from Upper Canada during the present Crisis in Lower Canada.

Mr. Mackenzie has made every Exertion to get up Sedition in this Province, for the Purpose of deceiving People in England into the Idea that both the Canadas are disturbed, but he has completely failed; and as I think it of great Advantage that this Fact should not only be asserted by me, but proved, I have sent away the Troops, and have placed all the Arms (about 6,000 Stand) in charge of the Mayor and Aldermen of the City of Toronto.

The Militia has been very zealously desiring to put a Guard over them but I have insisted on their being merely under the Care of a Couple of Policemen,

No. 59.
Sir F. B. Head
to
Lord Glenelg,
3d Nov. 1837.

Policemen, and of the Inhabitants generally. I know perfectly well that there exists no Body of Men in this Province who would *dare* to attack Government Property under the Protection of the Civil Authorities of Toronto, and I therefore think that a Militia Guard, which would pre-suppose the Possibility of such an Offence, would tend to encourage rather than to deter.

I am happy to assure your Lordship that the Attempts made by Mr. Papineau's Agent, Mr. Mackenzie, have completely failed; and that I have not the slightest Apprehension that any Disturbance of Importance will be made in this loyal Province during the approaching Winter.

I have, &c.
(Signed) F. B. Head.

Enclosure in No. 59.

Enclosure.

Dear Sir John, Toronto, 31st October 1837.

On the Receipt of your Despatch of the 24th, which I received Yesterday, I immediately begged Colonel Foster to carry your Wishes into effect by sending you down the 24th Regiment. Colonel Foster told me you were good enough to propose that a Guard should be left for me and for the Stores and Commissariat, but I begged to give up my Sentry and Orderlies, and in fact to send you the whole of the 24th, which is stationed here.

I will now endeavour to explain to you the Course of Policy I am desirous to pursue. I am sure you will be of opinion that a great deal if not the whole of the Agitation which is carried on in Lower Canada is intended to have the immediate Effect of intimidating the Two Houses of Parliament in England, by making them believe that Republicanism is indigenous to the Soil of America, and that nothing else will grow there.

But Mr. Papineau knows quite well that this Assertion will not be considered as proved unless Upper Canada joins in it; and accordingly Mr. Mackenzie and his Gang, under his Directions, are doing every thing in their Power to get up any thing that may be made to pass for Agitation in the London Market.

This Province is, as far as my Experience goes, more loyal and more tranquil than any Part of England; however, this does not matter to Mr. Mackenzie, provided he can get up a few Sets of violent Resolutions, which you know very well is easily effected.

Now what I desire to do is completely to upset Mr. Papineau, so far as Upper Canada is concerned, by proving to People in England that this Province requires no Troops at all, and consequently that it is *perfectly tranquil.*

I consider that this Evidence will be of immense Importance, as it at once shows the Conduct of Lower Canada to be factious; whereas could it, under colour of a few Radical Meetings here, be asserted that the *Two* Provinces were on the Brink of Revolution, it would, as you know, be argued as an Excuse for granting the Demands of Mr. Papineau. I consider it of immense Importance practically to show to the Canadas that Loyalty produces Tranquillity, and that Disloyalty not only brings Troops into the Province, but also involves it in Civil War.

To attain the Object I have long had in view, I deemed it advisable not to retain, either for myself or for the Stores, the few Men we have been accustomed to require, for I felt I could not completely throw myself, as I wished to do, on the Inhabitants of the Province, so long as there remained Troops in the Garrison.

I cannot of course explain to you all the Reasons I have for my Conduct, but I can assure you that I have deeply reflected on it, and well know the Materials I have to deal with.

The Detachment of Artillery and the Barrack Master, who I understand is to take up his Quarters in the Barracks, will be, I believe, sufficient to take care of the Barrack Stores. The Arms I have put under the Charge of the Mayor, which I am confident will arouse a very excellent Feeling, which will immediately spread over the Province. The Military Chest will be deposited

A Non-commissioned Officer and Seven Men

No. 59.
Sir F. B. Head
to
Lord Glenelg.
3d Nov. 1837.

Enclosure.

for safe Custody in the Vaults of the Upper Canada Bank, where it will be much safer than in its present remote Situation.

I enclose you a Copy of a Communication I have addressed to the Mayor and also to Mr. Foote, which will explain the Arrangements I have made, for which I am quite prepared to take upon myself all the Responsibility I have incurred. I have now to ask you to assist me further in the Policy I am pursuing, by removing the 24th Regiment from Kingston, so as to take them out of Upper Canada; I have not the slightest Occasion for them, particularly in that Direction, where all is nothing but Loyalty; but if they remain there, the Moral I am desirous to attain will be spoiled, for it will be argued in England that all which has been done in Upper Canada is merely that the Troops have been moved from the Midland to the Eastern District. I am afraid you may find Difficulty in finding Room for them in the Lower Province, but if by any Exertion you can effect my Wishes I feel confident you will do so.

It is with Reluctance I have incurred the Responsibilities I have mentioned. I know the Arrangements I have made are somewhat irregular, but I feel confident the Advantages arising from them will be much greater than the Disadvantages.

What I am about to do will arouse loyal Feeling throughout the Province at a Moment when it is of inestimable Importance.

Colonel Foster will tell you that the Detachment you have desired to have from Penitanguishene is at your Service.

I shall be anxious to hear from you on the Subject of the Removal of the Twenty-fourth from Upper Canada.

I remain, &c.
(Signed) F. B. HEAD.

Lieut. Gen. Sir John Colborne, K.C.B.
&c. &c. &c.

No. 60.
Sir F. B. Head
to
Lord Glenelg.
18th Nov. 1837.

No. 60.

(No. 124.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart. K.C.H., to Lord GLENELG.

My Lord, Toronto, 18th November 1837.

BEING sensible that your Lordship will be desirous to receive authentic Information, not only of the general State of Affairs in the Canadas, but of the particular Course of Policy which is being pursued in each of the Provinces, I have the Honour to enclose to your Lordship a Copy of a Second Letter which has been expressly dispatched to me by Sir John Colborne, with a Copy of my Reply thereto.

These Letters, short and familiar as they are, contain a Moral of considerable Importance, for they indisputably show that the Canadas are each acting on a Principle diametrically opposed to the other; the Lower Province centripetally drawing to itself as much Military Force as it can collect; the Upper Province centrifugally discarding every British Soldier from its Territory.

As I am anxiously expecting to hear of my Removal from the Government of this Province, I have less Desire than ever to interfere with the Course of Policy adopted by Her Majesty's Government in Lower Canada, yet when I reflect on the Importance of its Result to this Province I feel it is my Duty occasionally to apprise your Lordship of my Opinions on the Subject.

My Lord, it is, I conceive, undeniable, that for many Years Mr. Papineau has been labouring to separate the Canadas from the Mother Country.

To effect this Object *by Force* he has been perfectly sensible it would be impossible; he has therefore been endeavouring to attain it by Means which may almost be termed constitutional, namely, by seeking the Intervention and Authority of the Imperial Parliament.

For

For this Purpose a Member of the House of Commons (Mr. Roebuck) has been regularly bribed by the House of Assembly of Lower Canada to expatiate on Grievances, and to declare at all Times and in all Places, to those who have no personal Acquaintance with the Canadas, that the People there are restless, dissatisfied, yearning for Republican Institutions, and that unless the never-ending, still-beginning Concessions they require are granted, another American War must be the Result.

In order to corroborate these vague Statements by Evidence, Mr. Papineau's Policy has been to involve each succeeding Governor in a Quarrel with the House of Assembly; to keep up an endless War between the Two Houses of the Legislature, as well as between the Assembly and the Executive Council. Besides this, in order to create Discontent among the People, all great Improvements have been discountenanced, Emigration has been taxed, and every Artifice has been resorted to practically to convince them that there really must exist something in the Management, or rather Mismanagement, of their Country, which required "Reform."

While Mr. Papineau was himself working out this revolutionary Formula in Lower Canada, he well knew it would be absolutely necessary he should promote a corresponding Conspiracy in the Upper Province; accordingly Mr. Hume was selected to echo Mr. Roebuck's Complaints in the House of Commons, while Mr. Bidwell was to be the Mimic in Upper Canada of Mr. Papineau himself.

By pointing out Grievances with one Hand, and preventing their Correction by the other, a small Republican Party in this Province managed to create Discontent, and by it gradually to obtain a Majority in the House of Assembly; and the Revenue of the Province being thus at their Disposal, they availed themselves of every possible Opportunity to pay and employ those only who by disseminating Falsehood would create Discontent.

Under this malign Influence, People in the remote Districts conceived that every Difficulty they met with in the Backwoods proceeded from the British Government; and as it was invariably stated to them that if they were under a Republic they would instantly be relieved, they had every possible Temptation to revolt. The Republican Agents had the Power of worming their Way to these poor People by Paths on which it was believed nothing proceeding from the Government could be made to travel. The Rebel Party fancying, therefore, that the Ignorance in which their Victims were involved could not be dispelled, openly boasted of their Triumph, and in the House of Assembly insolently evinced the most treasonable Disposition.

My Lord, Affairs were in this State; the House of Assembly of Lower Canada had published their Ninety-two Resolutions; the Assembly of this Province (although they pretended to have Attachment to the Mother Country) were advocating an Executive Council responsible to the People, an Elective Legislative Council, and were openly insulting the Executive when I arrived in this Province; and yet, with all these Advantages, Mr. Papineau knew perfectly well that the Day had not arrived for attempting to carry his Object *by Force*. With every Desire to do so HE WAS AFRAID; in short, he knew quite well, that though the Dissemination of his Poison had sickened Loyalty, it was not yet dead!

The Result of the Exertions which I humbly made proved the Accuracy of his Judgment.

By addressing the People in homely Language, I revived the loyal Spirit of Upper Canada; and by resorting to Reason, instead of to Military Force, I became at last enabled, by the Assistance of the former, to dismiss the latter from the Province.

I mention these Facts to your Lordship for the Purpose of showing the Impolicy of our now allowing Mr. Papineau to enjoy the Triumph, by making it appear that we retain Possession of the Lower Province only by Force of Arms.

If Lower Canada were to be governed by Reason, instead of by Force, I beg leave to ask, how could it possibly separate itself from the British Empire?

No. 60.
Sir F. B. Head
to
Lord Glenelg,
18th Nov. 1837.

If the Republicans of the Two Provinces united were afraid to attempt it, what Chance has One only to attain it, now that its Comrade has turned against it? Suppose that by a Coup-de-main Mr. Papineau could gain forcible Possession of Montreal and of the Fortress of Quebec, what would they be worth to him but a hempen Neckcloth? Would the British Population be annihilated? Would there be no Re-action? Would Upper Canada submit to a Republic between it and the Ocean?

I can assure your Lordship, that Mr. Papineau's Dominion, like his Life, would hang only by a Thread. Between the British Navy on the one Side, and the Militia of Upper Canada on the other, he would find himself a wild Elephant between Two tame ones. It may appear strange that Mr. Papineau, whose Abilities have been proved by the Demoralization they have effected, should at this Moment be occupying a Position so completely untenable; but the Fact is, he triumphs by the Weakness of our Conduct; and though he is in reality a ruined Man, yet he has managed, by Impudence and Artifice, to gain the very darling Object he has for so many Years ardently been striving for. In short, he has summoned Eight British Regiments into his Province, not to *fight*, but to be quoted in the House of Commons as undeniable Evidence, that we require Military Force to retain Possession of that Country!

My Lord, although I cannot deny the Fact of the Presence of the Troops, yet I do respectfully submit to your Lordship that Mr. Papineau has managed to obtain them by illegitimate Means, and by false Pretences.

The Force at present in Lower Canada is unnecessary; but we have had recourse to it from the same unfortunate Aberration that has hitherto induced us, not only to submit to Mr. Papineau's Insults, but to bow before them in proportion to the Insolence with which they have been inflicted. From the Extreme of Submission we have suddenly flown to the Extreme of Anger, and influenced in both Instances by our Passions, Reason and Justice, which in Government are invincible, have been passed unheeded.

It is now late in the Day to repent of our Policy; but there is yet Time, not only to confess but to correct the Errors we have been guilty of.

My Lord, I respectfully recommend Her Majesty's Government immediately to abstract all the Troops from Lower Canada, excepting those necessary to garrison Quebec and Montreal.

As soon as the political Atmosphere shall be thus purified, let Mr. Papineau, if he dare, attack the Queen's Government and the British Population; let him, if he dare, take forcible Possession of the Lower Province. Instead of encouraging the loyal Inhabitants of both Provinces ignominiously to lean upon our Troops, let us allow them to fight, if necessary, for themselves, for their Families, and for their Liberties; and if this Policy be mildly but firmly pursued, the civilized World will cheer us on our Path, and, as I have before ventured to assure your Lordship, a brilliant moral Victory will be the Result.

I have, &c.
(Signed) F. B. Head.

Postscript.—Since writing the above I have just received from an Officer, sent expressly to me from Montreal by Sir J. Colborne, a Letter, urging me to dispatch to Lower Canada some Companies of our Militia for Five Months Service. As Sir John observes, "If we do not immediately take active Mea-
"sures to arm and organize our Friends the Province will be lost."

Enclosure No 3.

I have the Honour to enclose a Copy of Sir John Colborne's Communication, with my Reply thereto, which will explain to your Lordship the Reasons which in my Opinion forbid me at present to comply with his Request.

Notwithstanding the State of the Lower Province, as reported to me by the Officer commanding the Forces, I remain still of the Opinion already expressed in this Despatch; namely, that Her Majesty's Government should immediately abstract all the Troops from Lower Canada, excepting those necessary to garrison Quebec and Montreal.

I am perfectly sensible that this Recommendation will appear extraordinary to your Lordship, when contrasted with the pressing Exigencies of Sir John Colborne;

No. 60.
Sir F. B. Head
to
Lord Glenelg,
18th Nov. 1837.

Colborne; I will therefore endeavour to explain Opinions which I can assure your Lordship I have not the slightest Desire to advocate.

If Mr. Papineau and his Followers were a Foreign Enemy it would be undeniable that the Party which possessed the greatest Quantity of physical Strength, would predominate; but the French Habitans of Lower Canada are as much Her Majesty's Subjects as the British Troops, and in the present State of the civilized World I do maintain that a Civil War must henceforward be a moral one, and that Victory will eventually declare itself in favour of moral and not of physical Preponderance. The Peace, Welfare, and Stability of Society depend upon the Maintenance of this Principle; and such is the Momentum of public Opinion, that I feel confident no Power on Earth can now-a-days prevail which attempts to withstand it.

I submit to your Lordship, that no Government is justified in attacking its own Citizens until it has previously gone through the Form of endeavouring to govern them by Firmness and Reason.

A Government need not be firm, nor need it be reasonable; but the fatal Consequence of its being neither one nor the other is that it exists in an unfit State suddenly to put down Rebellion by Force; for what is Despotism but Government sans Reason?

My Lord, I say nothing against the unfortunate bygone System of Conciliation which has hitherto been adopted in Lower Canada; I will even admit, for Argument's Sake, that the Government was *right* to try the Experiment; but I respectfully maintain that it is not justified in suddenly flying from it to the opposite Extreme, without having had recourse to the middle Regimen I have described.

But it is argued that the British Population is in actual Danger, that the Lower Province "will be lost," unless we have immediate Recourse to physical Force, and consequently that it is now too late to philosophize on the Subject. I conceive that this Argument is the same as if a Man who had commenced to build his House on a Bog were to insist on continuing it because he had already completed its First Story; it is true the Removal of the Building would be mortifying and expensive, but if it were impossible for it to stand, it is undeniable that the sooner its Site was abandoned the better.

My Lord, I conceive that no Quantity of British Troops would be sufficient to put down Agitation in Lower Canada, or even to protect every Person in that Province from open Violence. The cumbersome Attempt on our Part to do all this by Soldiers would appear to the World a Series of Aggressions which would sooner or later excite Sympathy in favour of Mr. Papineau and his Adherents.

On the other hand, if, sheathing the Sword, we were at once to place ourselves on the defensive, and openly await the very Evils we are now trying to avert, Mr. Papineau would then be driven either to give up Agitation or to become the Aggressor, in which latter Case we should instantly gain in moral Power infinitely more than we had laid aside in Military Force.

I submit to your Lordship that in Military Strength Mr. Papineau has no Chance whatever of successfully contending against the British Empire; let us therefore equally be his Superior in that moral Power by which our Possession and Protection of the Canadas must eventually be decided.

I have, &c.
F. B. Head.

To the Right Hon. Lord Glenelg,
&c. &c. &c.

First Enclosure in No. 60.

Enclosure No. 1.

(Copy.)

My dear Sir Francis, Sorel, 6th November 1837.

As to the Intentions of Mr. Papineau, it is not of much Importance what they may have been; the Effect of his Agitation, however, the Province now feels acutely; and Disaffection, which has penetrated deeper than you may imagine, brings the Agitator nearer his avowed Object.

No. 60.
Sir F. B. Head
to
Lord Glenelg,
18th Nov. 1837.

The sooner you put the "good Men and true" of the Upper Province on their Mettle, the better.

Your Determination of liberating the 24th Regiment will produce the best Effect. Sir Colin Campbell will act on a similar Principle; I believe he will call on the Militia to do the Military Duties till Reinforcements may arrive from the Mother Country, and send every Company he can spare to Quebec from Halifax.

The Alarm in this District is great and rapidly increasing; in fact, the Counties between Longueuil and the upper Part of the Richelieu are in a State of Revolt; many Persons who have distinguished themselves for their Loyalty and as Friends of Order are menaced and compelled to join the Disaffected, or permit their Property to be injured; I have received several Applications for Protection.

The grand Point and Pivot is Montreal; I am endeavouring to collect there such a Force as will permit the apprehensive to sleep quietly, and enable us to act with Vigour when called upon by the executive Government.

I have ordered the 24th Regiment to proceed without Delay to the Carillon and Montreal; One Company, however, must be left at Fort Henry. Fifty Soldiers composing the Garrison of that Fort will not in any respect take away from the Effect of your Plans and Policy.

You incur not the least Risk or Responsibility in trusting to the good Feeling of the Province of Upper Canada; you are fully warranted in making the Arrangements which you have notified to me.

The Diversion or Demonstration which Mr. M'Kenzie may make in Yonge Street or Alway, in the London District, will do Good.

If the Company of the 24th Regiment, which had quitted Toronto for Kingston, had been recalled, the Effect of a timid Measure of that Description would have been much felt in this Province.

I remain, &c.
(Signed) J. COLBORNE.

I have received Two Offers from the Upper Province to bear down with Volunteer Corps on the *Rebels*.

Enclosure No. 2.

Second Enclosure in No. 60.

(Copy.)

My dear Sir John, Government House, Toronto, 11th November 1837.

I am much obliged to you for the Information you have been so good as to give me respecting your "Wars and Rumours of Wars," and it is satisfactory to me that you approve of the peaceful Course of Policy I am adopting here.

In proportion as you may be driven to adopt forcible Measures, Upper Canada should, I consider, refrain from doing so, as the moral Contrast will no doubt have its Effect on those who like to live in Peace and Quietness.

You will see in Print my Answer to an Address from Kingston to raise a Corps of Volunteers; it is in fact to tell them I have no Authority to sanction their Request. You must not think from this that I am lukewarm in your Cause, for though I intend to be slow to Anger, yet I think I can assure you, that in case you should really want Help, the Militia of Upper Canada shall be once again round their old Master.

Yours, &c.
(Signed) F. B. HEAD.

Lieutenant General Sir John Colborne, K.C.B.,
&c. &c. &c.

No. 61.

No. 61.
Sir F. B. Head
to
Lord Glenelg,
19th Dec. 1837.

(No. 132.)

EXTRACT of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

Toronto, Upper Canada, 19th December 1837.

I HAVE the Honour to inform your Lordship, that on Monday the 4th Instant this City was, in a Moment of profound Peace, suddenly invested by a Band of armed Rebels, amounting, according to Report, to 3,000 Men (but in actual Fact to about 500), and commanded by Mr. M'Kenzie, the Editor of a Republican Newspaper, Mr. Van Egmont, an Officer who had served under Napoleon, Mr. Gibson, a Land Surveyor, Mr. Lount, a Blacksmith, Mr. Lloyd, and some other notorious Characters.

Having, as I informed your Lordship in my Dispatch No. 119, dated 3d Ultimo, purposely effected the Withdrawal of Her Majesty's Troops from this Province, and having delivered over to the Civil Authorities the whole of the Arms and Accoutrements I possessed, I of course found myself without any Defence whatever, excepting that which the Loyalty and Fidelity of the Province might think proper to afford me. The Crisis, important as it was, was one I had long earnestly anticipated, and accordingly, I no sooner received the Intelligence that the Rebels were within Four Miles of the City, than abandoning Government House, I at once proceeded to the City Hall, in which about 4,000 Stand of Arms and Accoutrements had been deposited.

One of the first Individuals I met there, with a Musket on his Shoulder, was the Chief Justice of the Province; and in a few Minutes I found myself surrounded by a Band of brave Men, who were of course unorganized and generally speaking unarmed.

As the foregoing Statement is an unqualified Admission on my Part that I was completely surprised by the Rebels, I think it proper to remind rather than to explain to your Lordship the Course of Policy I have been pursuing.

In my Despatch No. 124, dated 18th Ultimo, I respectfully stated to your Lordship as my Opinion, that a Civil War must henceforward everywhere be a moral one; and that in this Hemisphere in particular, Victory must eventually declare itself in favour of moral and not of physical Preponderance.

Entertaining these Sentiments, I observed with Satisfaction that Mr. M'Kenzie was pursuing a lawless Course of Conduct, which I felt it would be impolitic for me to arrest. For a long Time he had endeavoured to force me to buoy him up by a Government Prosecution, but he sunk in proportion as I neglected him, until becoming desperate, he was eventually driven to reckless Behaviour, which I felt confident would very soon create its own Punishment.

The traitorous Arrangements he made were of that minute Nature that it would have been difficult, even if I had desired it, to have suppressed them. For instance, he began by establishing Union Lists (in Number not exceeding Forty) of Persons desirous of political Reform, and who, by an appointed Secretary, were recommended to communicate regularly with himself for the Purpose of establishing a Meeting of Delegates.

As soon as by most wicked Misrepresentations he had succeeded in seducing a Number of well-meaning People to join these Squads, his next Step was to prevail upon a few of them to attend their Meetings armed, for the alleged Purpose of firing at a Mark.

While these Meetings were in continuance, Mr. M'Kenzie, by means of his Newspaper and by constant personal Attendance, succeeded in inducing his Adherents to believe that he was everywhere strongly supported, and that his Means as well as his Forces would prove invincible.

I was not ignorant of these Proceedings, and in proportion as Mr. M'Kenzie's Paper became more and more seditious, and in proportion as these armed Meetings excited more and more Alarm, I was strongly and repeatedly called upon by the peaceable Portion of the Community forcibly to suppress both the one and the other. I considered it better, however, under all Circumstances, to await the Out-break, which I was confident would be impotent inversely as it was previously opposed; in short, I considered that if an Attack by the Rebels was inevitable, the more I encouraged them to consider me defenceless the better.

Mr. M'Kenzie, under these favourable Circumstances, having been freely permitted by me to make every Preparation in his Power, a Concentration of

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his deluded Adherents, and an Attack upon the City of Toronto, were secretly settled to take place on the Night of the 19th Instant; however, in consequence of a Militia General Order which I issued, it was deemed advisable that these Arrangements should be hurried, and accordingly Mr. M'Kenzie's deluded Victims, travelling through the Forest by Cross Roads, found themselves assembled at about Four o'Clock in the Evening of Monday the 4th Instant, as Rebels, at Montgomeries Tavern, which is on the Young Street macadamized Road, about Four Miles from the City.

As soon as they had attained this Position Mr. M'Kenzie and a few others, with Pistols in their Hands, arrested every Person on the Road, in order to prevent Information reaching the Town. Colonel Moodie, a distinguished Veteran Officer residing in Yonge Street, accompanied by Three Gentleman on Horseback, on passing Montgomeries Tavern was fired at by the Rebels, and I deeply regret to say that the Colonel, wounded in Two Places, was taken Prisoner into the Tavern, where in Three Hours he died, leaving a Widow and Family unprovided for.

As soon as this gallant meritorious Officer who had honourably fought in this Province fell, I am informed that Mr. M'Kenzie exultingly observed to his Followers, "*That as Blood had now been spilled they were in for it, and had nothing left but to advance;*" accordingly at about Ten o'Clock at Night they did advance, and I was in Bed and asleep when Mr. Alderman Powell awakened me to state that in riding out of the City towards Montgomeries Tavern he had been arrested by Mr. M'Kenzie and another principal Leader; that the former had snapped a Pistol at his Breast, that his (Mr. Powell's) Pistol also snapped, but that he fired a second, which causing the Death of Mr. M'Kenzie's Companion, had enabled him to escape.

As soon as Mr. Powell reached Toronto the Alarm Bell was rung, and as Mr. M'Kenzie feared we might be prepared for him, he forebore to proceed with his Attack.

On arriving at the City Hall I appointed Mr. Justice Jones, Mr. Henry Sherwood, Captain Strachan, and Mr. John Robinson, my Aides-de-camp. I then ordered the Arms to be unpacked, and manning all the Windows of the Building, as well as those of opposite Houses which flanked it, we awaited the Rebels, who, as I have stated, did not deem it advisable to advance. Besides these Arrangements I despatched a Messenger to the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, of the Gore District, and to the Colonels of the Militia Regiments in the Midland and Newcastle Districts. An advanced Picquet of Thirty Volunteers, commanded by my Aide-de-camp, Mr. Justice Jones, was placed within a short Distance of the Rebels.

By the following Morning (Tuesday) we mustered about 300 Men, and in in the course of the Day the Numbers increased to about 500. In the Night an advanced Piquet, commanded by Mr. Sheriff Jarvis, was attacked within the Precincts of the City by the Rebels, who were driven back, One of their Party being killed and several wounded.

On Wednesday Morning we were sufficiently strong to have ventured on an Attack, but being sensible of the Strength of our Position, being also aware how much depended upon the Contest in which we were about to be engaged, and feeling the greatest possible Reluctance at the Idea of entering upon a Civil War, I despatched Two Gentlemen to the Rebel Leaders, to tell them that before any Conflict should take place, I parentally called upon them, as their Governor, to avoid the Effusion of human Blood. In the meanwhile, however, Mr. M'Kenzie had committed every Description of Enormity: he had robbed the Mail; with his own Hands had set fire to Dr. Horne's House; had plundered many inoffensive Individuals of their Money; had stolen several Horses; had made a Number of respectable People Prisoners; and having thus succeeded in embarking his misguided Adherents in Guilt, he replied to my Admonition by a Message that he would only consent that his Demands should be settled by a National Convention; and he insolently added, that he would wait till Two o'Clock for my Answer, which, in One Word, was "Never!"

In the course of Tuesday the Speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, arrived from the Gore District at the Head of about Sixty Men, which he had assembled at Half an Hour's Notice; and other brave Men flocking in to me from various Directions, I was enabled, by strong Picquets, to prevent Mr. M'Kenzie from carrying into effect his diabolical Intention

Intention to burn the City of Toronto in order to plunder the Banks; and having effected this Object, I determined that on the following Day I would make the Attack.

Accordingly, on Thursday Morning I assembled our Forces, under the Direction of the Adjutant General of Militia, Colonel Fitzgibbon, Clerk of the House of Assembly. The principal Body was headed by the Honourable the Speaker, Colonel Allan M'Nab, the Right Wing being commanded by Colonel Samuel Jarvis, the Left by Colonel William Chisholm, assisted by the Honourable Mr. Justice Maclean. late Speaker of the House of Assembly; the Two Guns by Major Carfrae of the Militia Artillery.

The Command of the Militia left in the City remained under Mr. Justice Macaulay, and the Protection of the City with Mr. Gurnett, the Mayor.

I might also have most advantageously availed myself in the Field of the Military Services of Colonel Foster, the Commander of the Forces in Upper Canada, of Captain Baddeley of the Corps of Royal Engineers, and of a Detachment of Eight Artillerymen, who form the only regular Force in this Province; but having deliberately determined that the important Contest in which I was about to be engaged should be decided solely by the Upper Canada Militia, or, in other Words, by the Inhabitants of this noble Province, I was resolved that no Consideration whatever should induce me to avail myself of any other Assistance than that upon which, as the Representative of our gracious Sovereign, I had firmly and implicitly relied.

At Twelve o'Clock the Militia Force marched out of Town with an Enthusiasm which it would be impossible to describe, and in about an Hour we came in Sight of the Rebels, who occupied an elevated Position near Gallows Hill, in front of Montgomeries Tavern, which had long been the Rendezvous of Mr. M'Kenzie's Men.

They were principally armed with Rifles, and for a short Time, favoured by Buildings, they endeavoured to maintain their Ground; however, the brave and loyal Militia of Upper Canada, steadily advancing, with a Determination which was irresistible, drove them from their Position; completely routed Mr. M'Kenzie, who in a State of the greatest Agitation ran away; and in a few Minutes Montgomeries Tavern, which was first entered by Mr. Justice Jones, was burned to the Ground.

Being on the Spot merely as Civil Governor, and in no way in command of the Troops, I was happy to have an Opportunity of demonstrating to the Rebels the Mildness and Beneficence of Her Majesty's Government; and well knowing that the Laws of the Country would have ample Opportunity of making Examples of the guilty, I deemed it advisable to save the Prisoners who were taken, and to extend to most of these misguided Men the Royal Mercy by ordering their immediate Release.

These Measures having been effected, and the Rebels having been deprived of their Flag, on which was inscribed in large Letters, "*Bidwell and the glorious Minority*," "1837 *and a good Beginning!*" the Militia advanced in pursuit of the Rebels about Four Miles, till they reached the House of one of the principal Ring-leaders, Mr. Gibson, which Residence it would have been impossible to have saved, and it was consequently burned to the Ground.

The infatuated Followers of Mr. M'Kenzie were now completely dispersed. Deceived and deserted by their Leader, they sought for Refuge in all Directions. Ashamed and disgusted with the Murder, Arson, Highway and Mail Robbery which he had committed before their Eyes, and detesting him for the overbearing Tyranny of his Conduct towards them, they sincerely repented that they had ever joined him, and, I have been credibly informed, that their Wives and Children now look upon Mr. M'Kenzie as their most malignant Enemy.

Mr. M'Kenzie has fled to the United States. Mr. John Rolph has absconded. Mr. Bidwell, who took no Part in the Affray, has amicably agreed with me to quit, and has quitted this Province for ever. Dr. Morrison and the Captain Van Egmont are our Prisoners. Mr. Lount and Mr. Gibson have fled, and, I understand, are making for the United States.

As Mr. M'Kenzie had been particularly active in disseminating his Principles throughout the London District, and as Dr. Duncombe, well known to the House of Commons in England, was reported to be there with a Body of armed Rebels, I deemed it advisable, as soon as the Militia returned from Toronto from driving Mr. M'Kenzie from Gallows Hill, to order a Body of Five hundred Men to proceed immediately to the London District. I placed this Corps

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under the Command of the Honourable the Speaker of the House of Assembly, Colonel Allan M'Nab, who, with great Promptitude, marched with it to the Point of its Destination.

On the Day of Mr. M'Kenzie's Defeat, as well as on the following Morning, Bands of Militiamen from all Directions poured in upon me, in Numbers which honourably proved that I had not placed Confidence in them in vain. From the Newcastle District alone 2,600 Men, with nothing but the Clothes in which they stood, marched, in the Depth of Winter, towards the Capital, although nearly One hundred Miles from their Homes. From Gore, Niagara, Lake Simcoe, and from various other Places, brave Men, armed as well as unarmed, rushed forwards, unsolicited, and, according to the best Reports I could collect, from Ten to Twelve thousand Men simultaneously marched towards the Capital, to support me in maintaining for the People of Upper Canada the British Constitution.

The Numbers which were advancing towards me were so great, that the Day after Mr. M'Kenzie's Defeat I found it absolutely necessary to print and circulate a public Notice, announcing "*that there existed no further Occasion for the Resort of Militia to Toronto;*" and the following Day I was further enabled to issue a General Order, authorizing the whole of the Militia of the Bathurst, Johnstone, Ottawa, and Eastern Districts to go and lend their Assistance in Lower Canada.

I have now completed a plain Statement of the Events which have occurred in this noble Province during the last Week, and have done so at some Length, as the Moral they offer is most important.

Your Lordship knows that at the last Election Mr. M'Kenzie, and those of his Party who advocated Murder, Plunder, equal Rights, and Revolution, under the Mask of Reform, in vain appealed to the Farmers and Yeomen of this Country to support them instead of supporting me. Driven by the Voice of the People from their Seats in the House of Assembly, they declared that they had only been defeated by the Influence of a corrupt Government. However the Moment the Charges Dr. Duncombe and Mr. Hume made against me in the House of Commons reached this Country, the House of Assembly deliberately investigated the whole Affair, which they proved and pronounced to be a Series of wilful and premeditated Falsehoods.

Mr. M'Kenzie and his Party, finding that at every Point they were defeated in the moral Attack which they had made upon the British Constitution, next determinedto excite their deluded Adherents to have recourse to physical Strength.

Being as ready to meet them on that Ground as I had been ready to meet them in a moral Struggle, I gave them every possible Advantage. I in no way availed myself of the immense Resources of the British Empire; on the contrary, I purposely dismissed from the Province the whole of our Troops. I allowed Mr. M'Kenzie to *write* what he chose, *say* what he chose, and *do* what he chose; and, without taking any Notice of his traitorous Proceedings, I waited, with folded Arms, until he had collected his rebel Forces and had actually commenced his Attack.

I then, as a solitary Individual, called upon the Militia of Upper Canada to defend me, and the Result has been as I have stated; namely, that the People of Upper Canada came to me when I called them; that they completely defeated Mr. M'Kenzie's Adherents, and drove him and his rebel Ringleaders from the Land.

These are historical Facts, which it is impossible to deny; and the plain Inference is, that the Inhabitants of Upper Canada, as I have often publicly declared, "detest Democracy, and revere the noble monarchical Institutions of the British Empire."

My Lord, what a serious Lesson have the Inhabitants of Upper Canada offered to their Mother Country! Our Evidence, humble as it is, will surely bring Conviction to the Minds of those misnamed Reformers, who, ignorant of the Blessings they enjoy, desire to adulterate the Purity of our revered Institutions. Situated as we are here, surely we are better able to judge between monarchical and republican Government than People in England who are acquainted only with the former.

The faithful Attachment which this Province has evinced to British Justice, British Juries, and to the British Sovereign, is the noblest Instance of Independence I have ever witnessed, and it induces me to tell your Lordship plainly and unequivocally, that neither the Legislature nor the People of Upper Canada will

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will any longer submit to the base Conciliations which have long disgraced the Colonial Office.

It now only remains for me to inform your Lordship that Mr. M'Kenzie, who has escaped to Buffalo in the United States, has, by Falsehood and Misrepresentations, almost succeeded in exciting a large Body of Labourers out of Work to invade Upper Canada for the Purpose of plundering the Banks and of gaining Possession of the Crown Lands, which, your Lordship is aware, I have been desired to surrender to the Provincial Legislature.

This new Feature of "Reform" is one which is at this Moment causing throughout the Province considerable Excitement; and I must say, that, for the Sake of Humanity, I earnestly trust and hope the Attempt will not be made.

I entertain the utmost Reliance that the Government of the United States will nobly prevent any such Invasion.

I am persuaded that all Americans of Intelligence and Property will feel that the Character of their Country requires them to discountenance a lawless and unprincipled Aggression, which would bring upon them the Execration of the civilized World; for where would they stand in the Estimation of Mankind if they were to be seen ungratefully repaying the highminded and successful Exertions which Great Britain lately made to save them from War, by steeping her Colonies in Blood and Misery?

Should, however, any of the Inhabitants of Buffalo or other Frontier Towns, regardless of these Sentiments, presume, for the Sake of Plunder, to invade the free and independent People of Upper Canada, I feel confident that every Man in the Province, Indians and black Population included, will assemble together in one Band to exterminate the Invaders or to perish in the Attempt.

No. 62.

No. 62.
Sir F. B. Head
to
Lord Glenelg,
28th Dec. 1837.

(No. 133.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 28th December 1837.

I have the Honour to transmit to your Lordship a Copy of the Speech with which I have this Day opened the Legislature of this Province, together with Copies of sundry Documents, which will explain to your Lordship, firstly, that the Rebellion which has broken out here has been effectually put down, with the Loss on the Side of the Constitutionalists of only One Man killed; and, secondly, that an unprovoked Attack has been made upon our Territory by American Citizens, who have succeeded in taking possession of Navy Island (which is in the Niagara River, about Two Miles above the Cataracts), have intrenched and garrisoned it, have planted Thirteen Pieces of Cannon upon it, and in fact have thus formed a Camp upon our Territory, to which People by Handbills, termed "Proclamations of the Provincial Government," are publicly invited, under the Promise that "300 Acres of the most valuable Lands in Canada, and 100 Dollars in Silver, will be given to each Volunteer who may join the Patriot Forces on Navy Island."

I have communicated these Facts to His Excellency the Earl of Gosford and to Sir John Colborne, and have addressed Communications to the Governor of the State of New York and to Her Majesty's Minister at Washington, Copies of which I have the Honour to enclose. I have stationed a Militia Force of about 2,000 Men on the Niagara Frontier, and have made all the Arrangements in my Power for calling out the Militia of the Province, in case their Services should be required.

Having thus done all in my Power to withstand a Foreign Invasion, which was never contemplated in my Despatch to your Lordship, dated 18th November, I feel it my Duty to recommend, contrary to the Suggestions contained in that Despatch, that Her Majesty's Government should afford to the Commander of the Forces every possible Assistance promptly and effectually to put down this Attack by American Citizens, unauthorized by their Government, and in open Violation of their Laws.

I have, &c.

The Right Hon. Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

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Enclosure No. 1.

First Enclosure in No. 65.

Toronto, Thursday, 28th December 1837.

This Day, at Eleven o'Clock, His Excellency the Lieutenant Governor proceeded in State from the Government House to the Chamber of the Honourable the Legislative Council, where being arrived and seated on the Throne, the Gentleman Usher of the Black Rod was sent with a Message from His Excellency to the House of Assembly, commanding their Attendance. The Members present being come up accordingly, His Excellency was pleased to address the Two Houses with the following Speech :—

" Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

" I have deemed it necessary to convene the Legislature of Upper Canada a few Days earlier than has been customary, for the Purpose of communicating with you on the present State of the Province ; but before I draw your Attention to this important Subject I cannot refrain from condoling with you on the Loss which since our last Meeting we have sustained in the Demise of His late Gracious Majesty King William the Fourth, of blessed Memory, whose parental Attachment to the Canadas will, I feel confident, long be remembered by its Inhabitants with filial Gratitude and Respect.

" The Throne of the British Empire is now adorned by Her Majesty Queen Victoria, whose Youth, Education, Virtues, and Sex, endearing Her to Her Subjects, claim their loyal Protection and Support.

" Notwithstanding the Prosperity and Happiness of this Province, it is with Pain I inform you that I have suddenly been called upon to suppress a Rebellion, which must have appeared to the Province at large of so extraordinary a Character that it is proper I should advert to its Origin and Progress.

" With every Disinclination to revive political Differences of Opinion, which must exist in every free Country, and which no liberal Man would ever be desirous to suppress, I will merely remind you, that shortly after I arrived in this Province, with Instructions from His late Majesty to correct whatever Grievances might exist, it unavoidably became necessary that I should constitutionally appeal to the Sense of the People ; I did so, and they unequivocally supported me.

" A few Individuals, disappointed at the Result, did not scruple to declare that the People of Upper Canada had been mistaken in their Verdict, which it was asserted had been obtained by improper Means.

" This second Subject of Discussion I deemed it advisable to bring plainly before the Public ; it was accordingly submitted to the Consideration of His late Majesty and the Imperial Government, the House of Commons and the House of Assembly of Upper Canada, and by all these Tribunals the Question was decided against those who, with groundless Slander, had assailed their Government, and who, being rapidly deserted by their original Supporters, were now reduced to a very few Individuals.

" Finding that against cool Argument they could advance nothing, they desperately determined to try an Appeal to physical Strength, the avowed Object of which was to force Her Majesty's Subjects from their Allegiance, and to subvert the British Constitution under the Pretext of Reform.

" As soon as this Conspiracy became known to me I determined that for the public Good I would allow it to work its own Cure ; but as I felt convinced that that Cure would never be admitted to be perfect if Her Majesty's Troops were required to take any Part in the Contest, I cheerfully approved of their leaving the Province, in order that the People of Upper Canada, in a State of uncontrolled Independence, might be allowed another Opportunity of unequivocally demonstrating whether they would support me or desert me in the Determination I had evinced ' to maintain for them the British Constitution inviolate.'

" Besides parting with the Troops, I further resolved to place in the Hands of the civil Portion of the Community all the Muskets (about 4,000) which the Government had in Store, and I accordingly delivered them over to the Custody of the Mayor, Aldermen, and Commonalty of the City of Toronto.

" Without either Soldiers or Weapons to enforce my Cause, I allowed the Leader

Leader of the intended Insurrection a full Opportunity to make his intended Experiment; I freely allowed him to write what he chose, say what he chose, and do what he chose; I allowed him to assemble his deluded Adherents and for Purpose of Drill; I even allowed them unopposed to assemble with loaded Fire-arms, and in spite of the Remonstrances which, from almost every District of the Province, I received from the peaceable Portion of the Community, I allowed him to make deliberate Preparations for Revolt; for I freely confess that I did under-rate the Degree of Audacity and Cruelty which these armed Insulters of the Law were prepared, as Events have proved, to exhibit. It did not seem to me credible that in the Bosom of this peaceful Country, where every one was enjoying the Protection of equal Laws, and reaping the Fruit of his Labours almost undiminished by Taxes, any Number of Persons could be found willing to assail the Lives, plunder the Property of their unoffending Fellow Subjects, and to attempt the Destruction of a Government from which they had received nothing but Good.

"The ultimate Object of the Conspiracy was veiled under a mysterious Secrecy which I had no Desire to penetrate; and relying implicitly on the People, so little did I inquire into it or impede it, that I was actually in Bed and asleep when I was awakened by a Messenger, who abruptly informed me that a numerous Body of armed Rebels had been congregated by their Leader; that the Murder of a veteran Officer of Distinction, a Settler in the Province, had already been committed, and that the Assailants were within an Hour's March of Toronto.

"The long looked for Crisis had now evidently arrived; and accordingly; defenceless and unarmed, I called upon the Militia of Upper Canada to defend their Government, and then confidently awaited the Result.

"With an Enthusiasm which it is impossible for me to describe, they instantly obeyed the Summons.

"Upwards of 10,000 Men immediately marched towards the Capital, and in the Depth of a Canadian Winter, with no Clothes but those they stood in, without Food, and, generally speaking, without Arms, Reformers as well as Constitutionalists, nobly rushed forward to defend the revered Constitution of their Ancestors, although the Rebel who had dared to attack it was offering to his Adherents 300 Acres of our Land, and the Plunder of our Banks.

"As soon as the People had organised themselves I saw it would be necessary to make an Attack; however, feeling the greatest possible Reluctance at the Prospect of a sanguinary Conflict with the deluded Subjects of Her Majesty who were opposed to me, I despatched to them Two of their own Party, to tell them that before any Collision should take place I parentally called upon them, as their Governor, to avoid the Effusion of Human Blood.

"The Answer I received from the Rebel Leader was, that he would only consent that his Demands should be settled by a National Convention, and that he would wait till Two o'Clock for my Answer.

"Having now to the best of my Ability performed the religious as well as moral Duty which I owed to the Province, I issued a Proclamation, calling upon those who had been seduced to join in the unnatural Rebellion to return to their Duty, in which Case I informed them that they would find the Government of their Queen as indulgent as it was just; and having given them this last Opportunity to disperse, I allowed the brave Militia of Upper Canada to advance, and the Result of this Trial by Battle was the public Verdict which I had always anticipated.

"The Rebels, dispersed in all Directions, surrendered everywhere at Discretion; those of their Leaders who were not taken Prisoners absconded to the United States; and before Sunset the whole Conspiracy exploded.

"In the London District a similar Proof of public Opinion was practically evinced. To the Militia, nobly commanded by Colonel MacNab, Speaker of the House of Assembly, upwards of 300 misguided Men laid down their Arms, craving pardon for their Guilt, asking Permission to assist the loyal Militia in capturing the fugitive Leaders, who they declared had not only deceived but deserted them; and the Affair being thus concluded, there remained not a Rebel throughout the whole Province in Arms; indeed, so complete was their Defeat, that general Orders were immediately issued by me, announcing that there was 'no further Occasion for Resort of the Militia to Toronto,' and

 that

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that the Militia of the Bathurst, Johnstown, Ottawa, and Eastern Districts might march to Lower Canada, in aid of the Queen's Forces.

"In all the civil Contests which History has been compelled to record I conceive that there has never been a Question more fairly submitted to the Judgment of a free People than that which in Upper Canada has just ended in the total Defeat, moral as well as physical, of the Opponents of the British Constitution.

"The Triumph has been that of Reason over Force,—of good Laws over Anarchy,—of Bravery, Fidelity, and Generosity, on the Part of the Militia, over Murder, Arson, and Robbery by the Rebels.

"Tranquillity had returned to the Land; angry Passions had subsided; the political Atmosphere of the Province was becoming healthy after the Storm which had passed over it, when I regret to inform you that the Peace of the Province was suddenly invaded from a Quarter from which Her Majesty's Subjects in this Province had certainly never calculated upon receiving an Attack.

"I need not on this Continent declare that the Americans are a People with whom the British Empire for many Years has assiduously cultivated the most friendly Connexion. Our Government has looked upon them as its Allies; our People have intimately connected themselves with their Commerce; our Capital has irrigated their Land; unlimited Credit has been fraternally extended to them, with that unsuspecting Confidence which in the civilized World is reposed in Men of Character and Truth; we have rejoiced in their Success, and we have done all that a generous Nation could do to save them from the Expense and Misery of War. It is true we were once Opponents, but the Hatchet of War has long been buried, and I must own I had hoped that the Spirits of our mutual Ancestors were sacredly guarding its Tomb.

"Such are the Feelings of the British People towards the Americans, and yet I regret to inform you that, in a Moment of profound Peace and of professed Friendship, a considerable Number of Americans, regardless of the Crimes committed, as well as of the degraded Character of the Man, have sympathised with the principal Rebel, who has lately absconded as a Criminal from our Land. I regret to inform you that American Citizens of Influence and great Wealth have come forward to coerce the brave and independent People of Upper Canada to change Laws and Institutions which they have lately, by open and almost universal Suffrage, publicly declared that they prefer.

"The American Press has, to my Astonishment, in many Instances advocated this flagrant Act of Injustice; and such has been the popular Excitement, that not only has a Body of Americans, headed by American Leaders, within a few Days taken possession of Navy Island, (which belongs to the British Empire,) but a Proclamation has just been issued from this Spot declaring that the Standard of Liberty is planted in Canada; that a Provisional Government is established there; that a Reward of 500*l.* is offered for my Apprehension; that 300 Acres of Her Majesty's Lands will be freely bestowed by this Provincial Government upon any Volunteer who shall personally assist in invading our Freedom; and it is added, that 'Ten Millions of these Lands, fair and fertile, will speedily be at their Disposal, with the other vast Resources of a Country more extensive and rich in natural Treasures than the United Kingdom or old France.'

"I am informed that Americans from various Quarters are hastening from the Interior to join this Standard of avowed Plunder and Revolt, that Cannon and Arms are publicly proceeding there; and under these Circumstances, it becomes my painful Duty to inform you, that without having offered to the United States the smallest Provocation, without having entertained the slightest previous Doubt of the Sincerity of American Alliance, the Inhabitants of this Province may in a few Days be called upon by me to defend their Lives, their Properties, and their Liberties from an Attack by American Citizens, which, with no Desire to offend, I must pronounce to be unparalleled in the History of the World.

"Upon the Courage and Resolution of the Canadian People I place the firmest Reliance; and if this unwarrantable Invasion should proceed I know I shall not in vain require every British Subject coolly to perform that Duty to his Country which his own Pride, Spirit, and Feelings will spontaneously suggest.

"The

" The Interference of Foreigners in the domestic Policy of a free Country is an Aggression which no Nation of Character can ever submit to endure (especially where a Band of People, violating their own Laws, our Laws, as well as the sacred Obligations of national Amity, intrude themselves upon peaceable Inhabitants lawlessly to advocate by Force of Arms the practical Blessings and Advantages of Republican Institutions, which, by their own showing, have at least ended with them in Anarchy and Plunder); and as every Country is a natural Fortress to its Inhabitants, as every Village is a strong Military Position, and as every Bridge and Ravine can be advantageously defended, I must own that, deeply as I should lament a Conflict of this Nature, I entertain no Feeling of Anxiety for the Result. The peaceful Inhabitants of Upper Canada will not be left to defend their Country alone, for they belong to an Empire which does not suffer its Subjects to be injured with Impunity; and if a national War, which it rests with the American Government to avert, should be the unhappy Consequence of an intolerant Invasion of our Freedom, the civilized World, while it sympathizes with our just Cause, will view with Feelings of Astonishment and Abhorrence this Attempt of a Body of American Citizens treacherously to attack and plunder, in a Moment of profound Peace, their oldest, their most intimate, and their most natural Ally.

" A few Days will, I trust, demonstrate that the American Government wants neither the Will nor the Power to control its People. If otherwise, the defensive Course which the Inhabitants of Upper Canada must be called upon to adopt is plain and clear.

" In the meanwhile, however, it is but Justice to the American Nation to allow them, notwithstanding our Territory has been already invaded by their Citizens, the Opportunity of nobly vindicating, as I firmly believe they will, the Integrity of their Government and Institutions; and I have to inform you that, with this peaceful Object in view, I have communicated with the Governor of the State of New York, with whom I have hitherto been on the most friendly Terms, as also with Her Majesty's Minister at Washington; and awaiting their Replies, I have reinforced the gallant Militia of the Frontier by a strong Corps of Observation, and have made Arrangements for a general Call upon the Militia, in case their Services should unfortunately be required.

" Gentlemen of the House of Assembly,

" I shall direct the Public Accounts, and the Estimate for the ensuing Year, to be laid before you.

" The ordinary Supplies necessary for the Public Service will, I have no Doubt, be granted; and it cannot but be expected that the late rash Attempt to produce Confusion in the Province will give rise to an Increase in the Public Expenditure, and create some new Claims upon the Justice and Bounty of the Legislature.

" You will, I doubt not, consider the Propriety of indemnifying any of the Inhabitants of this Province who have sustained serious Losses from the outrageous Acts of the Insurgents, and of providing Pensions for the very few Subjects of Her Majesty who may have been disabled by Wounds received in the Defence of their Laws.

" Honourable Gentlemen, and Gentlemen,

" If you were assembled under ordinary Circumstances there would be several Matters relating to the Improvement of the Province, to the general Welfare of its Inhabitants, and to the Encouragement of Immigration, which I should desire to submit to your Consideration; but you will probably agree with me in thinking that it may be prudent to admit of your speedy Return to your several Districts, by forbearing as much as possible to enter at this Time upon the Discussion of Business which can be properly postponed.

" Nothing perhaps presses so earnestly for immediate Consideration as the Adoption of such Measures as may most effectually secure the Inhabitants of this Province against the Recurrence of the Danger to which they have lately been exposed.

" Every one must feel that the People who, at this inclement Season, forsook their Families, and rushed in Thousands to the Defence of their Independence and their Laws, deserve that every Exertion should be made by the Legislature for their future Protection; and having seen the Misery which the late violent

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Sir F. B. Head
to
Lord Glenelg,
28th Dec. 1837.

Enclosure No. 1.

Insurrection against the Laws has inflicted upon many Hundreds of People and their Families, we must feel that Humanity requires every reasonable Precaution to be taken for enabling the Government in future to suppress such guilty Proceedings in their earliest Stages.

"You are intimately acquainted with the Character, the Wishes, and the Interests of your Fellow Subjects, for whom it is your Privilege to legislate; you are well able to judge of the Causes of those Evils which we deplore, and I can leave it with Confidence to your Discretion to devise whatever Measures may appear best suited for maintaining the public Tranquillity, and for protecting the Lives and Properties of Her Majesty's Subjects.

"You will not fail also to devote your most serious Consideration to the Means of preventing or repelling such hostile Aggressions upon our Territory by the People of a friendly Power, as our Frontier at this Moment exhibits; for we owe it to our Honour, and to the British Name, to be vigilant and firm at such a Crisis."

Second Enclosure in No. 62.

Proclamation.

Enclosure No. 2.

Three Hundred Acres of the most valuable Lands in Canada will be given to each Volunteer who may join the Patriot Forces now encamped on Navy Island, Upper Canada. Also, 100 Dollars in Silver, payable on or before the 1st of May next.

By Order of the Committee of the Provincial Government,

(Signed) W. L. Mackenzie,
Chairman, pro tem.

Navy Island, Tuesday, 19th Dec. 1837.

Third Enclosure in No. 62.

Enclosure No. 3.

Sir, Government House, 13th Dec. 1837.

Your Excellency has doubtless received Intelligence, though not of an authentic Character, of an insurrectionary Movement which within the last few Days has been made in this Province, and which the loyal Feeling of the great Mass of Her Majesty's Subjects has enabled me promptly to suppress. Though an Occurrence of this particular Nature, in a Country immediately adjoining the State under your Excellency's Government must naturally excite a considerable Degree of Interest, I might not have felt myself called upon to communicate with your Excellency upon the Subject if I did not receive an Official Report from the Magistracy of the District of Niagara, that Efforts are made, by calling public Meetings in Buffalo, to procure Countenance and Support among the Inhabitants of that City to the Efforts of the disaffected in Upper Canada.

I am perfectly persuaded that, under any Circumstances, the public Authorities in the United States would exert themselves to strengthen rather than to disturb the kind Feeling which has, for so many Years, united the Natives of Great Britain and the United States in the most amicable Relations; and when I acquaint your Excellency that the armed Party of Traitors which are now dispersed during the few Days that they remained embodied, were guilty of such unprovoked and wanton Acts of Murder, Arson, and Robbery as disgusted their Adherents and occasioned their rapid Desertion, I feel no Doubt that whatever may be justly done by the Government of one friendly and enlightened Nation towards restraining its Subjects from disturbing the Peace and injuring the unoffending Inhabitants of another, may confidently be expected from your Excellency.

It is fit I should apprize your Excellency that there is not at this Moment, to my Knowledge, within the whole Extent of Upper Canada, a single Body of Men, assembled with Arms or otherwise, in opposition to the Government. Before the 5th December there had been about 500 or 600 Men hastily got together

together at the Instigation of a Mr. M'Kenzie, the Editor of a seditious Newspaper here; but these have been wholly dispersed, and their Leader, we understand, is now in Buffalo, endeavouring to excite there a Support which he fails to meet with in this Province.

I have, &c.

To His Excellency Governor Marcy, (Signed) F. B. Head.
State of New York, Albany.

Fourth Inclosure in No. 62.

Dear Sir, Government House, Toronto, 23d Dec. 1837.

I take the Liberty of introducing to your Excellency the Honourable Archibald M'Lean, late Speaker of the House of Assembly of this Province, who is the Bearer of a Communication from me to Her British Majesty's Minister at Washington, on the same Subject on which I had the Honour to address your Excellency on the 13th Instant, a Copy of which Communication Mr. M'Lean takes to Washington. Mr. M'Lean will inform your Excellency that the Party of Americans who, under the Command of Mr. Van Rensselaer, have taken possession of Navy Island have issued a Proclamation, hoisting in Canada the Flag of Independence, offering a Reward of 500*l.* for my Apprehension, with 300 Acres of our Crown Lands, to any Volunteer who will join in the Invasion of this Province.

I have not yet had the Pleasure of hearing from your Excellency (which, indeed, Time has not admitted of); but I feel confident your Excellency will, by the most energetic Means, put an immediate Stop to Proceedings which must otherwise inevitably lead to a National Contest.

Mr. M'Lean will have the Honour to submit to your Excellency any further Information which you may desire.

I remain, &c.

W. L. Marcy, Esq. (Signed) F. B. Head.
Governor of the State of New York.

Fifth Enclosure in No. 62.

Sir, Head Quarters, Hamilton, 24th December 1837, 3 o'Clock P. M.

In reporting the Return of the Volunteers to this Place who accompanied me to the London District I have much Gratification in stating that not a Man has been lost, and but Three have been on the Surgeon's List since we marched. I have also great Pleasure in noticing that the Inhabitants between Paris and Dundas generously turned out with their Sleighs, and brought down their Brother Militia Men to this Place free from any Expense whatever.

Immediately upon my Arrival here I despatched several Messengers to various Parts of the District, requesting that the Commands which I had received from His Excellency the Lieutenant Governor should be communicated to the various Bodies of Militia therein, and I am proud to say that His Excellency's Expectations will be promptly and completely realized.

I shall move To-morrow Morning from this Place with between 600 and 800 Men and One Field-piece.

The Ladies of the Town of Hamilton are busily engaged in preparing Haversacks for the Use of the Volunteers; and it is at this Moment reported to me that 160 are already completed. Each Man will be provided with a Blanket and such other Necessaries as may be essential to the Comfort of the Troops.

I have the Honour to enclose a Copy of a Letter which I this Morning addressed to Lieutenant Colonel Cameron, Assistant Adjutant General.

As I have no Information regarding the Stores on the Niagara Frontier, and as the following Articles will be indispensable in this inclement Season of the Year for the Comfort of the Volunteers, I trust that a large Supply of Blankets, Haversacks, Socks, Shoes, and Mittens, will be immediately placed in Store on

 the

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Sir F. B. Head
to
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Enclosure No. 5.

the Frontier, where they can be speedily furnished for the Use of the Men; none shall be issued but such as are absolutely necessary.

From the Reports which I have received this Morning I am inclined to think that I shall have many more Volunteers than I shall be able to furnish with Arms and Accoutrements; and I therefore request that 200 Stand of Arms and Accoutrements shall be forwarded to the Frontier, subject to my Orders.

In my Way from Toronto I was met at Oakville by a Number of Captains of Schooners and Seamen, who gallantly tendered me their Services; and I this Morning addressed a Letter to Colonel William Chisholm on the Subject, a Copy of which I have the Honour to enclose. It is my Intention to arm these Volunteers with Boarding-pikes, of which a Number are already made at Woodstock, and are now on the Way to Hamilton.

It would be advisable for an Armourer, with Two or Three Men, to be despatched to the Frontier, to be attached to the Expedition.

I have, &c.

Colonel the Honourable
Jonas Jones, A.D.C.

(Signed) Allan N. M'Nab,
Colonel Commanding.

Sixth Enclosure in No. 62.

Head Quarters, Hamilton, 24th December 1837.

Enclosure No. 6.

I beg leave to state for your Information that I have received His Excellency's Commands to proceed to the Niagara Frontier with all the disposable Force which can be raised in this Quarter.

I shall move off early To-morrow Morning with between 500 and 600 Men and One Fieldpiece; and I request that you will communicate any Information which you can give me on the Subject of Quarters, as I do not wish in anywise to interfere with the Cantonments already occupied by the Troops at present stationed with you.

I believe about 70 or 80 well-mounted Troopers will accompany me.

I wish that an Officer may be directed to inspect all the Farm-houses in your Neighbourhood which are unoccupied by your Troops; and that he may meet me on the Way, furnished with a Return in Detail of the Number of Men which they will be able to accommodate.

I have, &c.

Lieutenant Colonel Cameron,
Assistant Adjutant General.

(Signed) Allan N. M'Nab,
Colonel Commanding.

Sir,

Head Quarters, Hamilton, 24th Dec. 1837.

I have to request that you will immediately take measures for securing the Services of all those Captains of Schooners and Seamen who so nobly offered their Services to me Yesterday, and that you will procure a sufficient Number of Sleighs, and forward them, so as to reach the Line of March, which I shall make To-morrow Morning at Daylight, to the Niagara Frontier.

The Men will be furnished with Boarding-pikes, which are coming from Woodstock To-day. It will be desirable that they should all clothe themselves as warmly as they are able.

I have received Information from the Frontier of such a Nature as to induce me to move down there at once, with all the disposable Force under my Command.

I am anxiously awaiting the Arrival of your Volunteers under Colonel Chalmers.

I have, &c.

Colonel William Chisholm,
Oakville.

(Signed) Allan N. M'Nab,
Colonel Commanding.

Seventh Enclosure in No. 62.

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Sir F. B. Head
to
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Enclosure No. 62.

Sir, Government House, Toronto, 24th Dec. 1837.

I deem it my Duty to forward to your Excellency the enclosed Copy of a Correspondence I have received this Moment from Colonel Cameron, the Officer commanding Her Majesty's Forces on the Niagara Frontier of Upper Canada.

I have, &c.
(Signed) F. B. Head.

To His Excellency Governor Marcy,
New York.

The same Letter was addressed to His Excellency J. S. Fox, H. B. M. Ambassador, Washington.

Assistant Adjutant General's Office,
Sir, Chippewa, 23d Dec. 1837.

Since my last Communication Mr. Cummings, Magistrate of this Place, has received the Information that follows, from a confidential Person, returned this Morning from the other Side.

The Forces under Van Rensselaer are hourly increasing. Van Rensselaer is a Person who has served in Mexico. M'Kenzie has little or nothing to say to the military Movements; he goes about the Country collecting Supplies; Entrenchments are thrown up on the Island, and their Cannon are being placed in Position. The Excitement in the State of New York is very strong. The Rebel Cause daily gains Adherents. The very Women are inciting the Men to proceed to the Frontier of New York. The People of the Towns in the Interior are making common Cause with the Rebels. Two Guns passed to the Island Yesterday, in addition to those already on it; Informant saw them go over. Depôts of Men, Money, Arms, &c. are being formed in all the small Towns in the Interior, ready to move as Occasion may require. One Woman was seen casting Bullets at her own House, from a Mould that ran 60 at a Time. An Attack is meditated on the Frontier soon. The reflecting Portion of the American People fear that War between Great Britain and the United States must ensue from these lawless Proceedings. The Mob desire it. The actual Number on the Island is between 500 and 700, but the utmost Vigilance is now used to mask their Proceedings and conceal their Numbers.

The last Communication from Colonel Kerby reports all quiet at Waterloo. I have accepted Colonel Land's Offer of 100 Men from Hamilton, and countermanded the 50 Coburg Volunteers at Niagara, and the Arrival of the Niagara Dock Company, 28 strong, has been reported.

Notwithstanding that the Rebellion is apparently suppressed, the most intelligent Persons with whom I have had an Opportunity of conversing by no means consider the Feeling in favour of the Rebels subdued; on the contrary, they think that very many, and among them some who carry Arms in our Ranks, would not hesitate to rise again, if there were an Opportunity or Chance of Success; but the Lower Province being now secure, I trust that Assistance, both of Infantry and Artillery, may be derived from thence, as such Assistance would essentially contribute to restore Confidence in the wavering and awe the disaffected.

I have, &c.
(Signed) K. Cameron,
Assistant Adjutant General.

To the Adjutant General of Militia, Toronto,
&c. &c. &c.

Eighth Enclosure in No. 62.

To Allan Napier M'Nab, Esq., Colonel commanding the Queen's Forces in the District of London, &c. &c. &c.

Enclosure No. 8.

The humble Petition of certain Inhabitants of the Township of Norwich, lately in Arms against the Government of this Province.

Showeth,—That we, your Petitioners, being truly sensible of the great Error and Wickedness which we have lately committed in taking up Arms against

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Enclosure No. 8.

Her Majesty's Government, a Government on whose Part we do not pretend to say that we have any real Wrongs or Grievances to complain of, but we have been led away by Charles Duncombe, Eliakim Malcolm, and other wicked and designing Leaders, who have induced us, by Promises of large Grants of Land and great Pay for our Services, to take up Arms against Her Majesty's Government, and who have now basely deserted us and left us to answer with our Lives and Properties for those Crimes which they have themselves committed, do therefore most humbly beseech you, Sir, to take our Case into your kind Consideration, and to intercede with His Excellency the Lieutenant Governor of this Province to grant us a Pardon for our Offences.

We acknowledge ourselves to be completely subdued, and we throw ourselves entirely upon your Mercy; and we hereby promise, one and all, if such Mercy be extended to us, that we will from henceforth live as peaceable and loyal Subjects to the Government of Her Majesty Queen Victoria; and that we will not only bring in our Arms, but also use our utmost Endeavours to apprehend the Ringleaders of the late Insurrection and bring them to Justice.

We are thus induced to address you, Sir, not only from the exalted Position which you hold as the first Commoner in the Land, and Commander of the Queen's Forces in this Part of the Province, but also from our Knowledge of your kind and benevolent Disposition, of which we have had ample Proof in the Protection of the Lives and Properties of the Inhabitants since your Arrival amongst us, and which we trust you will exert in our Behalf to relieve us from our present unfortunate Situation; and we, your Petitioners, as in Duty bound, will ever pray, &c.

Signed by One hundred and three Petitioners.

Ninth Enclosure in No. 62.

His Excellency's Reply.

Sir, Government House, 18th Dec. 1837.

Enclosure No. 9.

His Excellency the Lieutenant Governor has received your Letter of Yesterday's Date, enclosing to me a Paper which has been addressed to you as Commanding the Militia Force sent to subdue and apprehend the Rebels stated to be in Arms in the District of London.

The Persons who have subscribed to that Paper, 103 in Number, state that they have been misled by Falsehoods, and by Promises of Rewards held out by Dr. Duncombe and other wicked Traitors, to take up Arms against their Sovereign; that they heartily repent the Crime they have committed, and acknowledge that they had suffered no Wrong at the Hands of the Government, and can offer no Justification in excuse for their Conduct; that they find themselves now deserted by the Persons who had urged them to rebel, and left to the Mercy of the Government, whose Laws they have offended. They offer to deliver up their Arms, and pledge themselves to use their best Exertions henceforward in supporting the Authority of the Government, and bringing Offenders to Justice.

His Excellency desires that you will answer the Petitioners by stating, that he sincerely regrets that any Number of Her Majesty's Subjects in this Province should have been prevailed upon to commit Treason against a Government which had always protected them, and treated them with Justice and Kindness; that, trusting to the Truth of the Declaration by the Petitioners, that they have seen their Error, and not doubting but they must be ashamed and astonished at their own Misconduct, His Excellency consents to your liberating such of them as are not known to have committed Acts of Violence against the Persons or Property of their Fellow Subjects, upon their entering into Recognizances, with sufficient Sureties, to appear at the next Court of Oyer and Terminer and General Gaol Delivery in the District of London, to answer any Complaint that may be brought against them at the Instance of any of their Fellow Subjects.

I have, &c.
(Signed) J. Joseph.

The Hon. Col. M'Nab.

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Enclosure No. 10.

Tenth Enclosure in No. 62.

Copy of a Letter from Colonel A. N. M'Nab to His Excellency Sir F. B. Head.

Sir, Head Quarters, Scotland, 14th Dec. 1837.

I have the Honour to report that the Detachment under my Command halted at Brantford on Wednesday Evening, in perfect Order, and the Men in high Spirits; at Nine o'Clock the same Evening I was informed by Persons sent by me to this Place (it then being the Head Quarters of the Rebels), that Dr. Duncombe, with about 400 Men, were here, and preparing to retreat to Norwich. I immediately despatched Persons to Simcoe, Woodstock, and London, requested that all the Volunteers that could be mustered should march down and intercept the Rebels, and meet me at this Place.

At One o'Clock on Thursday Morning (To-day), having obtained a Plan of the Position of the Rebels and the Roads approaching thereto, I moved off from Brantford with my own Detachment, consisting of about 300 Rank and File, and 150 Volunteers from Brantford, and 100 Indian Warriors under the Command of Captain Kerr, with Directions that they (the Indians) should take Possession of the Woods marked on the inclosed Plan "Pine Woods." Major Thompson, with 100 Men, was to march down the Back Settlement Road, while the main Body, with myself, were to march down the Main Road, and make the Attack simultaneously.

I regret to say that the Rebels became alarmed, and moved off during the Night.

This Afternoon I have been joined by not less than 1,000 Volunteers, with Colonel Salmon, Colonel Askin, and Colonels Rapelje and M'Call at their Head; Volunteers are pouring in at all Times and at all Places. It is my Intention to march at Six o'Clock To-morrow Morning, with 1,600 Men, through the Township of Norwich, the most disaffected Part of this District. I have at least Six Times as many Men as I require; but the Fact of such an Army marching through this Country cannot but have a very beneficial Effect; and, besides, the Volunteers joining me in this District would not be pleased to be dismissed, and all left to the Men of Gore.

I have taken all Dr. Duncombe's Papers, also Mr. Eliakim Malcolm's; the latter (which are of considerable Consequence) were discovered buried in a Field, together with several of the leading Rebels'. The latter I have sent under Guard to Hamilton.

I would strongly recommend that His Excellency should sanction the raising of Volunteer Companies, of 150 Men each, under the Command of Major Winnett, at Brantford; of Captain Drew, at Woodstock; of Mr. Askin, at London; and Mr. William Salmon, at Simcoe. Probably 100 Men in each Company would be sufficient. This could be readily done, and would not only keep all Things right here, but would at all Times be an efficient Force to act elsewhere when Occasion should require.

It is a Matter of no small Mortification to me to have failed in capturing the Traitor Duncombe and his rebel Band. And I very much fear he will not give me an Opportunity of attacking him, but like the other Leaders of the rebel Bands, will fly the Country.

I have, &c.
(Signed) Allan N. M'Nab,
Colonel Commanding.

Enclosure No. 11.

Eleventh Enclosure in No. 62.

Copy of a Letter from Colonel A. N. M'Nab to Colonel Halkett.

No. 2.

Head Quarters, Township of Oaklands, Scotland,
Sir, 15th December 1837.

I have the Honour to report, that the Rebels have dispersed in all Parts of this District, and that I have taken every Precaution to intercept them and cut off their Retreat.

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to
Lord Glenelg,
28th Dec. 1837.

Enclosure No. 11.

I have received several Deputations from these misguided Men, praying for Leave to come in and surrender their Arms, take the Oath of Allegiance, if necessary, and join the Troops under my Command. In endeavouring to find out those of the Leaders who may yet remain behind, so far I have refused their Request, unless the Leaders are delivered into my Hands. On this Subject I am to meet several Deputations this Day, and will forward a more explicit Despatch respecting it in the Morning.

Intelligence having reached this Place that a Body of Foreigners were threatening to cross the Niagara River, to join any Rebels that may yet be found in this County, I have this Moment been called upon by Colonel Rapelje, Colonel Salmon, Colonel Askin, Colonel M'Call, and the Officers commanding the Regiments and Volunteer Corps in this District, with a Request that I will offer to His Excellency their Services, with 2,000 or more of the gallant Militia of this District, who will be ready on the slightest Notice to march to the Frontier should their Country require their Services; and I have no Hesitation in stating that should any Demonstration be made on that Frontier a sufficient Force of Cavalry and Infantry can be poured into that Quarter from the London and Gore Districts, more than adequate to put it down.

I cannot describe in Terms sufficiently strong the Enthusiasm and Ardour with which the loyal Inhabitants of this County are crowding to my Aid.

I have, &c.

(Signed) ALLAN N. M'NAB,
Colonel Commanding.

Lieutenant Colonel Hackett, &c. &c.
Toronto.

Enclosure No. 12.

Twelfth Enclosure in No. 62.

Copy of His Excellency's Reply.

Sir, Government House, 18th Dec. 1837.

I am commanded by His Excellency the Lieutenant Governor to acknowledge the Receipt of your Despatch of the 16th instant, in which you convey to His Excellency the pleasing Intelligence that the Rebels in the London District, without offering you Resistance, had completely dispersed.

With respect to the misguided Men who have taken part in this Business, it is His Excellency's Desire that you should make every Exertion for securing the Ringleaders, who should in every Instance be humanely attended to.

His Excellency cannot authorize you to extend Pardon to any one; but he recommends that all those who wish to surrender themselves should, excepting the Ringleaders and any who have committed Violence to the Persons or Properties of others, be discharged on Recognizances with sufficient Bail to appear at the next Court of Oyer and Terminer.

I have, &c.

(Signed) F. HALKETT, A. D. C.

Enclosure No. 13.

Thirteenth Enclosure in No. 62.

Sir, Head Quarters, Sodor, Township of Norwich, 18th Dec. 1837.

I have the Honour to report that within a short Time after the Receipt of the Paper which I Yesterday enclosed, together with my Answer, upwards of 200 of the Rebels and disaffected Persons marched in and surrendered themselves and their Arms. They were received in the Centre of a Square formed by the Volunteers under my Command, and I availed myself of the Opportunity thus afforded me of explaining to those deluded Men the Situation in which they had placed themselves, that by their wicked and unnatural Conduct they had forfeited their Lives and Properties; and I permitted them to return to their Homes on the express Condition that they should at any Time surrender themselves,

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Enclosure No. 13.

themselves, should His Excellency not think proper to extend to them the Royal Clemency. Their Arms are in my Possession.

The Ringleaders, and some of the most wicked and active Men amongst them, including many of their Officers, are detained Prisoners, and I shall send them under a strong Escort to London to await their Trials.

In justice to my own Feelings I cannot forbear expressing my entire Conviction that, from all I have seen and heard, many of these unfortunate Men have been grossly deceived by the Traitor Duncombe and his Colleagues; and I firmly believe that many of them will return to their Allegiance, and yet be numbered among Her Majesty's faithful and loyal Subjects.

I have been detained here longer than I expected; but the Delay has been owing to the Necessity for my maintaining a central Position, so that easy Intercourse might be kept up with the numerous Detachments moving in all Parts of the District, to ensure the total Capture of the Rebels, which, I am proud to say, has been done, very few having escaped; and the gallant Militia Volunteers under my Command will, I am sure, give a good Account even of those few ere we quit the Field.

A good deal of Time has necessarily been taken in procuring the requisite Evidences, and in taking the Depositions against the most prominent of the Rebels.

I shall march from this Place for Oxford To-morrow Morning.

I have, &c.

(Signed) Allan N. M'Nab,
Colonel Commanding.

Colonel the Hon. Jonas Jones.

P. S.—Robert Alway, M. P. P., is a Prisoner. He was taken near Simcoe, on his Way to the West. I am unable to furnish a complete Return of the Prisoners and Arms taken, not having received the Returns of the several Officers commanding Detachments; but the Number of Prisoners amount to nearly 500, and from 100 to 120 Rifles.

Fourteenth Enclosure in No. 62.

Enclosure No. 14.

Sir, Head Quarters, Ingersol, 19th December 1837.

I have the Honour to acknowledge the Receipt of your Despatch of the 18th Instant, with its Enclosures.

I halted here this Afternoon at Four o'Clock, after a very severe March, through Ice and Snow, of 18 Miles. The Men bear the Fatigue well. I hope to reach London To-morrow Night.

As I stated in a former Despatch, it is my Intention to organize a Volunteer Corps at London, of from 100 to 150 Men, which I shall submit for the Approval of His Excellency. I shall do the same at Woodstock, Brantford, and Simcoe.

It has been reported to me that a good deal of Disaffection prevails in the Western District, particularly in the Neighbourhood of Sandwich. The Reports, however, are very contradictory upon this Subject.

It is my Intention to allow the Militia, except the Volunteers with me, and the Volunteer Companies above mentioned, to return to their Homes; as I am satisfied that it is not prudent at this inclement Season of the Year to harass them more than there is Necessity for. I am assured by all those whose Opinion is worth having that on the slightest Intimation they will again fly to their Posts. This is also my Opinion.

The remaining Prisoners, except the notorious Offenders, will be immediately set at Liberty, after being bound over to appear at the next General Gaol Delivery, as you have directed.

Finlay Malcolm was taken last Night by a Party of my Men; others are still in pursuit of Duncombe. Malcolm has been sent to Hamilton with several other Prisoners, including Elliott, Austin, and Carrol; the latter from the City of Toronto and from the Township. There now seems to be little Doubt that

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Sir F. B. Head.
to
Lord Glenelg,
28th Dec. 1837.

Enclosure No. 14.

they are the Men who accompanied M'Kenzie in his Retreat. The Men with the Saddles, Bridles, &c. shipped from Buffalo (if true) shall be well looked after.

I have written to Captain Gourlay to drill his Men, and to hold himself in readiness to march at Moment's Warning to the Frontier should his Services be required there.

I beg you will apply to the proper Quarter for 400 Stand of Arms and Accoutrements, with a Supply of Ball Cartridge; 100 for Simcoe, 100 for London, 100 for Woodstock, and 100 for Brantford. Please reply to this in your next Communication.

I have, &c.

Colonel the Hon. Jonas Jones. (Signed) Allan N. M'Nab,
Colonel Commanding.

Enclosure No. 15.

Fifteenth Enclosure in No. 62.

Sir, Barrie, 14th December 1837.

We the undersigned Magistrates of the Home District have the Honour to acquaint you, for the Information of His Excellency the Lieutenant Governor, that on receiving Expresses from the Magistrates of the Holland Landing that an armed Band of Rebels had marched to endeavour to surprise the Capital, prompt Measures were taken to send forward the Militia and Volunteers, the latter organized as efficiently as possible, and directed to place themselves in communication with such Forces as in the Urgency of the Moment might have been assembled, and to co-operate in putting down Rebellion.

It is a pleasant Duty to report on this Occasion that the whole Population rose en masse, and nobly responded to the Summons, leaving none but the Women and Children to take care of their Houses.

While we have the heartfelt Satisfaction of thus doing Justice to our fellow Subjects without Distinction in this Part of the County of Simcoe, it is with Gratitude to an all-wise and protecting Providence, whose Hand has been so visible in this our Day, that the wicked and deluded Men who dared to disturb the Peace of a loyal People are dispersed, and that we can return to our Fire-sides and resume our Occupations with Confidence in the Vigilance of His Excellency's Government.

We have &c.

(Signed) J. M. Hamilton, J. P.
James Wickens, J. P.
Elmes Steele, J. P.
John Whitley, J. P.
Samuel Richardson, J. P.

Enclosure No. 16.

Sixteenth Enclosure in No. 62.

Gentlemen, Government House, 16th December 1837.

I have received the Communication of the Magistrates of Barrie in the County of Simcoe, announcing the Measures taken there for co-operating in the Defence of the Government on the present Occasion. The Steps taken were highly creditable and judicious, and I have particular Satisfaction in acknowledging the loyal Feeling which has been so actively displayed by the good People of the County of Simcoe.

(Signed) F. B. Head.

The Magistrates of Barrie.

No. 63.

No. 63.
Sir F. B. Head
to
Lord Glenelg,
22d January 1838.

(No. 8.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 22d January 1838.

I have the Honour to transmit to your Lordship a Gazette Extraordinary, containing Copies of Communications between the Two Branches of this Legislature and myself relating to my Resignation of the Office I have the Honour to hold.

I have the Honour, &c.

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

(Signed) F. B. Head.

Upper Canada Gazette Extraordinary.

Toronto, Monday, 22d January 1838.

By Authority.

F. B. Head.

The Lieutenant Governor informs the Legislative Council, that in consequence of this Province being invaded and assailed by a Foreign Enemy, and being the Scene of actual Military Operations, Colonel Foster, the Officer in command of Her Majesty's Land Forces, has assumed the entire Military Authority and Command over the Troops; that he is also in command of the Militia; and that the Commissary General at Quebec has communicated to the Officer in charge of the Commissariat here, that, consistently with the Rules of the Service, no Expenses can be allowed unless sanctioned by the Authority of the Military Commander, upon whom the Protection of the Province has thus necessarily devolved.

The Lieutenant Governor takes this Opportunity to communicate to the Legislative Council, that having had the Misfortune to differ from Her Majesty's Government on One or Two Points of Colonial Policy, he felt it his Duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies the Resignation of the important Station which for a short Time he has had the Honour to hold in this Province.

His Resignation having been graciously accepted, the Lieutenant Governor has to inform the Legislative Council, that he Yesterday received official Information that Her Majesty has been pleased to appoint Colonel Sir George Arthur to be Lieutenant Governor of Upper Canada, and that His Excellency may be expected to arrive here in a few Days.

Under the peculiar Circumstances in which the Province is at present placed the Lieutenant Governor feels confident that the Legislative Council will rejoice with him at the approaching Arrival of an Officer of high Character and considerable Experience, whose Rank in the Army will enable him to combine the Military Command with the Civil Government of this Province.

Government House,
15th January 1838.

To His Excellency Sir F. B. Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg to return our respectful Thanks to your Excellency for communicating to us the Fact, which is at this Crisis particularly important, that by the Regulations of Her Majesty's Service the Command of the Troops and of the Militia employed in defence of this Province cannot be united in your Excellency's Person with the Administration of the Civil Government.

If your Excellency were to continue to represent Her Majesty in this Colony

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to
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Enclosures.

we are persuaded that, under present Circumstances, such a Separation of the Civil Power from the Military Command would be likely to lead to very unfortunate Results, since Military Rank and Experience, although they are by no means incompatible with the peculiar Qualifications which are requisite to give Confidence, Animation, and Effect to the Military Force, are not always to be found united with them.

We beg to assure your Excellency that we learn with extreme Regret that the Civil Government of this Province is to continue for so short a Time in your Excellency's Charge. It is not known to us upon what particular Points your Excellency's Views have differed so essentially from those of Her Majesty's Government that your Excellency was induced to tender your Resignation; but we know, that at no Period in the History of Upper Canada has its political Condition been such as ought to be more satisfactory to the Ministers of the Crown; and we feel that not Upper Canada only, but the Empire, owes to your Excellency a large Debt of Gratitude, for your firm and manly Avowal, upon all Occasions, of those Sentiments which became the Representative of a British Monarch, and for the unwavering Support which your Excellency has never failed to give to the established Principles of the Constitution.

It is this fearless Adherence to right Principles rather than to Expediency which has enabled your Excellency to rally round the Government, in a Moment of Danger, the Arms of an united People; and to exhibit this Province to our Sovereign and to the World in a Posture which must command for its brave and loyal Inhabitants the highest Admiration and Respect.

If the Result of your Excellency's firm and uncompromising Policy shall impress upon Her Majesty's Government the Conviction, that they need not fear to support in Upper Canada the Principles of the British Constitution, it will have produced an Effect of infinite Value to this Colony, and will have supplied what we believe has been chiefly wanting to insure its permanent Tranquillity.

But the Legislative Council cannot refrain from expressing the Regret with which they have observed, in the Case of your Excellency and of your respected and gallant Predecessor, that your Connexion with the Government of this Colony has seemed incapable of being protracted with Satisfaction to yourselves beyond the Period when it became evident that no Submission would be made by you to a Spirit of factious Discontent which nothing can appease but the Destruction of British Rule.

We beg your Excellency to believe that the Legislative Council will ever entertain a grateful Recollection of the Justice and Condescension which they have always had Occasion to acknowledge in their Intercourse with your Excellency, and that they participate deeply in the Feeling of general Regret at your Excellency's approaching Departure from this Province.

John B. Robinson,
Speaker.

Legislative Council Chamber,
17th Day of January 1838.

F. B. Head.

The Lieutenant Governor informs the House of Assembly, that in consequence of this Province being invaded and assailed by a Foreign Enemy, and being the Scene of actual Military Operations, Colonel Foster, the Officer in Command of Her Majesty's Land Forces, has assumed the entire Military Authority and Command over the Troops; that he is also in command of the Militia; and that the Commissary General at Quebec has communicated to the Officer in charge of the Commissariat here, that, consistently with the Rules of the Service, no Expenses can be allowed unless sanctioned by the Authority of the Military Commander, upon whom the Protection of the Province has thus necessarily devolved.

The Lieutenant Governor takes this Opportunity to communicate to the House of Assembly, that having had the Misfortune to differ from Her Majesty's Government on One or Two Points of Colonial Policy, he felt it his Duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies the Resignation of the important Station which for a short Time he has had the Honour to hold in this Province.

His

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to
Lord Glenelg,
22d January 1838.

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His Resignation having been graciously accepted, the Lieutenant Governor has to inform the House of Assembly, that he Yesterday received official Information that Her Majesty has been pleased to appoint Sir George Arthur to be Lieutenant Governor of Upper Canada, and that His Excellency may be expected to arrive here in a few Days.

Under the peculiar Circumstances in which the Province is at present placed, the Lieutenant Governor feels confident that the House of Assembly will rejoice with him at the approaching Arrival of an Officer of high Character and considerable Experience, whose Rank in the Army will enable him to combine the Military Command with the Civil Government of this Province.

Government House,
15th January 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Commons House of Assembly, in Provincial Parliament assembled, humbly thank your Excellency for your Excellency's Message of the 15th instant, communicating to this House, that "in consequence of this Province being invaded and assailed by a "Foreign Enemy, and being the Scene of actual Military Operations, Colonel "Foster, the Officer in command of Her Majesty's Land Forces, has assumed "the entire Military Authority and Command over the Troops; that he is also "in command of the Militia; and that the Commissary General at Quebec has "communicated to the Officer in charge of the Commissariat here that, consistently with the Rules of the Service, no Expenses can be allowed unless "sanctioned by the Authority of the Military Commander, upon whom the "Protection of the Province has thus necessarily devolved."

In reference to this Subject, we can only express our earnest Hope that this Regulation, which the Rules of the Service appear to have rendered necessary, may in no respect impair the Efficiency of the Operations hitherto planned and directed by your Excellency with so much Success for the Preservation and Defence of the Province against the Attack of foreign and domestic Enemies.

We are further informed by your Excellency, that having had the Misfortune to differ from Her Majesty's Government on One or Two Points of Colonial Policy, your Excellency felt it your Duty, on the 10th of September last, respectfully to tender to Her Majesty's Principal Secretary of State for the Colonies the Resignation of the important Station which for a short Time your Excellency has had the Honour to hold in this Province, and that your Excellency's Resignation had been graciously accepted. When this House recalls to Recollection the Events of your Excellency's Administration of the Affairs of this Province, the universal Respect and Confidence with which you are regarded, arising from your Excellency's firm and uncompromising Adherence to the Principles of the Constitution, and which has afforded to the Inhabitants of this Colony various Opportunities of proving, not by Words merely, but by Acts the most convincing and undeniable, their firm unshaken Loyalty to their Sovereign, and their Desire to maintain their Connexion with the Parent State, in contradiction to Assertions and Insinuations of a contrary Tendency, we cannot but view with Alarm the Disclosure now made, that your Excellency has felt yourself called upon to resign the Administration of the Government on the Grounds stated in your Excellency's Message.

If your Excellency's Measures and Policy have not given Satisfaction to our Gracious Queen, we are driven to inquire, in the most humble and respectful but solemn Manner, what Course of Policy it is that is expected by Her Majesty from Her Majesty's Representative in this Province? Deeply impressed with the Duty of Submission to the constitutional Exercise of the Royal Prerogative, we do not question the Right of the Sovereign to select Her Representatives in this or any other Colony of the Empire; but we nevertheless feel ourselves impelled by a Sense of Duty, suggested by a Desire to maintain

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our Allegiance, (and which, on our Part, can never be laid aside or forgotten,) humbly but earnestly and emphatically to declare, that if any thing be calculated to shake the Attachment of Her Majesty's now truly loyal and devoted Subjects to Her Royal Person and Government, it is by Acts of Injustice, or the Manifestation of ungenerous Distrust, towards Servants who have served the British Nation so faithfully and nobly as your Excellency has done. It will be the Duty of this House, before the Close of the present Session, and when more fully informed of Facts, to express more at large the Feelings and Opinions they entertain on this painfully interesting and important Subject.

In the meantime we beg to assure your Excellency, that this House, and the People of the Province, will regard your Excellency's Relinquishment of its Government as a Calamity of the most serious Nature, and which may result in Difficulties and Dissensions that cannot be easily repaired or reconciled. We however are fully persuaded, that the Blame cannot rest with your Excellency; and while we sincerely and most willingly acknowledge the Zeal, Ability, Justice, and honourable Disinterestedness with which you have conducted the Government of this Province, during your short but eventful and arduous Administration of its Affairs, we beg respectfully and affectionately to express, on behalf of this Province, our earnest Hope, that your Excellency's Prosperity in future Life may be commensurate with the Claims, deep and lasting as they are, upon our Gratitude, the Approbation of our Gracious Queen, and the Applause and Acknowledgment of the British Nation.

H. Ruttan,
Speaker.

Commons House of Assembly,
16th January 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly pray that your Excellency will be pleased to transmit to this House Copies of so much of your Excellency's Correspondence with the Right Honourable the Secretary of State for the Colonies as relates to your Excellency's Resignation of the Government of this Province, embracing the Matter of Policy upon which your Excellency had the Misfortune to differ from Her Majesty's Government, so far as the same may, in your Excellency's Opinion, be with Propriety communicated.

John B. Robinson,
Speaker.

Legislative Council Chamber,
Nineteenth Day of January 1838.

His Excellency's Reply.

Honourable Gentlemen,

It would afford me the greatest Satisfaction to transmit to the Legislative Council, according to its Request, so much of my Correspondence with the Right Honourable the Secretary of State for the Colonies as relates to my Resignation of the Government of this Province, but, after deliberate Consideration, I have come to the Conclusion, that the Publication of these Documents might, under existing Circumstances, embarrass my Successor, and might be considered as a Violation of official Confidence.

So long as I remain in the Service of Her Majesty's Government I do not consider myself justified in defending my own Conduct by any Vindication that may embarrass their Policy.

Government House,
22d January 1838.

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Sir F. B. Head
to
Lord Glenelg,
22d January 1838.

Enclosures.

To His Excellency Sir F. B. Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to lay before this House the Correspondence between Her Majesty's Government and your Excellency which induced your Excellency to tender your Resignation of the Government of this Province, and also any subsequent Correspondence between Her Majesty's Government and your Excellency on the same Subject.

H. RUTTAN,
Speaker.

Commons House of Assembly,
18th January 1838.

HIS EXCELLENCY'S REPLY.

Gentlemen,

Nothing at this Moment would be so gratifying to my Feelings as to lay before the House of Assembly the Correspondence between Her Majesty's Government and myself which induced me to tender my Resignation of the Government of this Province, but, after deliberate Consideration, I have come to the Conclusion, that the Publication of these Documents might, under existing Circumstances, embarrass my Successor, and might be considered as a Violation of official Confidence.

So long as I remain in the Service of Her Majesty's Government I do not consider myself justified in defending my own Conduct by any Vindication that may embarrass their Policy.

Government House,
22d January 1838.

No. 64.

No. 64.
Sir F. B. Head
to
Lord Glenelg,
23d January 1838.

(No. 9.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord, Toronto, 23d January 1838.

I HAVE the Honour to acknowledge the Receipt of the following Despatches from your Lordship on the Subject of the pecuniary Losses I have sustained in administering the Government of this Province:—

First, Despatch marked "Private," dated 22d September 1837.

Second, Despatch No. 234., dated 4th October 1837.

Third, Despatch marked "Private and Confidential," dated 4th October 1837.

My Lord, my Case, as detailed in my various Despatches on this Subject, is so plain that I really feel unwilling to repeat it.

Your Lordship is aware that I accepted this Government against my Inclination and against my Judgment. Before I left England I explained at great Length to Mr. Stephen, and laconically to your Lordship, that I was sure I should not be able to maintain myself here with less Means than my Predecessors, who one after another had found the Influence they possessed insufficient to buoy them up.

The very Moment I arrived here I found that my Predictions were verified by Sir John Colborne's arithmetical Account of his Expenses, and I therefore, as explicitly as I could write it, begged respectfully either to be furnished with additional Means or to be recalled.

To this Application your Lordship, in your Despatch No. 41., dated 2d March 1836, after admitting that "my annual Income ought at the very least to cover "my annual Expenditure," made me a distinct Promise; namely, that "if after

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" a sufficient Length of Observation it shall be established to my Satisfaction " and your own that my official Income is inadequate to the Demands to which " my Office reasonably subjects me, you shall think it your Duty, not for my " sake, but with a view to the permanent Interests of the Public at large, to " stipulate for the necessary Increase, as a Part of that Civil List for which His " Majesty's Hereditary Income is to be surrendered."

My Lord, this Arrangement was not as satisfactory to me as I believe it was intended to be; for as my Aide-de-camp drew my Income, paid it away, and only came to me to supply out of my private Funds the Deficiency, I felt it was hopeless to be trying Experiments against Facts such as I had submitted to your Lordship, or to ruin myself in contending against Arithmetic; however, my various Applications for Relief were overlooked by your Lordship, by whom I was allowed to sink Day after Day, Week after Week, Month after Month, and Year after Year, deeper and deeper into Debt, until, after a Lapse of nearly Two Years, instead of fulfilling the Arrangement which had been made, which was "to stipulate for necessary Increase, as a Part of that Civil List for which " His Majesty's Hereditary Revenue is to be surrendered," your Lordship, in your Despatch No. 234., left me to struggle with the Provincial Legislature, your Lordship merely observing, that "you should be happy to find that they " were not indisposed to enter on the Consideration of my Claims."

Your Lordship referred me also to the Legislature for Indemnifications for Furniture for the public Rooms in Government House, which I had been forced to purchase and pay for Two Years ago; and, besides this, your Lordship informed me that the Passage Money and travelling Expenses of my Family from London to Toronto were not to be repaid to me.

With respect to my appealing to the Provincial Legislature in the Terms you propose, I am sure your Lordship will feel, that, situated as I now am, it would be neither politic nor decorous. Nothing therefore remains for me but respectfully to claim from your Lordship as my due Payment of —

1. The travelling Expenses of my Family, Carriage, and Baggage to Toronto - - - - -	£500
2. Difference between my Income and Expenditure from 23d November 1835 to 23d January 1838 - -	2,000
3. Travelling Expenses of myself and Family to England -	450
	£2,950

Whatever may have been my Conduct with respect to refusing to place Messrs. Bidwell and Ridout on the Bench, I have laboured hard for this Country, and to be refused the bare Expenses I have incurred is Treatment which I never expect I shall receive from Her Majesty's Government.

I have, &c.

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

F. B. Head.

No. 65.

No. 65.
Sir F. B. Head
to
Lord Glenelg,
26th January 1838.

(No. 11.)

Extract of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

Toronto, 26th January 1838.

I have the Honour to acknowledge the Receipt of your Lordship's Despatch No. 247., dated 24th November 1837, in which you inform me that Her Majesty has been graciously pleased to accept my Resignation, and that my Successor will proceed to Upper Canada with the least possible Delay.

As I had not only tendered my Resignation, but had deliberately refused to carry into effect the Commands I had received from your Lordship respecting the Restoration of Judge Ridout to the Offices from which I had removed him, and respecting the Elevation of Mr. Bidwell to the Bench, I was quite prepared to have received from Her Majesty's Government with the utmost Submission the above Communications, and I can truly assure your Lordship that, expecting they

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to
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they would have been delivered to me without Comment, I was also not only prepared but desirous to have expressed to your Lordship and to Her Majesty's Government my deep Regret at having from a Sense of public Duty been obliged to place myself in opposition to their Wishes. I was further prepared to have begged your Lordship to pardon any Expression which in the conscientious Resistance of your Lordship's Policy I might inadvertently have made use of, and to be assured that it had never been my Intention or Desire to appear wanting to your Lordship in Respect for your private Character or public Station.

These Feelings I continue to entertain. But your Lordship's late Communication having coupled the Acceptation of my Resignation with certain Remarks, I feel it due to the Station I yet hold to record the requisite Explanation, particularly because it is evident to me, from the Ingenuity of the Extracts quoted in your Despatch, that they have been selected, dovetailed, and then brought before your Lordship's Consideration by some Person of considerable Ability and Experience in what is commonly called "Special Pleading."

1. In your Lordship's Despatch it is stated, "With the solitary Exception "of the proposed Surrender of the Territorial Revenues, I had not from the "Commencement of your Administration until my Receipt of your Despatch of "the 10th September 1837 the slightest Reason to know or to surmise, that "among the Measures prescribed for your Adoption in my *original Instruc-* "*tions* there was any one to which you did not cordially and completely sub- "scribe;" and your Lordships adds, "if therefore the Contrast which you "declare to have existed between your *Policy* and mine has really prevailed in "reference to the specific Measures indicated by my original *Instructions*, I "can only state that my Ignorance of the Fact has been as unavoidable as it "has been complete."

In order to support this View of the Case, which of course tends to show that I acted irrationally in tendering my Resignation, a few Extracts are selected from Two or Three of my Despatches, in which it is perfectly true that I distinctly avowed my Approbation of the original *Instructions* which on my Appointment I had had the Honour to receive from your Lordship; nevertheless, notwithstanding this Avowal, the whole Series of my Despatches continuously prove that I much more explicitly avowed my Disapproval of your Lordship's *Policy;* and though I did not presume to blame your Lordship, yet I feel that I have Reason to complain that Extracts showing my Approbation of my *Instructions* are quoted against me in your Lordship's Despatch, for the apparent Purpose of convicting me of having expressed my Approval of your *Policy*, whereas the Disagreement which existed between your Lordship and myself (not respecting my Instructions, but the Impolicy of Conciliation) has never subsided for a Moment since the first Day of my Arrival in this Province.

I could quote from my Despatches, if it were necessary, a Series of Extracts which would indisputably show that from the Date of the Elevation to the Bench in Lower Canada of the Author of the Ninety-two Resolutions down to the Period of your Lordship's proposed Restoration in this Province of Judge Ridout, and of the proposed Elevation of Mr. Bidwell, I opposed in the strongest possible Terms the fatal System of Conciliation; and far from my not having differed from your Lordship, I am sure it must have been notorious throughout the British North American Colonies, and even in England, that I was in this Province openly pursuing a Course of Policy diametrically opposite to that which was theoretically advocated by the Colonial Office, and practically carried into effect in Lower Canada.

It is true, that on being supported by the People of Upper Canada, and on gaining, by a Dissolution of the Provincial Parliament, an overwhelming Constitutional Majority in the House of Assembly, I felt it proper, on the common

* * * * † Principle of official Courtesy, to ascribe

† A few Words have been omitted here at the Request of Sir F. B. Head.

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Sir F. B. Head
to
Lord Glenelg,
26th January 1838.

the whole Credit of the Victory to the Instructions (not the Policy) which had emanated from Her Majesty's Government, but I certainly did not expect that this Compliment would have been quoted against me with a view to show that your Lordship had received no Notice or Warning that I was hostile to the Policy of Her Majesty's Government, until you were suddenly embarrassed by the Receipt of my unexpected Resignation dated 10th September 1837.

2. Your Lordship's Despatch next proceeds at great Length to show, "that "there is no one of my repeated Acts or Proceedings in which the general "Interests of the Province were involved which has not received your "Sanction." Your Lordship's Despatch supports the Assertion by Quotations from your own Despatches, which, as far as the *Words* go, clearly substantiate the Fact; but your Lordship's Despatch has omitted the *Dates*, which, had they been quoted with the *Words*, would have proved the Accuracy of my Complaint, which was, not that Support had been altogether denied me, but that it had been withheld from me during the various Struggles in which I have been involved, and as Lord Chesterfield granted it to Johnson, only bestowed when Success had considerably impaired its Importance.

I have before me a Quantity of minute Evidence on this Subject; but casting it aside, I appeal at once to the English Government Newspapers and to the Journals of the House of Commons, both of which will prove, I am sure, to any unprejudiced Person, that ever since my Arrival in this Province a most remarkable Silence has shrouded every Victory which I have gained over the Republicans; and as one Instance of this discouraging System, I may observe, that Mr. Hume was allowed on the Floor of the House of Commons to act in the fictitious Character of accredited Agent or Representative of the People of Upper Canada long after Her Majesty's Government were in official Possession of my Despatch concerning a Report from the House of Assembly which in the strongest possible Terms repudiated Mr. Hume, as well as the treasonable Language which he had addressed to Mr. Mackenzie, for whose Apprehension as an absconded Traitor the Sum of 1,000*l.* is at the present Moment offered by the Executive Government of this Province.

As the above Observations will, I conceive, sufficiently prove, what in British North America is perfectly notorious, namely, that in the arduous Struggles in which I have been engaged here I have *not* received from Her Majesty's Government opportune Support, I feel it unnecessary to notice the particular Cases of Captain Macaulay, the Executive Council, the loyal Addresses, the Speech from the Throne, and Mr. Sullivan's Appointment, which are adverted to at great Length in your Lordship's Despatch, and which I can assure your Lordship would appear to you under a very different Aspect were I, by a proper Adjustment of Dates and Facts, to lay these Subjects fairly before you; I will therefore at once proceed to the Case of the Non-confirmation of the Appointment of Her Majesty's Attorney and Solicitor General, which in my Despatch of the 20th September I so seriously complained of.

Your Lordship's Observations on this Subject in your late Despatch require but little Reply, as it appears that all I complained of is in fact admitted by your Lordship, that is to say, you admit that both these important Appointments were suspended merely because "a Member of the General Assembly of the "Church of Scotland had transmitted for my Information certain printed "Resolutions of the Presbytery of that Church in Upper Canada, which Reso-"lutions represented that in the Session of 1836 Mr. Hagerman had in his "Place in the House of Assembly of Upper Canada held Language and "pursued a Line of Conduct highly injurious to the Character and Interests "of the Scotch Church, and in direct Opposition to the avowed Policy and "recorded Opinions of the Ministers of the Crown."

It has now turned out that your Lordship's solitary self-interested Informant (a Scotchman whose Accusations were founded on some Extracts he had read from a most profligate Newspaper) was in Error; but even had he been right, I respectfully repeat and maintain, that so long as a Colony has a Provincial Legislature which can read, write, and speak for itself, no private Individual who gets worsted in a religious Squabble should be allowed to arrest, in opposition to the Recommendation of the Lieutenant Governor, the Promotion of both Her Majesty's Attorney and Solicitor General until they can publicly vindicate themselves from the poisonous Accusation which the

secret

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secret Informer has been allowed to pour into the Ear of the Colonial Minister.

The Attorney General (Mr. Hagerman) is known at your Lordship's Office to be a staunch uncompromising Supporter of British Principles, and I have no Hesitation in repeating that the marked Indignity which he and the Solicitor General have received has had a bad moral Effect.

3. With reference to the Reception which was given at your Lordship's Office to the Solicitor General, the Honourable William Draper, who as a Member of my Executive Council was especially despatched by me to your Lordship to explain the Views which the Executive Government here took in opposition to the departmental Conduct of Mr. Dunn, (who was consequently exactly the last Individual in the Province whom it would have been proper to have selected for such a Mission,) I have only to inform your Lordship that Mr. Draper, whose mild inoffensive Character and sound constitutional Principles are highly admired here, on his Return to Toronto from England, confessed to me, rather than complained, that in the course of his Life-time he had never had so much Difficulty in suppressing his Feelings as on his first Interview with your Lordship's Under Secretary, Mr. Stephen, whose whole Manner towards him was not only repulsive but highly offensive.

Had Messrs. Dunn and Draper been mere private Individuals, the Eulogium which your Lordship's Despatch passes on the former and the Neglect which was shown to the latter would interest no one; but while Mr. Draper appeared at the Colonial Office as a Member of my Executive Council, and as an Individual devotedly attached to constitutional Principles, Mr. Dunn appeared there recorded as one of the Five Members of my late Executive Council who shortly after my Arrival had made an Attack upon the Constitution, which, being immediately backed by the then House of Assembly, obliged me to dissolve the Parliament and appeal to the People (who supported me), which had the Effect of discarding Mr. Speaker Bidwell and the other Republican Members from the House of Assembly.

It was also recorded in your Lordship's Office that Mr. Dunn had been named with Mr. Bidwell, Mr. Papineau, and others of the same Politics, as Commissioners for an Object which, though artfully veiled, was very generally and naturally here believed to be revolutionary. Under these Circumstances, surely, it must be evident to your Lordship that it would have appeared a Measure of Conciliation highly offensive to my Council, had I, as Lieutenant Governor of this Province, selected Mr. Dunn as the Individual in Upper Canada most worthy of my Confidence; and it certainly remains for whoever may have advised your Lordship on this Subject to explain why, when all these Facts were recorded in the Colonial Office, your Lordship's Despatch should persist in giving so decided a Preference to Mr. Dunn at the Expense of Mr. Draper, a loyal Member of my Executive Council, whom I had especially despatched to your Lordship to explain the precise Views of the Executive Government, of which he officially was cognizant.

With respect to the Despatches on the Subject of Mr. Draper's Mission, which were given to Major Bonnycastle instead of to Mr. Draper, (although it was known at the Colonial Office that both these Gentlemen were to sail for New York in the same Packet,) your Lordship states, "I fully intended "to make Mr. Draper the Bearer of the Despatches in question. With that "view he was requested to attend at this Office; he promised to do so; but "from Causes unexplained and unknown to me Mr. Draper left England "without presenting himself at this Office, and the Employment of another "Messenger was therefore a Matter of inevitable Necessity."

If the united Testimony of Mr. Draper and of Major Bonnycastle be correct, your Lordship's obliging Intentions towards Mr. Draper have been frustrated in a Manner which I think it but proper that your Lordship should be made acquainted with.

Mr. Draper admits that by Appointment he was to have called at the Colonial Office on the Day before the Packet sailed; that he did call accordingly, but not at the appointed Hour.

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Major Bonnycastle, however, states, that your Under Secretary Mr. Stephen told him, Two or Three Days previous to the sailing of the Packet, that he Major Bonnycastle would be the Bearer of the Despatches; that he accordingly asked Mr. Murdoch (a Clerk in your Lordship's Office, who he was informed had Charge of the Upper Canada Correspondence) for them; that Mr. Murdoch told him that the Despatches would not be given to him; that he (Major Bonnycastle) went and told Mr. Stephen what Mr. Murdoch had said, upon which Mr. Stephen sent for Mr. Murdoch, and in his Major Bonnycastle's Presence told Mr. Murdoch, very angrily, that he Mr. Murdoch ought to obey the Instructions he had received, and that *he was to give the Despatches to Major Bonnycastle.*

4. I will now proceed to the Two principal Topics in your Lordship's Despatch; namely, my Refusal to raise Mr. Bidwell to the Bench, or to restore Judge Ridout to the Offices from which I had removed him, and my consequent Resignation.

My Lord, I had not been a Fortnight in this Country when your Lordship wrote to me, suggesting for my Consideration, "that it would be a very judicious Act on the Part of the Government to place in Stations of Trust and Honour, Two Gentlemen of Upper Canada (Mr. Rolph and Mr. Speaker Bidwell), who had been represented to you as among the most able, popular, and estimable Men in the Colony."

The Recommendation submitted by your Lordship for my Consideration was "that Mr. Rolph should be a Member of the Executive Council and Mr. Bidwell be placed on the judicial Bench."

5. With respect to Dr. Rolph, the first Individual mentioned to me by your Lordship as a Person whom it might "be a very judicious Act on the Part of the Government to place in a Station of Trust and Honour," I feel it only necessary to state, that next to Mr. Mackenzie Dr. Rolph has been proved to have been the most insidious, the most crafty, the most bloodthirsty, the most treacherous, the most cowardly, and, taking his Character altogether, the most infamous of the Traitors who lately assailed us. After having been the Person who fixed the Day on which Toronto was to be attacked, he hypocritically undertook to be the Bearer of my Appeal to the Rebels to avoid the Effusion of Human Blood; and it has actually been proved before the Commission which is now investigating this treasonable Affair, that after Dr. Rolph and Mr. Robert Baldwin had delivered this Message from me, the former went aside with Two of the principal Traitors and diabolically recommended them to come immediately and attack the Town. I will only add, that Dr. Rolph's Consciousness of the Part he had acted prompted him to fly to the United States, before any Idea was entertained of arresting him, and on the Moment it became evident that the traitorous Attack he had planned would not succeed. As a fugitive Traitor his Seat in the House of Assembly has just been declared void, with only Two dissentient Votes, which merely disagreed on a Question of Form.

6. With respect to the other Individual (Mr. Bidwell) mentioned to me by your Lordship as a Person whom it might "be a very judicious Act on the Part of the Government to place in a Station of Trust and Honour," it is certainly remarkable that within less than a Month from the Date of the above Recommendation both he (Mr. Bidwell), the former as Speaker, and Dr. Rolph, the latter as Executive Councillor, joined in perhaps the most ferocious Attack that ever was made by any Council or House of Assembly upon the Lieutenant Governor of the Colony. The grossly insulting Language which was used against me, every Word of which has long ago been transmitted to your Lordship, is I maintain without Precedent; and although your Lordship did not support me during my Conflict with these Persons, yet when it was decided in my Favour you did not hesitate to approve of the Resistance I had made against their violent Aggression upon the Constitution of this Province. Nevertheless, notwithstanding Mr. Bidwell, in consequence of his Republican Doctrines and of his avowed Connexion with Mr. Papineau, was publicly driven not only from the Speakership but from the House of Assembly itself, and notwithstanding that in my Despatch No. 41., dated 5th April 1837, I voluntarily

voluntarily explained to your Lordship why I could not conscientiously place him on the Bench, yet, with all this Mass of Evidence upon your Mind, your Lordship deemed it advisable deliberately to inform me, that it was the Wish of Her Majesty's Government that the Situation of Judge of the Court of the Queen's Bench should, in case of an expected Vacancy, be offered to Mr. Bidwell!

In Vindication of this Appointment your Lordship's late Despatch states as follows: "I confess that it did not appear to me fit that under such Circum-
"stances he (Mr. Bidwell) should be punished by a permanent and irreparable
"Incapacity for a Promotion to which, on the Grounds of private Character,
"no Objection could be raised, and to which, on the Grounds of professional
"Eminence, he had the highest possible Title. It appeared to me dangerous,
"or rather impracticable, to govern the Province on the Principle of a Proscrip-
"tion of *the whole of one* large Body of the Inhabitants."

What where the Dangers which your Lordship apprehended? What were the Principles upon which your Lordship proposed to govern the North American Colonies? And why your Lordship designated the small Band of Traitors, whose Conspiracy has lately been exploded without the Assistance of a single Soldier, "*the whole of one large Body of the Inhabitants*," I will not presume to enquire, but will simple state the following Fact.

Your Lordship's Communication to me of the Desire of Her Majesty's Government to elevate Mr. Bidwell to the Bench reached me on the 1st of September last, just Two Days after Mr. Bidwell had addressed a Letter to Dr. O'Callaghan, (a Traitor for whose Apprehension a Reward of £500 has been offered by Lord Gosford,) which was published in his own Newspaper, and of which the following is an Extract:—

"Retired from public Life, probably for ever, I still look with the deepest
"Interest and Sympathy on the Efforts of those who are actively contending
"for the great Principles of Liberty and good Government."

"Your great and powerful Exertions in the Cause of Liberty and Justice I
"have noticed with Admiration and Respect, and I look with deep Interest on
"the Struggle in Lower Canada *between an insulted, oppressed, and injured*
"*People and their Oppressors.* All Hope of Justice from the Authorities in
"England seems to be extinguished."

My Lord, if I have been wanting in respect to Her Majesty's Ministers I offer to them the foregoing Extract as my Apology, for even at this Moment of my approaching Departure for ever from this Province, the very Idea of my having been desired to elevate the Writer of such Sentiments to the British Bench, creates within me Feelings which it is difficult to suppress.

Under the Excitement of these Feelings I positively refused to obey your Lordship's Instructions, and I respectfully tendered to Her Majesty my Resignation of the Station I hold.

Events have since proved that the Judgment I had formed of the dangerous Effects of Conciliation was not incorrect. Treason, which had long slumbered in this Province, having been fanned by Conciliation, suddenly burst into a Flame. The Details of the late Rebellion, as contained in my Despatch dated 19th December, have already explained to your Lordship that on the 7th of December last the brave Militia of Upper Canada drove the Rebels from their Position at Gallows Hill, that the Place of Rendezvous, Montgomery's Tavern, immediately fell into their Possession, and that on a small Party rushing into it they found, brought out, and unfurled in Triumph before their Comrades the Traitor's Flag, upon which was inscribed in large Letters,

"Bidwell and the Glorious Minority,
1837.
"And a good Beginning!"

My Lord, if that Flag had, as was expected by its Followers, triumphantly entered Toronto, I have no Hesitation in saying it would have waved over the Corpse of every loyal Subject in the City; indeed, we have received Evidence that a general Massacre of the Queen's loyal Subjects would have been attempted.

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to
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The Flag in question was captured on the 7th of December last, just Six Days after the Departure from Downing Street of your Lordship's Despatch which, in reply to my Declaration that so long as I continued to be Lieutenant Governor of Upper Canada I would never raise Mr. Bidwell to the Bench, informed me, "that Her Majesty's Ministers have, after the fullest Deliberation, "thought it their Duty to tender to the Queen their Advice that your Resigna- "tion should be accepted."

I beg leave to place these Facts on Record without a Comment.

7. It gives me Pain to reply to that Part of your Lordship's Despatch which relates to my Refusal to restore Judge Ridout to the Offices from which I had removed him. The Despatch says nothing in favour of the Judge's Proposal to tar and feather me; nothing in favour of his whole Course of political Misconduct; nor does it in any way oppose my Opinion, or the Opinion of the Executive Council, that Judge Ridout was not a proper Person to be allowed to continue in Office under the British Government; but the Despatch clings with inexplicable Tenacity to a Fact which I have always fully admitted, namely, that I disclosed to Judge Ridout only a Part, instead of the Whole, of the Reasons for which I had felt it necessary to inform him that His late Majesty had no farther Occasion for his Services; and because I adopted this Course your Lordship declares, "it was impossible for me to advert to any "other Grounds of Accusation than that which had been made known to "Mr. Ridout as the Cause of his Dismissal."

Even in peaceful Times I am not aware that it is always usual to satisfy every public Servant of all the Reasons for which his Services are no longer required; but in a Moment of Mutiny, or on the Eve of a traitorous Insurrection, such as I have just quelled, any Man who understands how to wield Power knows, that a well-timed and unexpected Display of just Authority invariably effects most striking Results.

This Result was strongly exemplified in my Dismissal of Mr. Ridout, which so effectually checked the Insults the Republicans were preparing to offer me that it rendered it almost unnecessary for me again to defend myself, whereas in Lower Canada the conciliatory or enduring System of Her Majesty's Government was exercised until the Royal Gazette suddenly teemed with Dismissals, which, however, were too late to produce any thing but the most insulting and disreputable Replies.

My Lord, I submit to the candid Consideration of your Lordship, that my Administration of the Government of Upper Canada had not authorized Her Majesty's Government to consider me as an arbitrary or vindictive Man; there was therefore no Reason to presuppose that I had acted without Reflection in any Dismissal I had effected, but Mr. Ridout's Case, as it has been detailed to your Lordship, proves that his Dismissal was decided on by my Judgment, and not by my Passions; for there was not the slightest Occasion that I should have consulted either the Attorney General or the Executive Council on the Subject, and the very Fact of my having done so proves that I was desirous to be guided by Reason and Justice.

As I have already stated to your Lordship, Mr. Ridout's Republican Friends, fancying that his Dismissal might, in a City where almost universal Suffrage prevails, secure his Election as an Alderman, tried the Experiment and failed; he has never ventured to petition even the House of Assembly on the Subject; and I feel, I may say, that every Man of Respectability in the Province, who is cognizant of the Facts, is conscious that Mr. Ridout's Dismissal was not only a just but a necessary Measure; and I have only to add, that in the late Insurrection, which has tested all Men's Principles, Mr. Ridout is almost the only Individual of a respectable Family who has not either taken up or declared himself ready to take up Arms to put down Insurrection, or to repel the perfidious Invasion of this Province by American Citizens.

No. 66.

(No. 12.)

No. 66.
Sir F. B. Head
to
Lord Glenelg,
30th January 1838.

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord, Toronto, 30th January 1838.

I HAVE the Honour to inform your Lordship that since the Evacuation by the Pirates of Navy Island and of Bois Blanc Island, of the Capture of the Caroline at Schlosser and of the Anne Schooner off Amherstburgh, our American Enemies have gradually retired from the Frontier.

Van Ranzalaer, the Captain of the American Pirates, has, I am informed, returned to his Father; Mackenzie has retired to Rochester, where he intends, it is said, to become Editor of a Newspaper; and the unprincipled Gang of Ruffians who had undertaken to republicanize this noble Province being now out of Work are, I am glad to say, pillaging the Citizens of Buffalo.

I am happy to inform your Lordship that the Hatred and Detestation which exists in the Breasts of every loyal Subject in Upper Canada towards Americans and American Institutions is incurable, and that Upper Canada will never forget that in the Moment of its Adversity the most dangerous and the most vindictive of its Enemies were its Friends.

The Executive Council have concurred with me in Opinion that I might at once effect a considerable Reduction in the Militia Force now under the Direction of Colonel Foster; indeed I have no Hesitation in saying that were I to remain here I would at once send the whole of the Militia to their Homes, because I am confident that the Causes which called them into action have ceased to exist, and that it is now nothing but Fear which keeps up Forces on the Canadian and American Frontiers.

Considering, however, that my Successor will arrive here a total Stranger, I think it advisable, and perhaps in the End economical, that he should at first have too much rather than too little Support; for as soon as he feels his Strength he can then of his own Accord exchange physical for moral Influence. Under these Circumstances I have determined to keep up nearly the whole of our present Force for the few Days that will elapse until Sir George Arthur's Arrival; the Expense is trifling in comparison to the Advantage, and I trust that your Lordship will approve of the Arrangement.

I have, &c.
(Signed) F. B. HEAD.

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

No. 67.

(No. 15.)

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord, Toronto, 9th February 1838.

No. 67.
Sir F. B. Head
to
Lord Glenelg,
9th Feb. 1838.

IN my Despatch of the 10th of January, which contained a Copy of my Communication to Mr. Fox at Washington respecting the Capture of the piratical Steam Boat the Caroline, I had the Honour to mention to your Lordship, that in justice to Captain Drew of Her Majesty's Royal Navy, and the other Officers and Men engaged in the Service alluded to, I should feel it my Duty to bring their Conduct before the especial Attention of Her Majesty's Government.

It is proper, however, I should previously inform your Lordship, that as soon as I found that this Portion of the British Empire was perfidiously attacked and invaded by American Citizens under American Leaders termed "Generals;" that Artillery and Muskets were brought against us from the State Arsenals; that Navy Island, belonging to Her Majesty, was actually seized by Americans; that Batteries were formed there, from which Shot were fired for many Days upon the inoffensive Inhabitants of this Province,

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and that the Island was regularly supplied by Boats from the American Shore with Provisions and Munitions of War, I approved of the Recommendation of Colonel Macnab, commanding the Expedition on the Niagara Frontier, that a Naval Force or Flotilla under Officers of Experience should be constituted; and feeling it would be unjust that in the Name of Her Majesty I should require Naval Officers to leave the back Woods into which they had retired without recognizing them in the professional Capacity in which I had especially called them into action, I directed my Military Secretary, Colonel Strachan, to
A. 20th Dec. 1837. forward to Colonel Macnab a written Communication, a Copy of which is herewith enclosed, directing him to call upon such Naval Officers in the Province as he might deem proper to select, to afford me their Services, on the Understanding that they would receive their full Pay during the Period they were thus publicly employed by me on Her Majesty's Service.

In consequence of the above Communication (which, I at once think it right to acknowledge contains no Authority beyond what the Lords of the Admiralty may, from the Emergency of the Case, deem it proper to confirm to
B. 20th Dec. 1837. it,) Colonel Macnab called upon Captain Drew, R.N., to collect and command a Flotilla of Gunboats and other Craft, to be immediately fitted out for the Purpose of attacking Navy Island.

While the Gun Boats were being prepared the American Force under the American Commander, styling himself General Van Ranzalaer, continued Day after Day to fire from Navy Island upon the unoffending Inhabitants of the Niagara Frontier, although not a Gun had been fired on the Part of the British, although the American Forces on our Island were daily increasing, and although a Steam-boat chartered by these Pirates was actually employed in transporting to the Island Munitions of War for the Purpose of aggravating the Insult which, in a Moment of profound Peace, had perfidiously been made by American Citizens upon Her Britannic Majesty's Dominions.

Under these Circumstances Colonel Macnab determined, as an Act of Self-defence, to call upon Captain Drew to capture, burn, or destroy this Steam-boat.

Accordingly about Eleven o'Clock of the same Night ( ) Captain Drew, with Five Boats containing Nine Men each, pushed off from the British Shore. the Boats were commanded by Captain Drew, R.N., Lieutenant Mac Cormack, R.N., Lieutenant John Elmslie, R.N., Lieutenant Christopher Beer, R.N., and —— Gordon, a Commander of a Steam-boat.

The Crew were composed of Volunteers who embarked in total Ignorance of the Service in which they were about to be engaged, Captain Drew's Requisition having merely stated " that he wanted a few Fellows with Cutlasses " who would follow him to the Devil."

As soon as they were clear from the Shore Captain Drew ordered his Followers to rest for a few Moments on their Oars, and while the Current was hurrying them towards the Falls of Niagara which were immediately below them, he briefly explained to the Crews the Duty he required them to perform and the Post respectively to be assigned to each. Silence was then preserved until Captain Drew's Boat came within Fifteen Yards of the Steamer (which was obscurely seen moored to the Wharf at Fort Schlosser), when the Sentinel on board in a hurried Manner called out, " *Boat ahoy, Boat ahoy! who comes* " *there?*"

A Man in the Bow of the leading Boat replied " *Friend,*" on which the Sentinel called for the Counter-sign; " I'll give it you when we get on board," replied Captain Drew, who by this Time being close to the Vessel boarded her on the Starboard Gangway, and from an over Anxiety in his Crew to follow him, it so happened that for more than a Minute he was the only Assailant on the Pirate's Deck. Captain Drew there encountered Five Men, one of whom fired his Musket close to his Face; but missing, he (Captain Drew) immediately cut him down. Captain Drew then disabled another of the Pirates, and with the Flat of his Sword driving the other Three before him, occasionally hastening them with the Point, he made them step from the Vessel to the Wharf.

By

By this Time Lieutenant MacCormack had boarded on the starboard Bow, and it being so dark that he could not recognize the Men he found there, he asked them "*if they were Friends or Enemies?*" One of them replied, "*an Enemy,*" and immediately firing shot him through the Left Arm; Lieut. MacCormack instantly cut this Man down. Several of the Pirates then fired upon Lieut. MacCormack and wounded him in Five Places, yet in spite of this he effectually disabled another of them, and then sinking from Loss of Blood the Vessel was carried, when Captain Drew immediately ordered a Party of his Men to cast her off. It was, however, found that she was moored to the Wharf by Chains from the Bow and Quarter, which it required nearly Fifteen Minutes to unloose.

During this Delay the American Guard stationed at the Inn above Fort Schlopen turned out and commenced firing upon the Assailants; in consequence of this Lieutenant Elmslie, R.N., heading a volunteer Party of Sixteen Men armed with nothing but their Cutlasses, advanced about Thirty Yards towards them, and forming in Line they gallantly stood there to protect the Vessel against the American Riflemen until the Chain Cables were cast off.

The Crews now retiring to their respective Boats towed the Vessel from the Wharf, but the Current irrevocably drifting her towards the Falls of Niagara, Captain Drew, assisted by One Man, set her on Fire, and as soon as she was fairly towed into the Stream, the Assailants finding she was more than they could hold let her go, and giving her Three British Cheers they rapidly pulled away for their own Shore while the Steamer slowly glided towards her Doom.

A small Light glowing within her suddenly burst from her Hold, and in a few Minutes the Pirate Vessel, enveloped in Flames, was seen hurrying towards the Rapids, down which she hastily descended, until reaching the Crest of the great Horse-shoe Falls over she went.

Your Lordship will imagine better than it is possible to describe the solemn Magnificence of this Spectacle, yet it does not exceed the moral Picture exhibited at the Capture of the Vessel.

The Justness of the Cause, the noble Project of the Attack, the Coolness with which it was executed, and lastly the Mercy that was shown by our brave Fellows the Moment the Vessel was their own, are naval Characteristics which reflect Honour on the British Empire in general and on this noble Province in particular.

I therefore feel it my Duty to request your Lordship to lay my humble Testimony of the Merits of Captain Drew (whose Intrepidity and Generosity are beyond all Praise) before the Lords Commissioners of the Admiralty, to whose liberal Consideration I beg leave most earnestly but respectfully to recommend him.

I also feel it my Duty to bring before their Lordships especial Consideration the Case of Lieutenant MacCormack, who is still lying on his Back completely disabled; and I much fear that One of his Five Wounds will require the Amputation of his Left Arm.

This Loss to a Back-woodsman, upon whose manual Labour his Family is dependent for Support, is irreparable; and I feel confident that Her Majesty's Government will consider that as it is highly advantageous that the Queen should be enabled to call upon the retired Naval Officers in this Province whenever their professional Services on the Lakes may suddenly be required, so it is not only just but politic, that if disabled they should not be allowed to suffer from Privations, which might tend to deter others from following their noble and patriotic Example.

Although Naval or Military Officers when called upon by their Government are in no way responsible for the political Consequences of the daring Measures they are ordered to effect, yet I cannot help assuring your Lordship that the Capture of the Caroline has been productive of the most beneficial Consequences.

Before it took place American "*Sympathy*" for our absconded Traitors was unbridled and unchecked.

The State Arsenals were openly plundered, Subscriptions were openly collected, Provisions as well as Munitions of War were openly supplied; and while Her Majesty's Government in Upper Canada was subjected to enormous Expenses, and while the unoffending Inhabitants of this Province were kept

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in a State of painful Anxiety, the Inhabitants of the American Frontier were actually amusing themselves at our Sufferings, and were even making Parties of Pleasure for the Purpose of inspecting the Preparations on Navy Island.

No sooner, however, was the Caroline in Flames than a sudden Excitement prevailed, but it was the Excitement of *Fear*. The Women fled from the Villages on the Coast, People who had fancied themselves bed-ridden decamped, and the Citizens of Buffalo evinced the greatest possible Consternation for the Safety of their Town.

Immense Expenses were immediately incurred by the Americans for the Purpose of Self-defence; and considering how much Upper Canada had been obliged to expend on this Principle, I trust your Lordship will admit that it was salutary, politic, and above all *just*, to make our American *Allies* participate in the lamentable Consequences of their own *Perfidy* towards us.

Of course there were not wanting those who argued that the Excitement produced by this bold Act of Justice would irritate our Assailants. However, it may be observed that it is impossible to make War palatable to one's Enemy, and that indeed it is not advisable it should be so.

The Result has now spoken for itself. The Pirates have fled from Navy Island; their Plan of invading the Niagara Frontier has been abandoned, and our Allies, arrantly ashamed of themselves, are now merely our Enemies from that odd Principle in Human Nature which invariably makes Men hate and envy those whom their Consciences tell them they have injured.

Our Militia Forces on the Frontier have nearly all been allowed to retire to their Homes; but as the Flotilla of Boats requires to be guarded, and as I think it highly advisable that some Officer of Experience should watch the naval
C. 7th Jan. 1838. Movements of the Americans, I have directed Captain Drew, by Two Orders
D. 4th Feb. 1838. (Copies of which are herewith enclosed), to continue his Pendant flying *until I shall have had Time to communicate* to your Lordship.

As the Expense of this precautionary Observation will be very trifling, I would strongly recommend that it should be continued for at least a Year; for as several Vessels are now building on the Lake it would be prudent that we should have some one whose Duty it is to ascertain whether any suspicious Alteration is effected in their Structure.

Trusting that your Lordship will offer to the Lords Commissioners of the Admiralty my Apology in case I should have given any Orders they may see Reason to disapprove of, and that you will be so good as to lay before them
E. 26th Jan. 1838. Colonel Macnab's Recommendation in favour of Lieutenant Elmslie, a Member of my Executive Council, to whose Intrepidity I can myself bear Testimony.

I have, &c.
(Signed) F. B. Head.

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

First Enclosure in No. 67.

A.
Enclosure No. 1.

(Copy.)

Sir, Toronto, 20th December 1837.

I am commanded by the Lieutenant Governor to inform you, that should you require the Assistance of Naval Officers of Experience to recover Possession for Her Majesty of Navy Island, His Excellency desires that you will call upon such Naval Officers in the Province as you may deem proper to select to afford him their Services; and that you will explain to them that they will receive their full Pay during the Period they are thus publicly employed by His Excellency on Her Majesty's Service.

I have, &c.
(Signed) J. M. Strachan,
Military Secretary.

The Hon. Colonel Mac Nab,
&c. &c. &c.

No. 67.
Sir F. B. Head
to
Lord Glenelg,
9th Feb. 1838.

B.
Enclosure No. 2.

Second Enclosure in No. 67.

(Copy.)

By me, Allan Napier MacNab, Colonel commanding Her Majesty's Forces on the Niagara Frontier.

By virtue of the Power and Authority vested in me as the Colonel commanding Her Majesty's Forces on this Frontier by His Excellency Sir Francis Bond Head, Baronet, &c., Lieutenant Governor of the Province of Upper Canada, in a Despatch dated this 20th Day of December inst. commanding me to call forth the Services of such Offices of Her Majesty's Royal Navy as may be necessary for the Purpose of organizing an armed Naval Force to co-operate with the Troops under my Command in the Reduction of Navy Island.

I hereby authorize you to take upon yourself the Charge and Command of the Naval Department, to act in concert with me. You will organize such a Force of armed Vessels and Boats for a Flotilla as will protect the landing, and transport One thousand Men from the Canadian Shore to Navy Island. You will also make such other Arrangements as in your Judgment you may think necessary for the Good of Her Majesty's Service, and for effecting the Object of the Expedition; for which this shall be your sufficient Warrant.

Given under my Hand, this 20th Day of December in the Year of our Lord One thousand eight hundred and thirty-seven.

(Signed) Allan N. MacNab,
Col. Commanding.

Commander Andrew Drew,
Royal Navy.

C.
Enclosure No. 3.

Third Enclosure in No. 67.

(Copy.)

Niagara Frontier, Chippewa, 17th January 1838.

Navy Island having been evacuated by the Rebels, you will immediately proceed to lay up the Vessels and Boats composing the Flotilla under your Command in safety for the Winter.

You are hereby authorized to continue on the Spot yourself until further Orders, with such a Complement of Naval Officers and Seamen as you may deem sufficient to take proper Care of the Flotilla.

(Signed) F. B. Head.

Captain Drew, R. N.,
Chippewa.

D.
Enclosure No. 4.

Fourth Enclosure in No. 67.

(Copy.)

Sir, Toronto, 4th February 1838.

You are hereby commanded, in addition to the Duties already pointed out to you, of protecting the Property of Her Majesty lately employed with the Naval Department and placing the Schooners and Flotilla in a Place of Security, to use your utmost Endeavours to procure such Information of the Movements of the Rebels, or any other Persons inimical to Her Majesty's Government, as may conduce to the Interest of Her Majesty's Service; taking care, however, to be extremely cautious and circumspect in the Discharge of your Duty, to avoid every thing that could in the least Degree compromise the Dignity of Her Majesty's Government, or give just Cause of Complaint to the Government of any other Country at Peace with Great Britain. You will report your Movements to me, as also to the Lords Commissioners of the Admiralty, as often as Occasion may require, and you will continue your Pendant flying until I shall have had Time to communicate these Instructions to Her Majesty's Principal Secretary of State for the Colonies.

(Signed) F. B. Head.

Captain Drew, Royal Navy.

No. 67.
Sir F. B. Head
to
Lord Glenelg,
9th Feb. 1838.

E.
Enclosure No. 5.

Fifth Enclosure in No. 67.

(Copy.)

Sir, Head Quarters, Chippewa, 20th January 1838.

I have the Honour to enclose the Report of Captain Drew, R.N., commanding the Naval Brigade on the Niagara River; and the Services of that Force being no longer required, I have given them Leave (with the Exception of Captain Drew) to return to their Homes. That valuable Officer will retain a sufficient Number of Officers and Men to dismantle the Vessels and lay them up.

The Conduct of Captain Drew and the Volunteers under his Command has been most efficient since they joined the Service. When all have so nobly done their Duty, it may appear improper to mention the Names of Individuals who have signalized themselves while on this Station; I cannot, however, refrain from mentioning the Names of Lieutenants M'Cormack and Elmslie: the former was dangerously wounded in gallantly boarding the Caroline, and is still in the Hospital; the latter has been actively employed almost Day and Night since he joined Captain Drew's Squadron, and I am authorized by Captain Drew to say that he has received the most valuable Services from that Officer; and I do Lieutenant Elmslie but Justice in saying that the dangerous Nature of the Duty which was assigned to him brought him more under the Fire of the Enemy than any other Officer under my Command.

I have, &c.
(Signed) Allan N. MacNab,
Colonel commanding Militia and Naval Forces, Niagara Frontier.

Lieut. Col. Strachan,
Military Secretary.

No. 68.

No. 68.
Sir F. B. Head
to
Lord Glenelg,
21st Feb. 1838.

(No. 18.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 21st February 1838.

I have the Honour to inform your Lordship that having consulted my Executive Council, and the Speakers of the Legislative Council and House of Assembly, I Yesterday determined that on Tuesday the 27th Instant I would prorogue the Provincial Parliament.

I feel confident that by doing so I shall relieve Sir George Arthur (whose Departure from England we have not yet heard of) from the very difficult and embarrassing Situation in which he would be placed, were he, on his Arrival here as a Stranger, to be suddenly called upon to assent or dissent to Bills, on the Policy or Impolicy of which he had had no Time to consider.

I feel confident it is only fair to Sir George Arthur that he should have a few Months Leisure before he be called upon to meet the Legislature. I may also inform your Lordship that in consequence of the disturbed State of Lower Canada, and of the United States, many of the Members have felt it advisable to return to their Constituents, and that others are very desirous to do so.

I have, &c.
(Signed) F. B. Head.

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

No. 69.

No. 69.
Sir F. B. Head
to
Lord Glenelg,
6th March 1838.

(No. 22.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 6th March 1838.

I have the Honour to enclose to your Lordship a Copy of the Speech with which I this Day prorogued the Provincial Legislature.

I have, &c.
(Signed) F. B. Head

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

No. 69.
Sir F. B. Head
to
Lord Glenelg,
6th March 1838.

Enclosures.

UPPER CANADA GAZETTE EXTRAORDINARY.

Toronto, Tuesday 6th March 1838.

By Authority.

This Day, at Four o'Clock, His Excellency the Lieutenant Governor proceeded in State from the Government House to the Chamber of the Honourable the Legislative Council, where being arrived, and seated on the Throne, the Gentleman Usher of the Black Rod was sent with a Message from His Excellency to the House of Assembly, commanding their Attendance. The Members present being come up accordingly, His Excellency was pleased to prorogue the Session of the Legislature with the following

SPEECH:

"Honourable Gentlemen of the Legislative Council, and Gentlemen of the "House of Assembly,

"Considering the Circumstances under which you were hastily assembled, it "is satisfactory to me to observe that you have been enabled, notwithstanding "occasional Anxiety from attempted Invasions of our Frontier, to give your "deliberate Attention to the public Interests, and to mature some valuable "Measures.

"The Act for the Amendment of the Militia Law will, I trust, remove any "Obstacles that may have prevented the full Efficiency of a Force upon which "this Province must principally rely for its Safety and Independence. The "other Measures which late Events have induced you to adopt will be found, "I doubt not, well suited to the Exigency; and nothing can be more satisfac-"tory than the Readiness and Unanimity with which the Legislature have ap-"plied themselves to meet the Emergencies of the present remarkable Crisis.

"Gentlemen of the House of Assembly,

"I thank you for the Supplies which you have granted for the Support of "the Civil Government during the present Year.

"It is much to be lamented that at a Moment when the disturbed State of "Lower Canada and the Depression of Commerce occasioned by it must tend "materially to diminish our Revenue, the Necessity for new Charges should "be created to an inconvenient Extent, by the unexpected Hostility of our "Allies, which has forced us for a continued Length of Time into a State of "actual Warfare along the whole Extent of our Frontier.

"Honourable Gentlemen, and Gentlemen,

"I regret to say that there still exists among a Portion of the American "People so strong a Desire to force upon the free Inhabitants of this Province "Republican Institutions, that with scarcely an Exception every Government "Arsenal from Lake Champlain to Lake Michigan has within the last Two "Months been broken open and plundered, to furnish Arms for the Invasion "of this Portion of the British Empire; and however the Circumstance may be "explained, it is certainly a remarkable Fact that all these Robberies have "been effected without the Sacrifice of a single Life, and without even the "Imprisonment of the Person who is notoriously the Instigator of these Acts.

"The Wrong which Citizens of the neighbouring States have committed, by "thus attempting to dictate to the Inhabitants of Upper Canada the Form of "Government under which they are henceforward to exist, will, as the Asser-"tion of a new Theory, be condemned by the civilized World as severely as "in Practice it has been repudiated by the People of this Province.

"What Right, it will be calmly asked, have the Inhabitants of one Country, "armed with the Artillery and Weapons of their Government, to interfere with "the political Institutions of another? What Excuse, it will be gravely con-"sidered, had Citizens of the United States for invading the Territory of Upper "Canada?

"When our Coloured Population were informed that American Citizens, "sympathizing with their Sufferings, had taken violent Possession of Navy "Island for the double Object of liberating them from the Domination of "British Rule, and of imparting to them the Blessings of Republican Institu-"tions, based upon the Principle that all Men are born equal, did our Coloured "Brethren hail their Approach? — No! on the contrary, they hastened as

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" Volunteers in Waggon Loads to the Niagara Frontier to beg from me Per-
" mission, that in the intended Attack upon Navy Island they might be per-
" mitted to form the forlorn Hope; in short, they supplicated that they might
" be allowed to be foremost to defend the glorious Institutions of Great
" Britain.

" When the mild Aborigines of this Continent, who live among us unin-
" jured and respected, were informed that Citizens of the United States,
" disregarding the Wampum Belt which was sacredly connecting them with
" Great Britain, had invaded our Shores to sympathize with the Sufferings of
" the Red Tenants of the Forest, and to offer them American Friendship instead
" of the Enmity of British Rule, did our Indian Brethren hail their Approach?
" No; their Chiefs and Warriors instantly painted their Faces for Battle, and
" with Rifles in their Hands these free-born Defenders of their native Soil
" appeared before me with a solitary Request, namely, that in case of their
" Death their Wives and Children might be pensioned. The Six Nations
" Indians, the Missisaguas, the Chippewas, the Hurons, and the Ottawas,
" spontaneously competed with each other in a Determination to die, if neces-
" sary, in defending the British Government, under whose parental Protection
" they and their Fathers had been born.

" When the Canadian Farmers and Yeomen of British Origin were informed
" that Citizens of the United States, sympathising with their Sufferings, had
" in Three Instances taken forcible Possession of Her Majesty's Territory, for
" the Purpose of liberating them from British Domination; that with this Object
" in view the American Leaders had issued Proclamations, promising to each
" Liberator Three hundred Acres of the best Lands of Upper Canada, with
" One hundred Dollars in Silver; that the American self-styled General in
" command of the Liberators had called upon the Citizens of Upper Canada
" '*to free their Land from Tyranny*,' '*to rally round the Standard of Liberty*,'
" '*to lay down their Arms*,' in which Case it was beneficently promised to them
" that '*their Persons and Property should be protected*,' and that if they
" would '*cease Resistance, all would be well with them*;'— did the Canadian
" Inhabitants hail their Approach? No; on the contrary, their brave and
" loyal Militia, although totally deprived of the Assistance of Her Majesty's
" regular Troops, rose simultaneously, and, regardless of every private Conside-
" ration, wherever the Invaders appeared Thousands of Bayonets were seen
" bristling on our Shore ready to receive them. On the Eastern as well as
" on the Western Frontier but One Feeling prevailed; it was a noble Deter-
" mination on the Part of free Men to conquer or die in the Defence of their
" Religion, their Constitution, their Character, their Families, and their Farms.
" Yet, notwithstanding their excited Feelings, when the American Citizens,
" who from an armed Schooner had cruelly battered the Town of Amherstburgh,
" fell into the Hands of the brave Militia of the Western District (in which
" not a single Rebel had been in Arms), did these Prisoners fall Victims to
" popular Fury, or were they even insulted? No; the Instant our Invaders
" surrendered to British Power they experienced that Mercy which adorns the
" British Name; their Wounds were healed at our Hospitals; and from the
" Western Extremity of Upper Canada they were conducted unharmed through
" the Province, safe under the protecting Ægis of our Laws.

" When a Band of Rebels, defeated in their cruel Object to reduce this
" Capital to Ashes in the Depth of a Canadian Winter, were, after the Conflict
" at Gallows Hill, brought to me as Prisoners on the Field, was any Distinc-
" tion made between American-born and our other Canadian Subjects? No;
" all were released. Before the assembled Militia of Upper Canada all were
" equally pardoned. And though many of our brave Men, smarting under
" Feelings natural at the Moment, evidently disapproved of the Decision,
" yet all bowed in obedience to the Administrator of their Laws; and under
" the noble Influence of Monarchical Government, they allowed their Assailants
" to pass uninjured through their Ranks.

" When the gallant Inhabitants of the Provinces of New Brunswick and
" Nova Scotia received Intelligence that American Citizens had commenced
" an Attempt to free the British North American Colonies '*from the Tyranny*
" '*of British Rule*,' did they rejoice at the Event? No; a Burst of Loyalty
" resounded through their Lands, and a general Desire to assist us was
" evinced.

" If

" If Upper Canada were merely a young healthy Province, with no Protection on the Continent of America but its Character, its Industry, and the agricultural Difficulties it has to contend with, its filial Attachment to its Government, the Bravery it has shown in its Defence, and the Mercy it has extended to its captured Assailants, ought to be sufficient to make its Aggressors ashamed of their late Attempt to force upon their Neighbours Institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral Portion of the British Empire, and that the Two Countries are at this Moment bound together by a solemn Treaty of Peace, the faithless Attack of Citizens of the United States upon the Province, after it had completely quelled a slight domestic Insurrection, will, if persisted in, excite Feelings among the generous Nations of Europe, which will add but little to the Character of Republican Institutions; for surely the Smile of a Nation should not be more dreaded than its Frown, or its extended Hand be more fatal than its uplifted Arm.

" When the Facts just stated are clearly comprehended by intelligent Men, how will the American Citizens, who have so wantonly attacked the British Empire, find it possible to explain, that the Province of Upper Canada required them to interfere in its Concerns?

" But it seems now to be admitted that our Invaders have been deceived, that they falsely estimated the Canadian People, and that they have at last learned that the Yeomen, Farmers, Militia, Indians, and coloured Population of this Province, prefer British Institutions to Democracy; nevertheless, as an ex post facto Excuse for the sinful and repeated Invasion of the Province, it is urged that the Crew of the Caroline Steam Boat, which was captured more than Fourteen Days after Navy Island had been forcibly taken from us, have been 'assassinated,' and that 'an extraordinary Outrage' has been committed upon the Americans by our Militia, who so ably and gallantly cut out that Pirate Vessel.

" If Navy Island had been violently taken possession of by Canadian Rebels, instead of by a Body of Americans armed, fed, and commanded by American Citizens,—if these Canadian Rebels had then thought proper to invade the United States, to break open Half a Dozen of their State Arsenals, to rob each of many Hundred Stand of Arms, to plunder from the American Government Twenty-two Pieces of Cannon, and to set the Laws and Authorities of the Republic at defiance,—could any reasonable Man declare that we should offer, or that we could be supposed to intend to offer, any Offence to our Allies, if in a Moment of profound Peace we were to pursue in the Niagara River the guilty Vessel which had transported to the Island these American Arms, and capture her, whether she were in British Waters, in American Waters, moored to the British Shore or to the American Shore? Would it not be our bounden Duty to the American People to capture this Pirate Vessel? And if we were to fail to do so might not our Allies hold us responsible for Acts of such unprovoked Aggression committed upon them by British Subjects inhabiting a British Island?

" Again, supposing that the Americans were to co-operate with us (as under such Circumstances of course they would have done) in chasing this Pirate Vessel, could it be supposed for a Moment that each Power would only be permitted by the other to capture her so long only as she continued in their own Half of the River, and that if our British Boatmen, at the Peril of their Lives, were to capture the Vessel in American Waters or on the American Shore, it would be considered by the Americans as a 'violent Outrage'? There can be no Doubt in the Mind of any reasonable Man, that we should only perform our Duty to the Americans by destroying a Vessel belonging to our own Islanders, which had so grossly insulted them, which had completely overpowered their Government, and which in a Moment of Peace had so flagrantly violated the Laws of Nations. And if we should be justified in capturing the Vessel of our Islanders, on account of the Wrongs they had perpetrated upon the American Nation, surely we should have additional Right to do so on our own Account, if the Twenty-two Pieces of Cannon forcibly wrested from the American Government had not only been employed for a Fortnight in firing from the Island upon the peaceable Subjects of Her Majesty, but to our certain Knowledge were about to be transported

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Enclosures.

" to our main Land for the Purpose of committing Murder, Arson, and " Robbery in this Province.

" It is, however, declared by our Allies, that because these lawless Possessors " of our Island turned out to be American Citizens, and because their own " Government was totally unable to control them, the Capture of the Vessel " by us became a 'violent Outrage.'

" It would not have been considered by them an Outrage, had we by force " of Arms prevented Canadian Islanders from violating American Arsenals, " from insulting American Authorities, and from firing Twenty-two Pieces of " the United States Cannon upon British Subjects; but it *is* considered as an " Outrage for us to prevent an *American* Vessel from enabling *American* " *Citizens* to commit these unparalleled Aggressions.

" In the History of this Province the Capture of the Caroline (whoever " might have been her Crew) will, I maintain, be respected by future Ages as " a noble Proof of the Sincerity of the Canadian People to fulfil their Engage- " ments by crushing a Pirate Force which, in violation of existing Treaties, " was insulting from a British Island their American Allies, and which General " Arcularius, Governor Mason, Governor Marcy, the President and Legisla- " ture of the United States, had absolutely found too powerful for the Executive " Force of the Republic to control.

" The Fact that the Pirate Force was composed of and commanded by " American Citizens adds to the Aggression committed against the Canadians, " but subtracts nothing from the Crime of Robbery perpetrated upon the " United States Arsenals, unless indeed the American People or the American " Authorities should deem it proper to declare that it was no Robbery at all, " for that the Aggression was approved of, that the State Cannon and State " Muskets were knowingly and wilfully lent to the Invaders of Navy Island " for the Purpose of forcing Republican Institutions upon the People of Upper " Canada, and that under these Circumstances (which are incredible) the " Attack of Canadian Militia upon the American Citizens who were on board " the Caroline was 'an extraordinary Outrage.'

" But supposing for a Moment this false Reasoning to be unanswerable,— " supposing even that the Commission of the Outrage were to be admitted by " the Canadians, and that it were also to be admitted by them that the Capture " by Canadians of a small Steam-boat moored to the American Shore was an " Outrage equal in Magnitude to the Capture of Navy Island by American " Citizens,—still, to make the Canadian Outrage as flagrant as that which had " been committed upon us by Citizens of the United States, it would have " been necessary for the Canadians, after they had taken Possession of the " Caroline, to have fired from her Deck with Twenty-two Pieces of Cannon " for more than a Fortnight upon the American Shore; and even then, though " the Outrages would certainly have been rendered apparently equal, still the " former would have been an Outrage of Retaliation upon an Enemy, the " latter an Outrage of unprovoked Attack upon a Friend.

" There are Two Facts which the American Nation have not Power to deny:—

" 1st. That it is their Interest as well as their Duty to fulfil their Treaties:

" 2d. That if their People be permitted to rob the United States Arsenals in " order to invade a friendly Power, the lawless Body will very soon find out " that it is easier to plunder their own wealthy defenceless Citizens than the " poor, brave, well-armed People of Upper Canada.

" I have felt it to be the especial Duty of the legislative Station I hold, " not only to protest against the unprincipled Invasion of this Province by its " Allies, but to vindicate the Inhabitants from the unreasonable Accusation, " which without due Inquiry was made against them by the Federal Govern- " ment of the United States, of having 'assassinated' the Crew of the Caroline.

" The Memoir of the Attack which has just been made upon us offers a " Moral to the Mother Country, which I feel confident will create throughout " the Empire considerable Sensation; for although the old Country is not " without its Share of human Misapprehension and Prejudice, particularly as " regards its transatlantic Possessions, yet, when Facts are clearly submitted to " it, its Judgment is always sound, and its Verdict nobly impartial.

" The Struggle on this Continent between Monarchy and Democracy has " been a Problem which Upper Canada has just solved.

" It

" It had been very strongly argued, even in England, that Democracy was " the only Form of Government indigenous to the Soil of America, and that " Monarchy was a Power which required here artificial Support.

" With a view to subvert this Theory, the whole of the Queen's Troops were " allowed to retire from the Province, and the Result, as had been anticipated, " was that the People of Upper Canada were no sooner left uncontrolled than " they proclaimed themselves in favour of Monarchical Institutions. Surrounded " by Temptations on almost every Side, they indignantly rejected them all. " In a few Hours they successfully put down Insurrection in their own Land; " and when American Citizens, astonished as well as disappointed at their " Loyalty, determined to *force* them to become Republicans, People of all " Religions and of all Politics rushed to the Frontier to die in defence of their " glorious Constitution.

" The Conduct of the Militia of Upper Canada attracted the Attention of " the gallant and loyal Inhabitants of New Brunswick and Novia Scotia, whose " Legislatures have done themselves, as well as this Province, the Honour of " promptly expressing their unqualified Approbation of the Attachment which " has been evinced here to the British Constitution.

" When these Facts shall arrive before the English People, and when they " shall also have taken into their Consideration the devoted and unalterable At- " tachment which the British Population of Lower Canada have evinced for our " revered Institutions, surely they will come to the Conclusion, that the con- " current Opinions of Her Majesty's North American Colonies respecting the " relative Advantages between Monarchy and Democracy in America must " be sounder than their own can be, inasmuch as Eye-witnesses judge more " correctly than People can possibly do who are living 4,000 Miles off.

" The People of England will, I trust, not fail to admire the Calmness, the " Resolution, the Generosity, and the honourable Subjection to their Laws, " which have distinguished the Inhabitants of Upper Canada; and, on the " other Hand, they certainly cannot fail to observe, that the Republican Project " of our English Reformers, namely, to make the People Bit by Bit responsible " only to themselves, has ended in America by the Government of the United " States confessing its total Inability to restrain the Passions of its Citizens, to " guard its State Arsenals, or to maintain its Treaties with its oldest and most " natural Ally.

" Lastly, the British People will, I trust, observe with considerable Alarm, " that the leading Advocates for organic Changes in our Institutions are either " at this Moment lying in our Gaols as Traitors, or, from having absconded, are " self-banished from the Province; in short, that their pretended Efforts to " obtain in Upper Canada what they called 'LIBERTY FOR THE PEOPLE' has " ended in a most infamous and self-interested Attempt to plunder private " Property, rob the Banks, and burn to Ashes the rising Capital of their " Country!

" With this Experience before our Eyes I must confess I join with the Legis- " lature and People of Upper Canada in shuddering at the abused Name of " '*Reform*,' just as we now recoil with Abhorrence when we hear suddenly " pronounced the Word '*Sympathy*.'

" As my Successor is hourly expected here, I return to the Mother Country as " I left it, totally unconnected with Party or with Politics; but in Retirement " I shall remember the Lessons which the People of Upper Canada have taught " me. And I feel it my Duty to declare, that I leave the Continent of America " with my Judgment perfectly convinced, that the Inhabitants of Europe, " Asia, and Africa are right in their Opinion that all Men are not by Nature " equal; that the Assertion of the contrary in America is a Fallacy; and that " Talent, Industry, and Character must elevate Individuals as they do Nations " in the graduated Scale of Society.

" May the resplendent Genius of the British Constitution ever continue to " illuminate this noble Land, and, animated by its Influence, may its Inhabitants " continue to be distinguished for Humility of Demeanour, Nobility of Mind, " Fidelity to their Allies, Courage before their Enemy, Mercy in Victory, " Integrity in Commerce, Reverence for their Religion, and, at all Times and " under all Circumstances, implicit Obedience to their Laws.

" Honourable Gentlemen, and Gentlemen, Farewell."

No. 70.
Sir F. B. Head
to
Lord Glenelg,
6th March 1838.

No. 70.

(No. 28.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C..H, to Lord Glenelg.

My Lord, Upper Canada, Toronto, 6th March 1838.

I have the Honour to transmit to your Lordship a Copy of an Address which was read to me this Day while seated on the Throne by the Speaker of the House of Assembly.

I have, &c.

The Right Hon. the Lord Glenelg, (Signed) F. B. Head.
&c. &c. &c.

Enclosures.

May it please your Excellency,

We, Her Majesty's most dutiful and loyal Subjects the Commons of Upper Canada, have granted to our Sovereign Lady the Queen the Supplies necessary to enable Her Majesty to carry on the Civil Government of this Province for the present Year.

Upon looking back at the various important Communications which have been made by your Excellency to the House of Assembly during the present Session, we cannot but congratulate you and the Country upon the firm and noble Attitude assumed by your Excellency in all those public Documents which have emanated from your Excellency.

When we reflect upon the serious Occurrences that have taken place in Upper Canada and upon its Borders within a few Months past, and upon the distinguished Part taken by your Excellency to maintain the Honour and Interests of our Country during that short but eventful Period, we find equal Cause of Gratulation: Rebellion has been crushed; the Attacks of perfidious Citizens of a foreign Power have been repelled, and Peace reigns triumphant within the Bounds of your Excellency's Government. We trust that the Provisions of the Militia Law, to which your Excellency has just given the Royal Assent, may, under Divine Providence, contribute to the Preservation of this loyal Portion of the British Empire from the Aggression of all Enemies, whether foreign or domestic.

From the Message of your Excellency transmitted to both Houses of the Legislature, we have too much Reason to believe that the present will be the last Time we ever shall have the Honour of meeting your Excellency on an Occasion like the present. In the Name of the People of this Province I offer to your Excellency the Expression of their deep Regret that your Excellency should have felt constrained to tender to Her Majesty your Resignation of the Government of this Province, which your Excellency has administered with so much Credit to yourself and Advantage to the Country. The People of Upper Canada will ever retain a grateful Recollection of the Services of your Excellency, and they feel assured your Excellency will meet with a due Reward at the Hands of our youthful and beloved Queen.

It now only remains for me to present to your Excellency, for the Royal Assent, the Bill to provide for the Support of the Civil Government of this Province for the current Year.

No. 71.

(No. 33.)

No. 71.
Sir F. B. Head
to
Lord Glenelg,
14th March 1838.

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 14th March 1838.

I have the Honour to transmit to your Lordship a Copy of a Despatch from Colonel the Honourable John Maitland, commanding the Forces in the Western District, detailing the gallant Manner in which he marched against a large Body of organized Americans who had taken Possession of Point Pelé Island, which they had invaded.

Your Lordship will perceive that the American Force retreated as soon as he advanced, and traversing the Island, which is Nine Miles long, quicker than it was possible for him to follow them, they came in sight of a Couple of Companies of the Thirty-second Regiment, under the Command of Captain Brown,

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Brown, which had been purposely stationed on the Ice, with a view to cut off their Retreat to the American Shore.

The Americans, seeing this small Party, determined to attack them with their whole Force, and advancing towards them they availed themselves of a Quantity of broken Ice, behind which they were to a certain Degree protected, and then opened their Fire.

In a short Time about Thirty of our brave Men fell, and there can be no Doubt that in a few Minutes they must have been all mowed down by the destructive Fire of so many Rifles and Muskets had not Captain Brown, with admirable Decision, ordered his Men to charge.

The Republicans stood their Ground until the Monarchical Troops arrived within about Twenty Yards of them, when, abandoning their Position, as also their Principle that all Men are born equal, they decamped in the greatest Confusion, and reached the Shore; and had they there rallied behind the Trees, it would have been impossible for so small a Party of Men to have dislodged them; however they continued their Retreat, and were completely driven from our Island.

If your Lordship will be so good as to compare the Date of this Action with the Attacks which were made about the same Day upon this Province at Hickory Island near Kingston and at Fort Abino, opposite Buffalo, you will perceive that a simultaneous Effort was made to gain possession of Upper Canada.

In all Quarters it has been repulsed, and I am happy to say that in no Instance have our faithless Allies dared to attack the Mainland, their Attempts at Conquest having only been directed upon our Islands.

I have every Reason to believe that this is the last Effort which will be made, and I have no Doubt but that its expected Success has been the Reason why the Federal Government at Washington have so unaccountably delayed to legislate on the Subject of these unprincipled Aggressions.

Seeing that they can make no Impression upon us, I fully expect they will now adopt Measures which they should not have delayed.

I hear from every Quarter that the Excitement or Sympathy in the United States is rapidly subsiding.

In the Attack at Point Pelé Island the Americans not only lost their Commanding Officer, but the following Day General Sutherland, the Author of the Proclamations alluded to in my Speech on proroguing the Legislature, was with his Aid-de-Camp Captain Spencer taken Prisoners; and Two Days ago they were brought here through the Province under a Guard only of Twelve Men.

I immediately ordered Mr. Sutherland to be tried by a Court-martial, before which he was Yesterday arraigned.

In the Course of last Night he managed to open Veins in each Arm and in each Instep, and this Morning he was found nearly lifeless from Loss of Blood, in consequence of which the Court-martial has adjourned until Saturday.

I have, &c.

(Signed) F. B. Head.

P.S.—I have this Morning received for the first Time Intelligence of the Departure from England of Sir George Arthur, but I have not yet heard of his Arrival at New York.

I find that Colonel Maitland's Despatches are in the Hands of the Judge Advocate of the Court-martial, and I fear they can scarcely be copied in Time for this Mail.

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No. 72.
Sir F. B. Head
to
Lord Glenelg,
17th March 1838.

Enclosures.

(No. 38.)

Copy of a Despatch from Sir F. B. Head, Bart., K.C.H., to Lord Glenelg.

My Lord, Toronto, 17th March 1838.

From the particular Circumstances under which I have been placed here I have felt it necessary to agitate the public Mind more than was congenial to my Habits, or perhaps, correctly speaking, consistent with the Station I hold.

It is not my Desire to defend the Irregularity, which I am sensible can only be excused by its Success; but inasmuch as the Animosity which I have

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purposely endeavoured to create in Upper Canada against Republican Institutions may be considered by Her Majesty's Government to amount to an Expression of Opinion on my Part in favour of actual Hostility against the United States, I am anxious before I leave the Province to explain to your Lordship that I am very far from desiring to recommend any such Measure.

Although it has been absolutely necessary that by a Species of Agitation I should rally around me the loyal and brave Militia of this Province, yet I can assure your Lordship I have done so merely on the defensive Principle, and that nothing has been farther from my Intention than to do any thing offensive to the Americans or their Government.

27th Dec. 1837.

To all those in Authority under me I have strongly recommended this Course of Procedure; and I enclose to your Lordship a private Letter which I some Time ago addressed to the Governor of the neighbouring State of New York, which will, I believe, satisfy your Lordship of the Desire I evinced to co-operate with the American Authorities in maintaining our Treaty inviolate.

I have not Time, nor would it be perhaps proper, that I should now detail to Her Majesty's Government the many Reasons which in my humble Opinion exist against our declaring War with the United States; but on my Arrival in England, should it be desired, I would do so; and it certainly would give me very great Satisfaction to be enabled to contribute towards an Object of so much Importance to Humanity in general, and to the British Empire in particular.

I have, &c.
F. B. HEAD.

Enclosure referred to in No. 72.

Dear Sir, 27th December 1837.

I have just received Information that your Excellency has taken the Trouble to come to Buffalo for the Purpose of preserving the Peace which has so long happily existed between Great Britain and the United States.

This Exertion on the Part of your Excellency is, I can assure you, duly appreciated by me, and it has induced me to determine on crossing over to Niagara To-morrow, from whence I will proceed to Fort Erie, and will have the Pleasure of calling on your Excellency at Buffalo, at any Hour and at any Place in the City, on Friday the 29th instant, which your Excellency may be so kind as to appoint, in a Note addressed to me, to the Care of the Officer commanding the Canada Militia at Chippewa.

I remain, &c.
(Signed) F. B. HEAD.

His Excellency W. L. Marcy, Esq.,
Governor of the State of New York.

(Copy.)

Sir, Albany, 3d January 1838.

I have just received your Letter of the 27th ultimo, directed to me at Buffalo, and forwarded to this Place. Your Excellency was misinformed as to my being at Buffalo at the Time you addressed me. Had I been there I should have readily assented to the proposed Interview, in the Hopes it might have led to some Arrangement calculated to preserve the mutual Relations between the United States and Her Britannic Majesty's Provinces of Canada, and quiet the Apprehensions of the Inhabitants on the Frontier.

I have the Honour, &c.
(Signed) W. L. MARCY.

His Excellency Sir F. B. Head.

No. 73.

(No. 44.)

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

COPY of a DESPATCH from Sir F. B. HEAD, Bart., K.C.H., to Lord GLENELG.

My Lord, Toronto, 20th March 1838.

I have the Honour to enclose to your Lordship a printed Copy of some Addresses, &c. which have been presented to me in consequence of my Resignation of the Government of this Province.

In

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Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

In Justice to myself, as well as with a view to satisfy your Lordship, I am desirous of explaining, that on receiving your Lordship's Despatch, informing me that my Resignation had been accepted, and that my Successor had been appointed, I at once determined to do every thing in my Power to prevent my Departure from this Province embarrassing my Successor on the Policy of Her Majesty's Government.

I accordingly, without Loss of Time, mentioned to the Speaker of the Legislative Council, and the Attorney and Solicitor Generals, who are Members of the Lower House, it was my anxious Desire that no private Considerations should induce the Legislature to forget for a Moment that we had an Enemy on our Frontier, who could only be repelled by Unanimity and high Feelings.

I made a similar Communication to the Mayor of Toronto, who came to inform me, that some of the Militia had thrown down their Arms; and I can assure your Lordship that wherever I had an Opportunity I did all in my Power to allay the slightest Excitement which at first appeared to exist.

As soon as some Addresses reached me, I determined that I would return but one and the same short Answer to them all, and accordingly I gave to the Constitutional Society of Quebec, and to various other public Bodies, the identical Reply which I had given to the Blacks and Indians.

I have just declined to accept a public Dinner in my Way through Montreal. I shall do the same to a similar Invitation which I see is in preparation at Quebec; and if on my Arrival in that City I should find it unsafe for me even to go by the Kennebec Road to New York, and should consequently proceed to England by Halifax, in travelling through the Provinces of New Brunswick and Nova Scotia I shall pursue a similar Course.

As Sir George Arthur has, I am informed, already reached Montreal, his Arrival here is hourly expected.

I therefore take this Opportunity, which may possibly be my last official Despatch from this Government, to assure your Lordship, that in the Opposition I have offered to the Commands of Her Majesty Government, and in the unreserved Expression of my Opinions, I have solely been guided by a Sense of public Duty, in defence of which I have nothing further to say. I hope however I shall not in vain request your Lordship to feel assured that it was never my Intention to be disrespectful to your Lordship. If any thing I have written bears that Construction, I beg leave unequivocally to apologise for it.

I have the Honour, &c.
F. B. Head.

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Enclosures.

Sir, Montreal, 13th March 1838.

A large and respectable Meeting of Citizens, who long to testify their grateful Admiration of the Talent, Firmness, and Integrity which have uniformly distinguished your brief but eventful Administration of the Government of Upper Canada, has requested us to inquire whether you will so far gratify and honour them as to accept of a public Dinner during your anticipated Presence in Montreal.

We have the Honour, &c.
Peter M'Gill.
Jno. Molson.
Adam Thom.

Sir F. B. Head, Bart.
&c. &c. &c.

F. B. Head.

His Excellency the Lieutenant Governor has much Pleasure in transmitting to the Legislative Council a highly gratifying Communication from His Excellency the Lieutenant Governor of New Brunswick, accompanying a unanimous joint Vote of Thanks from the Two Houses of the Legislature of that Province to the Militia of Upper Canada, for their gallant Conduct in so ably, promptly, and energetically suppressing the late Rebellion in this Province.

Government House,
22d January 1838.

(A similar Message to the House of Assembly.)

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Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

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Government House, Fredericton, N. B.,
6th January 1838.

Sir,

With the highest Satisfaction I comply with the Wishes of the Legislative Council and House of Assembly of this Province, by transmitting to your Excellency Resolutions jointly concurred in by these Bodies, tendering to your Excellency and to the gallant Militia of Upper Canada the unanimous Thanks of the Legislature and of the People of New Brunswick, for the able, prompt, and energetic Suppression by them and by your Excellency, unaided by any Portion of Her Majesty's Troops, of the late Insurrection in the Neighbourhood of Toronto.

In doing this I beg to add the Expression of my warmest Concurrence in the Sentiments embodied in those Resolutions, with the Assurance that while we feel the most entire Confidence in the Ability of Her Majesty's loyal Subjects of Upper Canada, under your Excellency's Guidance, to put down Rebellion wherever it may show itself, yet we cannot but regret that our remote Position with respect to that Province prevents our offering our more active Co-operation.

I have, &c.
(Signed) J. Harvey,
M. General,
Lieutenant Governor.

His Excellency Sir F. B. Head, Bart.,
&c. &c. &c.

New Brunswick, House of Assembly,
5th January 1838.

Resolved unanimously, That the Thanks of this Province are due and should be presented to Sir Francis Bond Head and the gallant Militia of Upper Canada, for their able, prompt, and energetic Suppression of the Insurrection which lately took place in the Neighbourhood of Toronto.

Resolved unanimously, That the Conduct of our Fellow Subjects in Upper Canada on this memorable Occasion, so fully in accordance with their former high Spirit and Character, affords a glorious Example to the Sister Colonies, and cannot fail to quicken the Zeal and animate the Exertions of every loyal Heart in these Colonies in Support and Defence of the Liberties they enjoy under British Laws and Institutions.

Resolved unanimously, That our Fellow Subjects in Upper Canada may rest assured of the lively Sympathy of the Inhabitants of this Province in their Loyalty and patriotic Ardour, and of our most zealous Co-operation in maintaining the Royal Authorities, and the inestimable Advantages of our Connexion with the Mother Country.

(Signed) Chas. P. Wetmore,
Clerk of Assembly.

New Brunswick, House of Assembly,
5th January 1838.

Resolved unanimously, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, Lieutenant Governor of Upper Canada.

Resolved, That the Legislative Council be requested to join in these Resolutions.

(Signed) Chas. P. Wetmore,
Clerk of Assembly.

New Brunswick, Legislative Council
Chamber, 5th January 1838.

Resolved unanimously, That this House doth most heartily concur in the Resolutions of the House of Assembly on the Subject of the Insurrection in Upper Canada.

(Signed) Wm. Tyng Peters,
Clerk.

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To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the City of Toronto and its Vicinity, having heard of your Excellency's Resignation of the Government of this Province, and of the speedily anticipated Arrival of your Successor, feel called upon to address you upon this to us unexpected Event.

The Period of your Administration, though fraught with Events of the greatest Importance to Her Majesty's faithful Subjects in this Province, and to the Empire at large, has been so short as to enable us to pass it in quick Review, preparatory to the Expression of our Opinion on your Excellency's Retirement.

The Recall of your Excellency's respected Predecessor Sir John Colborne, so far as its Causes were understood here, was calculated to create in our Minds lively Apprehensions that in this as in the Sister Province the Experiment of Submission to factious Opposition was to be made; and that under the Name of Conciliation Encouragement was to be given to those whom we firmly believed to be inimical to the Maintenance of our present Institutions.

Nor were these Apprehensions lessened when (from Causes now fully explained and understood) we saw Individuals called to your Excellency's Councils whose political Principles we were fully convinced were not such as prevailed with the vast Majority of the Inhabitants of the Province, and upon whom we justly looked as Enemies of British Supremacy, and of our Connexion with the Mother Country.

Fortunately for the Well-being of the Province, in a much less Time than the most sanguine could have hoped, the Views of these Parties were disclosed, and an Opportunity was afforded to your Excellency of showing to the People at large that to you they might look in the fullest Confidence for supporting the established Principles of the Constitution.

We feel it alike a Duty and a heart-felt Pleasure again to record our warmest Admiration and Respect for the Penetration with which your Excellency at once saw through their Designs, and for the firm and uncompromising Manner in which you met and baffled them; and that although your Excellency's Course was treated with Insult and Obloquy by the then House of Assembly, who in a vain Effort at Coercion stopped the Supplies, and made Use of every Effort to embarrass the Government and compel Submission to their Views, your Excellency persevered in your Determination to maintain our happy Constitution inviolate.

The Success of the Appeal your Excellency made to the loyal People of the Province ought to convince every one who was capable of exercising a sound Judgment, that a straightforward and manly Policy, based upon the Maintenance of British Principles, and upon an uncompromising Hostility to all who were opposed to them, could not fail to meet our Wants and Wishes, and to secure our permanent Tranquillity.

In this View we strongly approved, as we still continue to approve, of that proper and vigorous Course in the pursuing which your Excellency dismissed from Office those who had made themselves prominent in a factious Opposition to your Policy, and who attacked your Excellency in a Manner which, as the Representative of the Crown, you could not have passed by without a Dereliction of Duty to our Sovereign.

From that Period down to the Date at which Your Excellency (as we have learned) felt it necessary to tender your Resignation, we candidly confess ourselves at a loss to understand what Policy it can have been on which a Difference has existed between your Excellency and the Ministers of the Crown, such as to have occasioned your retiring from the Government of Upper Canada; indeed it would have seemed only necessary to have contrasted the Situation of this and the Sister Province to have established the superior Wisdom and Soundness of the Course pursued by your Excellency over that which elevated the Author of the "Ninety-two Resolutions" to the Judicial Bench. But if further Proof were wanting of the Confidence your Excellency's Policy has inspired, it is to be found in that Burst of loyal and patriotic Feeling

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which displayed itself on occasion of the Insurrection, when from the East to the West the Province presented the animated and soul-stirring Spectacle of gallant Men struggling who should be foremost in the Field to subdue internal Rebellion, to resist Foreign Aggression, and die, if Need were, in defence of our Constitution and highly valued Connexion with the British Empire. Nor can we avoid alluding, with mingled Pride and Pleasure, to the Expression of Kindness and high-minded Sympathy which our late brief but important Struggle for our Constitution and Laws has called forth from our Sister Province of New Brunswick; and while we hail with Delight the Assurance that they burn with the same loyal Zeal and patriotic Ardour which has animated the People of this Province, we rejoice that under your Excellency's Administration we have been able to show those Qualities and pursue that Course which has gained for us these gratifying Expressions of Approbation and Esteem.

The Lesson which these Facts is calculated to impress will we trust never be forgotten; and if it shall bring to the Mind of Her Majesty's Ministers a Conviction, that by supporting in the Province British Principles and British Supremacy, and discountenancing the Foes of both, they will pursue a Course alike honourable to themselves and gratifying to the People of Upper Canada—should this, we say, be the Result of the Events which have occurred during your Excellency's brief Sojourn among us, it will add another to your Excellency's many and well-founded Claims to our deep and lasting Gratitude.

In respectfully taking leave of Your Excellency we cannot refrain from expressing our earnest Hope that your Excellency will find, in the Approbation of our beloved Queen, and in the Opinions and Support of all the sound-thinking Portion of the British Nation, a Reward for your never-ceasing Exertions and untiring Zeal for the Welfare of this Portion of Her Majesty's Dominions.

To these Expressions we also most cordially add our sincere Wishes for the domestic Happiness of your Excellency and your amiable Family.

Your Excellency will carry with you our public Approbation, our private Sympathy, and our kindly Wishes. Should the Possession of the one or the other be gratifying to your Feelings, it will serve to diminish the sincere Regret we feel in respectfully bidding you farewell.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Irish Inhabitants of the Town of Hamilton in the District of Gore, beg leave to assure your Excellency, that we have not been either indifferent or unconcerned Spectators of the thrilling Events which have agitated these Provinces during the last Three Months.

That having been astonished at the Result of a Meeting stated to have taken place in this Town on the First Day of December last, professing to be a Meeting of the Irish Inhabitants of the Town of Hamilton, and being, like most other Meetings of a similar Nature, calculated to produce the Impression that the Irish were discontented,—and that, while the avowed Object of such Meetings was Union and Peace, the actual Object was War and Strife,—we felt it our Duty to call at once a full Meeting of our Countrymen, to ascertain whether the Sentiments said to be theirs at the Meeting in question were so or not, when Resolutions were passed expressive of our ardent and unquenchable Attachment to Her Majesty's Person and Government; our Abhorrence at the Resolutions which had been passed at the various incendiary Meetings which had taken place in several Parts of the Province; our Satisfaction of your Excellency's Conduct; and our Non-participation in the Views and Sentiments set forth as those of the Irish Inhabitants of the Town of Hamilton, and which we published at Length in the Hamilton Gazette of the Twelfth of December last.

That having prepared an Address to your Excellency founded on these Resolutions, we were preparing to proceed to Toronto, to lay it before your Excellency,

Excellency, when we were diverted from our Purpose by the Scream of Rebellion, and the Tocsin of Civil War, which had been sounded in the Land. Laying aside our Intention for the Moment, we prepared to take the Field, and with our Muskets on our Shoulders, resolved to lose our Lives if necessary, in defence of the glorious Banner of Great Britain.

That since the unnatural Rebellion has ceased, and having but just returned to our Homes from protecting the Frontier of the Province from the Incursions of our neighbouring Allies, we were astounded at the Intelligence we received that your Excellency had felt constrained to tender your Resignation to Her Majesty's Government, and that it had been accepted.

Knowing, as we do, that in all the leading Features of your Excellency's Policy you have been sustained by Nine Tenths of the Inhabitants of this loyal Province, we confess that we heard this Intelligence with Dismay.

That we beg to assure your Excellency, that we shall ever retain Sentiments of the most lively Gratitude, for having dismissed from your Councils the Enemies of the British Constitution, and for the wise, bold, and constitutional Determination you have always evinced, in not allowing Places of Power and Trust to be filled but by those on whose Principles of Loyalty and Patriotism you could place the firmest Reliance.

In respectfully bidding you farewell, we cannot but express our firm Resolution only to support those Principles which your Excellency so unflinchingly maintained; and for which, in conjunction with our beloved Brethren from England and Scotland, and with the Natives of Upper Canada, we went forth cheerfully from our Homes to sustain with our Lives, or gloriously perish in their Defence; and praying that the Giver of every good and perfect Gift may hold you and your beloved Family in His holy keeping, and bye and bye bring you all to that heavenly Rest which only the good and righteous enjoy.

To His Excellency Sir F. B. Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Proprietors, Householders, and other Inhabitants of the Township of Trafalgar in the District of Gore, beg leave respectfully to approach your Excellency to express our unfeigned Regret, that in consequence of a Difference of Opinion with Her Majesty's present Advisers, you should have found it necessary to resign the Government of this Province.

Remembering, as we do, the critical Period of your Excellency's Arrival among us, commissioned by our late most Gracious Sovereign to carry into effect those remedial Measures which he had with so much Liberality been pleased to grant, and your Pledge to act with the strictest Impartiality, and conscientiously to perform the high Duties of your Office, dispensing equal Justice to all, a Pledge which, throughout your whole short but eventful Government, you have *nobly redeemed*, we cannot but feel the strongest Sentiments of Esteem and Respect for your Excellency, and of Regret for your approaching Departure from the Province.

These Sentiments are rendered doubly strong when we review the important Events which have occurred durring your Excellency's Residence among us. We cannot forget that on your Excellency's Arrival here you found the Province a Prey to intestine Dissensions caused by the Machinations of a few factious Demagogues, embued alike with a Hatred of British Feelings and British Principles; and the Majority of the Commons House of Assembly, instead of complying with your Excellency's Request to join you Heart and Hand in endeavouring to heal these Differences, anxiously and eagerly engaged in fomenting and increasing them.

That your Excellency, instead of pursuing that vacillating and unmanly Line of Policy, which, while it discourages and weakens the Friends of British Supremacy, adds Courage and Strength to its Enemies, and which, but for the Firmness of your Excellency's respected Predecessor, Sir John Colborne, and the Bravery of our Fellow-subjects, we have Reason to fear would have

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proved the Ruin of the Sister Province, at once showed your Determination to pursue a far different Line of Policy; and while, by addressing yourself to the Reason of an enlightened People, you testified your anxious Desire to carry along with you the Approbation of all the right-thinking Part of the Community, you at the same Time distinctly and clearly proved, that the Enemies of British Rule and British Feelings had nothing to expect from *you*, by declaring your firm Determination to maintain our Laws and happy Constitution inviolate.

That your Excellency's manly, straightforward, and honourable Conduct throughout that trying Period was duly appreciated, and gained the Confidence and Esteem and conciliated the Affections of an overwhelming Majority of the Inhabitants of this Province, was most convincingly proved when your Excellency dissolved that House and appealed to the People, who with manly British Feeling responded to your Call.

Still more lately we have had Experience of your Excellency's Firmness and Prudence, and of the mutual Esteem and Confidence which existed between your Excellency and the Inhabitants of this Province, when, after the Dismissal of every Soldier of Her Majesty's Troops from the Province, we have seen the Enemies of our Sovereign, with all the Advantages which that Circumstance could afford them, dispersed and annihilated by the loyal Militia, flocking in Thousands at Your Excellency's Call around the Standard of our Queen and Constitution, and that too with scarcely the Loss of a Man.

Your Excellency *may* and we trust *will* be again employed by our most gracious Sovereign in many important Services, but we feel satisfied, *wherever* or in whatever Manner employed, that, when that Period arrives (which we trust is far distant from your Excellency) when you are about to resign the Cares of this World for the Enjoyment of a better, no Event of your past or future Life will be regarded by your Excellency with more Satisfaction than the anxious Solicitude which you have shown during the late unnatural Rebellion to spare the Blood of the Inhabitants of this Province, a Solicitude which has, through the Blessing of Divine Providence, been so eminently crowned with Success.

When, Sir, all these important Events and Considerations pass in Review before us, we cannot but consider it extremely unfortunate that Her Majesty should have Advisers who have deemed it expedient to remove your Excellency before you have had an Opportunity of completing the good Work which you have so well begun.

Firmly and strongly as we have ever been and have proved ourselves to be attached to our Queen and Constitution, we cannot avoid asking ourselves the Question, which of your valuable Services can have given Dissatisfaction to Her Majesty's Ministers; and humbly expressing our Conviction, that nothing could possibly be more calculated to shake the Attachment and Confidence of the People of this Province in the Home Government than the Removal, without just Cause, of one who has performed such distinguished public Services as your Excellency.

Satisfactory as it would have been to us to have been made aware of the Points of Difference between your Excellency and Her Majesty's Advisers, we cannot but approve of your Excellency's honourable Motives for declining to make them known; but we must express our unqualified Conviction, that were these Points known your Excellency would not be to blame, but could show that you have acted in the same straightforward Manner you have ever done, preferring the manly, upright, and honourable Line of Policy to the merely expedient, a Line which, from the Appointment of Sir John Colborne, we are now led to hope will be pursued in the Lower Province, and which we trust your Excellency's Successor will continue to follow in this, as by so doing we feel assured he will gain the Esteem and Confidence of all good Men, the Respect of Foreign Nations, and the Approval of his own Conscience.

Although we are not destined longer to enjoy your valuable Services, we trust your Talents will not be allowed to remain long unemployed, convinced as we are, that wherever and whenever called into operation they will ever be exerted to the utmost for the Advantage of your Queen and Country.

Be

Be assured, Sir, that wherever you go your Excellency will carry along with you the Esteem and Regrets of the Inhabitants of this Province; and with Heart-felt Wishes for your Welfare and that of your Family, and praying the Almighty Disposer of all to bless and protect you and them wherever you may be situated,

We remain, &c.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, Magistrates, Freeholders, Merchants, and other Inhabitants of the Township of Dumfries, District of Gore, beg leave humbly to approach your Excellency to express our unfeigned Surprise at the Intelligence of your Excellency's Recall from the Government of this Portion of Her Majesty's Dominions.

We are ignorant of the Matter of Colonial Policy upon which your Excellency has felt it your Duty to differ from Her Majesty's Ministers, and are, therefore, not in a Situation to express any Opinion regarding it; but being sensible of the Benefits derived from your Excellency's Administration, and of the universal Satisfaction it has given to the right-feeling and loyal Portion of Her Majesty's Subjects, we deeply regret that Her Majesty's Ministers should have seen fit so to place themselves in opposition to your Excellency's Views as to force upon your Excellency the Adoption of the only Alternative left to an honourable Mind.

When your Excellency arrived in this Province we had the Misfortune to be represented by a House of Assembly the Majority of which, under the Guise of Reform, set themselves in opposition to the best Interests of the Province, and used their utmost Endeavours to accomplish Ends the Effect of which must inevitably have been to cause a Disruption of the Tie with the Mother Country.

We can never forget the Energy and the Talent with which your Excellency, in the constitutional Exercise of your Powers, proceeded to oppose the revolutionary Measures of the Faction to which we have referred. How completely your Excellency succeeded in the good Work let the noble Spirit which pervades the present House of Assembly and the utter Annihilation of the revolutionary Party testify. It becomes us also to remember with Gratitude that, when at a later Period the same Party had the Hardihood to raise the Standard of Rebellion, to your Excellency's Forbearance in the first instance and your Wisdom and Firmness afterwards are we indebted, under Heaven, for the Prospect which we now enjoy of handing down to our Children our beloved Constitution and the not less beloved Tie with our Father Land inviolate; and that, instead of having to prepare for a Struggle, we can look back to a Victory and enjoy the Hope of a long Course of uninterrupted Prosperity.

We deem it superfluous to allude more particularly to the Events of your Excellency's Administration. They are, and we trust will long remain, engraven on our Recollections; and in respectfully bidding your Excellency Farewell we beg again to assure you of our unalterable Attachment.

That the Almighty Governor of the Universe may protect and bless your Excellency and your Family, wherever you may be called to sojourn, is our earnest Prayer.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Freeholders and Inhabitants of the Township of Nelson, respectfully approach your Excellency with Sentiments of deep Regret at the Prospect of

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your early Departure, and we assure your Excellency that we shall ever remember with Gratitude the Zeal, Ability, and Justice with which you have conducted the Affairs of this Province during the short but eventful Period of your Administration.

We have seen with Astonishment the desperate Attempts of a few disappointed Individuals to embarrass the Government, and subvert our Connexion with the Mother Country; and admiring as we do the unshaken Firmness with which you have maintained inviolate the British Constitution, we view your Departure from amongst us at so critical a Period as an Event deeply to be deplored.

In the Midst of our Regret we, in common with Her Majesty's other Subjects of this Province, have One Cause of Congratulation, that on your Excellency's Return to England you will be enabled to make such a full and complete Representation of the State of Affairs in this Colony that Her Majesty's Government will be induced to adopt such a Course of Policy as will ensure to us the Advantages which our Fidelity and Attachment to our Constitution and Laws give us a Right to expect.

And it is our earnest Hope that the same Providence which has been so signally extended to us during the late Rebellion, will continue to protect your Excellency throughout your future Career, and that the same Esteem and Respect with which you are regarded in this Province may be evinced for your Excellency on your Return to the Mother Country, and that your Excellency's Administration of the Government of this Province may receive the unqualified Approbation of Her most Gracious Majesty.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Township of Esquesing, beg Leave to approach your Excellency with our deep and sincere Expression of Regret that your Excellency's Administration of the Government of this our beloved Province is so soon to terminate.

Sir, when we review the Circumstances of Difficulty and Danger, and the bitter and malicious Obloquy which has attended your every Word and Action, we beg to assure your Excellency that our best Sympathies were ever alive on your Behalf; and now that Circumstances have manifested to the World, that your Genius exerting itself in a firm and undeviating Line of upright Policy has crushed the most foul and ungrateful Rebellion that has ever stained the History of an enlightened People, we cannot forbear to express to your Excellency our deep Sorrow for the Cause (whatever Name it may deserve) which deprives us, at this Juncture of our Affairs, of the Benefit of your Excellency's wise Administration.

We agree in the Persuasion of our worthy Representatives in the House of Assembly, "that the Blame cannot rest with your Excellency;" and we do also with them express "our earnest Hope that your Excellency's Prosperity in future Life may be commensurate with the Claims, deep and lasting as they are, upon our Gratitude, the Approbation of our gracious Queen, and the Acknowledgment and Applause of the British Nation."

There is One more Subject of Regret which we would beg leave to notice, namely, that the short Space of Time since our Return from the *Lines* to our widely scattered Homes, and the still shorter Period since we became convinced of the Fact that your Excellency had been superseded in the Government, has had the Effect of depriving many of our Townsmen of the Privilege of joining with us in this simple but sincere Address; and we would further express our Belief, that Sentiments favourable to your Excellency's Character as Governor and Gentleman are co-extensive with Loyalty and good Feeling throughout the Province.

We are, Sir, on behalf of the Inhabitants of the Township of Esquesing, as well as in our own Persons, your Excellency's most obedient and respectful humble Servants.

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To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Freeholders and Inhabitants of the Township of Flamboro' East, respectfully approach your Excellency, impressed with deep Sentiments of Sorrow and Regret at the early Prospect of your Departure from this Province.

We feel that in parting with your Excellency we shall be deprived, at a critical Juncture, of a Lieutenant Governor in whom every loyal Subject must repose the most implicit Confidence and Hope.

We lament that our gracious Sovereign, by reason of the Distance which separates us from the Parent State, must necessarily be precluded at this Moment from deciding upon the Resignation which in an Hour of profound Quietness and Peace Circumstances induced your Excellency to tender.

The astounding Events which have occurred in our Province within a few Weeks must ever distinguish that Period as one of the most important in the Annals of Upper Canada; and we would assure your Excellency, that a grateful People will ever associate your Name with the Extinction of the foul and base Rebellion which has lately disturbed our Land.

You will leave your Government, Sir, with the cheering Consciousness that the Traitor's Arm is unnerved and Loyalty triumphant; and whatever may result from the unkind and unrational Conduct of a neighbouring State, we fear no Contradiction in affirming that your Policy has been equally forbearing, honourable, and wise.

The great Nation, of which it is our Happiness and Pride to form a Part, will we doubt not be firm in protecting her loyal Subjects from Injury, prompt in requiring Retribution and Satisfaction for any Insult she may have sustained.

We rest our Cause upon its Justice, and humbly and devoutly place our Reliance upon that Almighty God who has in so signal a Manner at this Time, stretched over us His protecting Arm.

With our kindest Wishes for Prosperity and Health to your Excellency, wherever your Sovereign may call for your Service, we bid you Farewell.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, residing in the Township of Nichol, having heard with the deepest Regret that your Excellency had tendered your Resignation of the Government of this Province, and that your Resignation had been accepted of by Her Majesty's Ministers, beg leave in the most respectful Manner to state to your Excellency the heartfelt Regret with which we have learned this Resignation, and the consequent Removal of your Excellency from amongst us. We regret the Policy of Her Majesty's Ministers which induced them to accept of your Excellency's Resignation.

The peculiar Situation in which your Excellency found the Province on your Arrival, the many various and conflicting Interests with which you had to contend, the Result of the foul and unnatural Conspiracy and Rebellion which was so speedily suppressed by your Excellency's wise and energetic Measures; all these, and many more of your Acts, serve to convince us of the inestimable Value of your Services as our Governor, and the great and irreparable Loss which the Province will sustain by your Removal.

But since we must lose you as our Governor, permit us with all Sincerity to bid your Excellency Farewell.

You take with you the best Wishes and Prayers of all loyal British Subjects; and you will have the gratifying Reflection that all your Acts have tended to the Glory and the Good of this Province.

May your Excellency long enjoy Health and Prosperity.

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May it please your Excellency,

We, Her Majesty's loyal and dutiful Subjects resident in the Town of Guelph and its Vicinity, have learned with Feelings of the deepest Regret, that the Period is at hand which is to terminate your Excellency's Government of the Province of Upper Canada.

Selected by a discriminating Sovereign to administer the Government of this important Portion of His Dominions at a Crisis of extraordinary Embarrassment, you have amply justified the Choice. Upon your Arrival amongst us you found the Province torn by Dissension, and the Friends of Constitutional Government in Doubt and Despondency. How great, how happy has been the Change during your Excellency's short but brilliant Administration. Public Questions of a perplexing Nature have been satisfactorily set at rest; the Designs of a Party, whose single Object is now proved to be the Overthrow of British Supremacy, have been signally defeated; a Spirit of the most devoted Loyalty has been enkindled throughout the Province, and the Standard of public Morals has been exalted by the straightforward Integrity which your Excellency has displayed. Those Services have been already acknowledged by a distinguished Mark of your Sovereign's Approbation.

It needed not therefore your noble Conduct during the late unnatural Rebellion to confirm our Sentiments of Respect and Affection for your Excellency's Person and Government. Here you require no Testimony from us; that Testimony is better borne in the present general Tranquillity of the Province, which during the Progress of the recent Revolt had not a Soldier within its Bounds; and were it not for the audacious Aggression of the People of a foreign Nation there would now be but little to remind us that a Rebellion had taken place.

At such a Period we lament that the Policy of Her Majesty's Government has been such as to lead to your Excellency's Resignation, and we are unable to express our Sorrow for the Loss of a Governor whom we believe so well qualified to promote the Peace and Prosperity of the Province, to develope its natural Resources, and to confirm it in its loyal Attachment to the Parent State.

And now, Sir, permit us respectfully to bid your Excellency Farewell. Had it been in our Power we would fain have retained you amongst us; but since it is otherwise ordered, it is some Consolation to us to know that you will bear with you the good Wishes and the Blessings of all Denominations of Her Majesty's loyal Subjects, and that you will enjoy, what is better than all, the proud Consciousness that you have done your Duty.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Inhabitants of the Town of Port Hope, hereby beg leave to approach your Excellency with the Expression of our warm Attachment and Regard to your Excellency's Person and Government.

In common with the rest of our Fellow Subjects, we view with Admiration and Gratitude your Excellency's firm and uncompromising Maintenance of the glorious Constitution under which it is our Privilege to live, thereby giving the Inhabitants of this Province the Opportunity of showing, as they have so decidedly done, their devoted and unshaken Loyalty to their Sovereign, and their ardent Desire to maintain inviolate their Connexion with their Father Land.

If any thing were wanting to cement the Regard, Attachment, and unbounded Confidence in your Zeal, Ability, Justice, and honourable Disinterestedness which

which your Excellency has awakened in every true Lover of his Country during your too brief but arduous and very eventful Administration of the Government, it would be over abundantly supplied by your generous Appreciation of and Reliance upon the Loyalty and Rightmindedness of this Province, and by the Promptitude, Decision, and Intrepidity with which you have enabled that Loyalty to exhibit itself, to the Confusion and the Defeat of parricidical Rebellion and treacherous Aggression.

With the deepest Surprise, Disappointment, and Regret, we have learned that any Circumstances could have occurred to have made you feel it your Duty to relinquish the Government of this Province, and we feel it incumbent upon us to express our hearty Concurrence with the Sentiments of our Representatives, and with them "humbly, but earnestly and emphatically, to declare, that if any thing be calculated to shake the Attachment of Her Majesty's now truly loyal and devoted Subjects to Her Royal Person and Government, it is by Acts of Injustice or the Manifestation of ungenerous Distrust towards Men who have served the British Nation so faithfully and nobly as your Excellency has done."

In bidding your Excellency a reluctant but affectionate Farewell, we cannot refrain from indulging the pleasing Hope that the Voice of this Province will be heard which unanimously calls upon our Gracious Queen to express Her Sense of your Deserts by some Token of Approbation worthy of your Excellency's Merits and the Importance of the Province which you have twice preserved to the British Crown.

Praying that all Prosperity, spiritual and temporal, may attend your Excellency and your amiable Family, we unwillingly bid you Farewell.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned loyal Inhabitants of the Township of Haldimand in the District of Newcastle, regarding with utter Abhorrence the recent atrocious Attempt to inflict upon this happy Province all the Horrors of Rebellion and civil Strife, are anxious to assure your Excellency of our Attachment and Fidelity to our Sovereign and to the Government under which we have the Happiness to live, and that we are ready to aid you in defending these Blessings with our Lives and Property.

We regret that even a small Portion of our Fellow Subjects should have been so devoid of common Sense, Gratitude, and true Patriotism as to suffer a few turbulent and degraded Individuals, whose Atrocities are unredeemed by a single Virtue, to seduce them from their Duty and Allegiance, and incite them to Rapine, Murder, and Treason, by those trite Means of Delusion which have ever been resorted to by the wicked and mischievous, and by Promises of Plunder which could only operate upon base and sordid Minds; but we rejoice that an Opportunity has been thus afforded of proving to the World that your Excellency's Confidence in the general Fidelity and Loyalty of Upper Canada was well founded, and we trust that the Slanderers of this glorious Province on both Sides of the Atlantic will be now silenced for ever.

We have learnt with Feelings of Indignation which no Language can adequately express that at a Moment of profound Peace the People of the United States of America, in violation of all national and moral Obligations, are embodying Troops and arming for the avowed Purposes of invading our Country, aiding the Incendiaries, Murderers, and Traitors who, driven hence, have sought their unhallowed Protection, and thrusting upon us the most oppressive, demoralizing, and uncontrollable of all Tyrannies, a Mob Despotism, in lieu of the mild, free, and efficient Government which we have the Happiness to enjoy under the wise and firm Administration of your Excellency. They shall find that the same strong Arms and loyal Hearts which recently overthrew domestic Traitors are equally ready to repel and chastise any audacious Violation of our peaceful Soil by Foreign Plunderers and Assassins.

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May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, Inhabitants of the Township of Seymour, having heard with Astonishment and Indignation that Preparations for the Invasion of this Province have for some Time been making by Bands of lawless Americans, in allegiance with those Traitors who have recently fled from the Punishment due to their Crimes in this Country, feel it our Duty to express to your Excellency our Attachment to the revered Constitution under which we were born, our Respect for the equal Laws and mild Government of our adopted Country, and our firm Determination to protect them to the utmost of our Power.

Engaged in the arduous Duties of new Settlers in the Forest, and remote from the Scene of the wicked and unnatural Rebellion which your Excellency's Firmness, and the Loyalty of Her Majesty's Canadian Subjects, have so happily terminated, we have been unwilling to occupy your Excellency's Time by a vain Display of Attachment to our Sovereign,— a Feeling which recent Events have shown is common to all but the most worthless in this Province. But we feel that a Period is now arrived when it may be of Importance to your Excellency to know the Sentiments of even the humblest of Her Majesty's Subjects, and that those Sentiments should also be made known to those deluded Persons beyond our Frontier who may have been induced to lend their Aid to the degraded Men who have escaped from our Shores, by the Belief that they are espousing the Cause of the oppressed, when in fact the only Oppressors we have known were those very Persons, when placed by the unmerited Confidence of their Countrymen in Situations of Power and Authority.

We have read with great Satisfaction, in the Speech delivered to the Two Houses of Parliament at the Opening of the present Session, your Excellency's Comments on the Conduct of that Portion of the American People who have presumed to interfere in the domestic Policy of our Country, and rejoice that at so trying a Period Her Majesty's Authority should be delegated to an Officer so capable of preserving untarnished the spotless Fame of the great Nation to which it is our Pride to belong.

With your Excellency we shall lament the Necessity for an Appeal to Arms in vindication of our outraged Liberties, but if the threatening Storm should burst upon our Land, with Heart and Hand we shall then respond to your Excellency's Summons to prepare for the coming Conflict.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of Cobourg and its Vicinity, beg leave on your Departure from this Province to express to your Excellency our deep Regret that your Excellency, in consequence of a Difference of Opinion with Her Majesty's Ministers, should have thought it necessary to tender your Resignation of the Government of this Province.

To your Excellency's unwavering Adherence to the Principles of the Constitution, to your firm and undisguised Opposition to all Measures tending to deteriorate the Advantages which we derive from our Connexion with England, we feel this Province is indebted for the Suppression of the rebellious outbreaking of the disaffected, who sought to embroil us in a Civil War; nor can we withhold our Thanks and Gratitude for your Excellency's Expression of your entire Confidence in the Loyalty of Her Majesty's Canadian Subjects, and we feel proud that such Confidence was not misplaced. Allow us to express our sincere Regret that your Excellency's Government has been of such short Duration, and that while we were looking forward to the Enjoyment of re-established Peace and Prosperity under your Excellency's Administration, the Province

Province should be deprived of the eminent Services of your Excellency. We trust, however, that Her Majesty's Ministers may use the Information which your Excellency will be enabled to give as to the real State of this Province to the Adoption of a Line of Policy more conducive to the Interests of the Province than hitherto has been pursued by them.

We humbly pray your Excellency may be pleased to convey to the Foot of the Throne an Assurance of our Fidelity to Her Majesty's Person and Government, our Determination at all Sacrifices to preserve our Connexion with Great Britain, and our Readiness to rally round the British Standard to oppose Foreign Invasion, as in the Suppression of domestic Rebellion.

Our Prayers will be offered to the Dispenser of all Good for the future Welfare of yourself and Family, and that you may reap those Blessings which a Consciousness of upright Intention and an honest Fulfilment of your Duty to your Sovereign and the People committed to your Charge is capable of bestowing; and we beg to assure your Excellency, that your efficient Suppression of the late Rebellion will long live in the Memories of an attached and grateful People.

We have the Honour to be your Excellency's obedient Servants.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants at the River Trent and its Vicinity, beg leave respectfully to approach your Excellency with Expressions of Regret, occasioned by your Announcement to the Parliament of this Province that a Successor has been appointed by the Imperial Government to supersede your Excellency in the Administration of the Affairs of this Province.

We cannot but remember the Circumstances under which your Excellency assumed the Administration of the Affairs of this Province; the vexatious Proceedings of the last Provincial Parliament, your manly and British Feeling in appealing to the Sense of the Country, the Response of the loyal People of this Province to that Appeal, and the full Reliance which all the loyally disposed placed on the Administration of your Excellency; nor can we forget your Forbearance towards the Instigators and Participators in the late futile Insurrection, and successively the Firmness, Decision, and personal Intrepidity manifested by your Excellency when the Leaders of that Insurrection had, by Sophistry and otherwise, contrived to stir up a hostile Feeling, as well towards the peaceable Inhabitants of this Province as the Connexion and Supremacy of the British Government.

We cannot help expressing our Satisfaction at the triumphant Manner in which you have carried us through our Difficulties up to the present Moment, and our Regret that the Province should be deprived of your valuable Services at this Time.

At the same Time, we cannot but feel that the loyal Part of the Population of this as well as the Lower Province have not been fairly dealt with by the Ministry in England during the last few Years, as Instructions have been invariably forwarded by which the Governors in these Provinces have been hampered in their Endeavours to encourage loyal Feelings, and at the same Time, that the factious and seditious have been encouraged to make Demands contrary to the Spirit of the British Constitution.

In tendering our most respectful good Wishes to your Excellency on your Departure from this Province at this most trying Moment, and without at all depreciating the Worth and Merits of your Successor, we cannot allow you to depart without entrusting you with our dearest Request, to be laid before our Gracious Queen when you shall triumphantly have established the Rectitude of your Proceedings and Intentions before Her Majesty's Government, as you assuredly will do.

We therefore beg that your Excellency will assure Her Majesty of our Loyalty and Affection for Her Crown and Person, of our Attachment to the British Constitution of Queen, Lords, and Commons, and if any Regret at all exists here,

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it is, that the Constitution of this Province is not more closely assimilated to that of Great Britain. We beg to remind your Excellency, in truth of this Assertion on your Approach to our Gracious Sovereign, of the Nature of the Population of this Province.

The U. E.'s who left the United States because they preferred a Monarchical to a Republican Form of Government, the Emigrants from the Parent State, nurtured under a Monarchical Form of Government, and who, from their present Contiguity to a Republic, have seen nothing in the latter to prefer, but every thing to detest, when compared with the former.

A Sense of Justice compels us to add, that many of our most attached Fellow Subjects in this Province are Natives of the Republic to which Reference has just been made; and if there are Traitors among us, recent Events compel us to acknowledge, we know that they are neither numerous nor influential.

In leaving us we beg to assure your Excellency that you have with you our best Wishes for your future Prosperity, Happiness, and Advancement.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Township of Norwich, sympathizing in common with the whole Community of this Province at the unexpected Removal of your Excellency from the Lieutenant Governorship, deem it our Duty to address you on this Occasion.

We lament exceedingly the Fact, whatever may have been the Cause, of your Removal, and we cannot allow your Excellency to depart without testifying our Approbation of your Conduct in the Administration of Affairs in this Province.

We admire the manly, straightforward, and vigorous Course your Excellency has pursued under the humiliating Position a few misguided and unprincipled Men have plunged this Province; and we feel assured that the Tranquillity we at this Moment enjoy is mainly attributable to the judicious and sound Views your Excellency has taken and the spirited and firm Resistance you have shown.

Accept, Sir, the heartfelt Thanks of your sincere Admirers, and carry with you wherever you go our unfeigned Prayers for your future Happiness and Prosperity.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We the Grand and Petit Jurors of the District of Bathurst in General Quarter Sessions assembled, and other Inhabitants of the District there met together, very respectfully approach your Excellency for the Purpose of conveying at this Period of great and interesting Excitement our unalterable Attachment to the Person and Government of our most gracious and beloved Queen, and due Determination to preserve, at all Hazards, the Connexion that so happily exists between this Country and the Parent State, truly sensible of the Blessings we enjoy, grateful for the Protection we receive, living under no Species of Oppression or Misrule, enjoying Liberty unbounded, and the free Exercise of our Religious Principles. We have Hearts that revere a Government that confers so many Benefits, we appreciate its Justice, and are satisfied with its Rule; we therefore cannot but deplore that in this highly favoured Province, where the Administration of the Government is so justly and mildly exercised,

exercised, abandoned, unprincipled, and ungrateful Wretches should be found who would so far forget their Allegiance and their Duty to their God as to appear in the Ranks of Disaffection and Rebellion, and who, setting all Law at defiance, have openly appeared in Arms to subvert that Government, and destroy the Peace, Happiness, and Contentment of Her Majesty's loyal and well-disposed Subjects. But that merciful God, who watches over the just, who protects the innocent and oppressed, did not desert our loyal Fellow Subjects in the Hour of Danger; the Struggle between good Government and Revolution in this Province was short, and the Confidence which your Excellency so unhesitatingly reposed in the Loyalty and Fidelity of the Militia of Upper Canada was gallantly exemplified by their prompt and effectual Assistance, scattering to the Four Winds of Heaven the Traitors to their God, their Queen, and their Country. The Firmness and moral Courage of your Excellency has not escaped our Observation; the Zeal and Ability manifested by your Excellency, nobly aided by the Gallantry of the Militia and Volunteers in dispersing the accursed rebellious Band that hovered round the Seat of Government and threatened its Destruction, together with the loyal and brave Inhabitants of Toronto, merit our grateful Acknowledgments; and we do indeed sincerely lament our Want of Language sufficiently forcible to express our Congratulations on so important and auspicious an Event. The Remembrance of the brave Defence, conducted under your Excellency's immediate Command, will be long cherished as the proudest Day in the Annals of Upper Canada; and, while Justice is tempered with Mercy, it becomes your Excellency at the same Time, however distressing it may be to your humane and benevolent Character, to punish those whose Talents and Example were so nearly plunging this Province into the Horrors of a Civil War.

To your Excellency, personally, we beg to tender our Feelings of Confidence and Attachment, and conclude with a fervent Prayer that Success may ever attend Her Majesty's Arms.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Townships of Torbolton, Fitzroy, Pakenham, Macnab, Horton, Ross, Westmeath, and Pembroke, consider ourselves imperatively called upon, in the present State of public Affairs, to profess our Loyalty to Her Majesty, and our Determination to resist to the utmost of our Power the wicked and absurd Attempts to dissolve the Connexion which at present exists between Great Britain and Canada, the Maintenance of which we firmly believe to be essential to the Welfare of the Empire at large, and more especially of the Canadas.

In declaring our Attachment to the British Constitution, we are influenced by a Sense of the many Advantages which we derive from it, and from a Conviction that under no other Form of Government whatever can we hope for a Continuance of the same internal Peace, Civil and Religious Liberty, and the same Security for our Persons and Property, which we now enjoy.

That we would cherish the most friendly Feelings towards our Fellow Subjects of French origin, and consider the great Majority of the Insurgents in the Lower Province as deluded by designing and interested Men, of whose cold-blooded Atrocity in urging on a brave and once loyal and contented Peasantry to their own Destruction we cannot sufficiently express our Abhorrence.

If we could for a Moment suppose the Possibility of Papineau, Mackenzie, and other Rebels succeeding in their mad Projects, it is our Opinion that the People of these Provinces would be subjected to the Tyranny of a Gang of ambitious Demagogues, who would be as insolent Rulers as they have been bad Subjects; and from their recent Conduct it would appear we should have to dread, under their Domination, a Repetition of those Scenes of Massacre and Bloodshed which took place during the French Revolution.

It is therefore our Determination, in a Reliance on Divine Providence, to aid by every Means in our Power Her Majesty's Government and the Executive

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Governments of these Provinces in putting down Sedition and Rebellion, and checking in the Bud the treasonable Designs of Revolutionists to bring on a Civil War in these hitherto peaceful Provinces.

We consider our Thanks most justly due to your Excellency for supporting and defending our noble Constitutional Charter, and for the spirited and decisive Manner in which your Excellency has suppressed the recent Insurrection in the Home District.

We would further respectfully express to your Excellency our Conviction, that until these Provinces are again united under such Arrangements as shall give to the Population of British Origin a fair and equitable Weight in the Legislature, no effectual Remedy will be found for the Political Evils under which both Provinces have so long suffered.

We would humbly request that your Excellency will cause a Copy of this Address to be transmitted to His Excellency the Governor in Chief, and also to Her Majesty's Secretary of State for the Colonies.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Freeholders and Housekeepers residing in the Township of Oro, in the Home District, lawfully assembled in "Township Meeting," beg leave respectfully to congratulate your Excellency on the complete Suppression of the late unhappy Rebellion (if the assembling together of a few cowardly Ruffians under a wretched Set of infidel Leaders, for the Purposes of Plunder rather than "Reform," can be so named); and it is with Feelings of honest Pride and heartfelt Satisfaction that we call the Attention of your Excellency to the orderly, peaceable, and general good Conduct of the People of this Province, as proved by the Fact, that with a whole Country up in Arms, in the greatest State of Excitement, hurrying in Masses to the Scene of Action, there is scarcely an Instance of Disorder; that while there has been the most zealous and devoted Loyalty to our Queen and Constitution, there has been the most implicit Obedience to the Laws.

We beg leave to thank your Excellency for the Confidence you have shown to the Loyalty of this Country in sending the regular Troops to the Assistance of the Lower Province, and we trust that the same Principle will always, as now, be found sufficient for the internal Protection of the Province; and we humbly place our utmost Means at the Disposal of your Excellency, in the full Confidence that they will be wisely employed.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's most faithful and loyal Subjects of the Township of Moore, Western District of Upper Canada, respectfully beg leave to express to your Excellency our sincere Regret and heartfelt Disappointment at learning that the Colonial Secretary has been so unfortunate as to differ with your Excellency upon One or Two Points of Colonial Policy. We however venture to believe, that the recent disloyal and rebellious Conduct which a few base and designing Men have been the Means of calling into Action, and which was so promptly and decidedly put down (while confined to the Canadian Population only) by your Excellency, and the loyal Inhabitants of the Province, will argue most powerfully in favour of your Excellency's Views and Decisions.

Though short indeed has been the Time we have been permitted to experience the great Benefit and Blessing of your Excellency's firm, manly, disinterested,

interested, and patriotic Government, still it has been amply sufficient to make us sensible, that the Resignation of your Excellency will prove a great and not unlikely an irreparable Loss to the loyal Inhabitants of this Province. Permit us therefore to express our unfeigned Sorrow, that Circumstances have compelled your Excellency to have recourse to such a Step, for we are fully sensible that it has caused and will continue to cause the most serious and sincere Regret of Thousands.

At the same Time the most earnest Prayers and hearty good Wishes of the Inhabitants of this Province will attend your Excellency; and be assured that none will more sincerely and patriotically participate in those Feelings than the loyal Inhabitants of the Township of Moore.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

The undersigned Inhabitants of the Town and Township of London and Township of Oxford have just heard with much Regret, that your Excellency had in September last tendered your Resignation of the Government of this Province, and that Her Majesty's Government had been pleased to accept of your Excellency's Resignation.

The Period at which your Excellency assumed the Government of this Province was one fraught with extreme Difficulty, owing to the formidable Appearance of that base Faction which by the energetic Measures of your Excellency has been lately so signally overthrown; and the undersigned have watched with intense Interest the firm, open, and straightforward Course which your Excellency has pursued amidst Difficulties so numerous and alarming.

Although the undersigned were inclined to doubt the Policy of allowing Sedition and Rebellion to gain even a Footing in the Province, still they now freely confess that had Measures been taken to prevent only the Machinations of the wicked Faction its ultimate Designs would have been denied by many of its own Partisans, would not have been credited by many of the benevolent and well-meaning of the Province, nor would its Overthrow have been so signal and complete.

The undersigned would have rejoiced had your Excellency been allowed to remain to witness the Sunshine and Prosperity of this Province, after the dark Shade of its Sorrows had rolled away; and it is with painful Emotions they see the Laurel, as it were, snatched from your Excellency's Brow when the Victory had been almost won.

The undersigned however cannot but appreciate the Feelings your Excellency will realize in future Life, from the Consciousness of having acted firmly and nobly, from hearing from Time to Time of the Prosperity of this Province, over which Divine Providence called you to rule, and learning that the good are grateful for the benefits derived from your wise and firm, though short, Administration.

To whatever Portion of the Globe the future Lot of your Excellency may be cast, the best and most fervent Wishes of the undersigned shall accompany your Excellency; and in taking leave of your Excellency, while expressing our own Respect and Gratitude, we fervently hope, that your Excellency's noble and untiring Exertions for the Good of this Province may be duly appreciated by our beloved Sovereign; and that, independently of any other, the Consciousness of having done your Duty firmly and uprightly amidst accumulating Difficulties, will be its own Reward.

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To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

The undersigned Loyalists of the Town of Port Burwell and Vicinity, in the District of London, have just learnt with painful Feelings and Emotions, that your Excellency had, in consequence of a Difference of Opinion with the Colonial Ministers, in September last submitted to Her Majesty's Government your Resignation of the Government of this Province, and that it had been accepted of.

In approaching your Excellency on this momentous Occasion we want Language to express our Sense of your Excellency's Worth and persevering Energies in supporting that Bulwark of our Liberties, the Constitution, during the short Period of your eventful Administration. Beset as you were, on your Arrival amongst us, with a variegated and most wicked Combination of a heartless and traitorous Clique of Men, who had long sought a Separation of this noble Province from the Mother Country, you yet, with the Boldness and Freedom of an unshackled Mind, almost singly met and exposed their Abominations to the plain View of a loyal and a generous People; though the Difficulties with which you were beset had nearly overcome the Country's Hopes, spreading Dismay, Disunion, and Discord, by which the Midnight of civil, political, and moral Darkness had well nigh covered the Land miserably with its gloomy Mantle, your Excellency then nobly stepped forth, and in a constitutional Appeal to the People of this loyal Province you were more than sustained; and the Result of that Appeal fully bespoke the Wisdom of your Policy, the Strength of your Mind, the Justice of the Cause of Truth and Reason, and the redeeming Qualities of good Subjects, when aided by a true Knowledge of Things on which to found their Verdict. But the murderous Clique, who always boasted of public Opinion, were not willing to submit to the Effect and Result of their own Doctrines, but traitorously, wickedly, and murderously conspired to overthrow that very Government to which they had hitherto *professed* to be the most loyal.

The undersigned had long regarded the Arrival of your Excellency in this Province as a Means, under Divine Providence, of checking the Rebellion then rapidly progressing; but when, through the Disappointment of those Men, even of your Executive Council, who were for transfersing the Authority of the Crown into their own Hands, desperate Preparations were making for open Revolt, many Loyalists regarded with painful Anxiety your Excellency's seeming Apathy in calling upon them to disperse the Rebels by Force. They can but acknowledge the mysterious Ways of Providence in bringing this unnatural and cruel Rebellion to a happy and speedy Termination. The Result still bears out your Excellency in the Course you have pursued.

The heterogeneous Medley of Principles contended for by those pretended Lovers of "Civil and Religious Liberty" has long engendered in the Minds of the unwary those practical Feelings of Strife, Immorality, and Irreligion which is in reality the Views of their Leaders, in sacrificing Honour, Honesty, Truth, Morality, and Religion to the Moloch of their own Emolument.

Every paternal Act of the best of Governments has been twisted and turned many Ways to excite the *pretended* religious Feelings of the weak and simple, under the specious Garb of Liberty of Conscience — a By-word and Shibboleth for the most treacherous Designs upon the very People who are duped by their pretended Love of Freedom.

In frequent Changes there is often Danger, and always some Degree of Disorganization; and inasmuch as your Excellency had, by your steady, firm, and unflinching Conduct in support of our Constitution, opened the Way for our Advancement as a People, we had hoped your Excellency might remain in your present exalted Station, until the mild and refreshing Fruits of Peace and Contentment should spread the benign Influence of hopeful Security, in the Enjoyment of the Fruits of honest Industry throughout the Province; but though, through the Course of official Injunctions from the Colonial Office, the Laurel is thus plucked from your deserving Brow, an imperishable Monument of a Country's Gratitude will shed its hallowed Influence around your Retirement;

ment; and we still hope and trust, that when the late Struggle with an unnatural Rebellion shall be made known to our Gracious Queen, the distinguished Favour of our Sovereign will be in unison with the Feelings of a loyal and a grateful People.

Your Excellency's Observation of the Capability and natural Resources of this fine Province will enable you to render us great Services in making known to our Fellow Subjects in England the Safety there is for Loyalty, Wealth, and honest Industry to be planted in this Portion of the Queen's Dominions; and we doubt not that your Excellency's graphic Pen will place before the British Public the favourable Character of this Country and its loyal Inhabitants.

At a Time when your Excellency is about to depart this Province, an Expression of Feelings thus offered cannot proceed from any other Motive than that of offering a just Tribute to your acknowledged Worth; and we beg to assure your Excellency, that on taking Leave of this Province you carry with you the devout Prayers of a loyal and grateful People to Almighty God, that your native Shores may afford you the sacred Welcome of a happy Home, and that you may be distinguished by some signal Mark of Royal Favour; and that Health, Peace, and Happiness may attend your Excellency and Family, in whatever Station in Life it may please God to place you.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Town of Kingston, beg leave to approach your Excellency with the most earnest Assurance of our deep Regret at your Retirement from the Government of this Province.

Your Excellency has been pleased to inform the Legislature of the Province, now in Session, that having had the Misfortune to differ from Her Majesty's Government on some Points of Colonial Policy (yet unknown to us) you felt it your Duty to tender your Resignation.

While we duly appreciate the Delicacy of your Excellency's Motives in withholding at present from the Public a Knowledge of the Circumstances which induced you to relinquish the important Station which for Two Years you had held in this Province, we cannot but express in Terms the most distinct our anxious Concern that any Policy which your Excellency has adopted during that Period should have met with the Dissent or Disapprobation of a Government in whose Service your Excellency has manifested, with consummate Success, so much Ability, Zeal, and Firmness.

We beg leave to assure your Excellency, that in this Expression of our Sentiments on the present trying Occasion we are not excited by the Impulse of transient Sympathy; much less are we actuated by a Spirit of Indulgence in the Language of habitual Complaint, a Tone which has ever been foreign to the Inhabitants of this Town. We have always been amongst the first to acknowledge the various Blessings we enjoy from our happy Connexion with the Parent State, and the many Favours extended to us by her Rulers; and for none of these do we entertain a higher Sense of Obligation than for the judicious Selection of your Excellency to administer the Affairs of this Colony.

This Administration, however to be lamented for the Shortness of its Duration, has been pregnant with Events the most momentous which ever befel the Destinies of the Province. In reviewing them the Mind is filled with Surprise, while the Heart expands with Gratitude to the Disposer of all Good, for the signal Success which on the most trying Occasions has attended your Excellency's Exertions.

Your Excellency assumed the Government of this Province, we have Reason to believe, equally unwedded to political Creed, and unbiassed by Party Distinction. You availed yourself of Talent where it was to be found; and freely admitted to your Councils Men who, under the specious Pretence of Constitutional Reform, had gained for their Party a Majority in the Representation of the Colony. You thus afforded a Test of their Principles, to

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which the Possession of Power instantly proved an unerring Touchstone. The Professors of Reform now stood forth as the undisguised Champions of Revolution. The Price of their Services was the Subversion of the Constitution. Your Ground was promptly taken; and in standing firmly by the Throne you roused the dormant Loyalty of those who hitherto were deluded by false Professions. To your able Exposure of the Designs of the Faction, and to your forcible Appeal to the good Sense of the People, are we now mainly indebted for the present Composition of an Assembly, industrious in improving the Resources of the Country, and intent on preserving our happy Connexion with Great Britain.

While in the full Enjoyment of this salutary Regeneration of our political Condition, the Revolt of the French Canadian Inhabitants of a neighbouring Province became the Signal for Rebellion in this. The deluded Adherents of "the Movement Party" rising in Arms to commit the most flagitious Acts of Treason, Arson, and Murder were in an Instant crushed by the overwhelming Power of our loyal Militia, under your Excellency's Auspices. The Flame which burst from the slumbering Embers of Sedition was in a Moment extinguished; and the Leaven of Iniquity, working for our Benefit, threw off the Impurities of the Mass, and purged Society of its foulest Ingredients.

The late hostile Interference of certain Citizens of a neighbouring State, till that Moment on Terms of the strictest Amity and Peace, is too recent to need Recital. This ungenerous and unprovoked Endeavour to carry War into our Border, by succouring a Band of the most flagitious Outlaws, has been frustrated in like Manner with the Attempt of our domestic Insurgents. "The Name of every Militiaman in Upper Canada" had not been invoked by your Excellency in vain, for the Arm of every loyal Canadian was quickly raised, to take that Vengeance which the Dispersion of the Invaders alone prevented.

This Aggression, made in defiance of the Laws of Nations, and in contempt of the Civil Authority, has furnished a salutary Lesson to the People of Upper Canada. It has taught them that Republican Institutions, hitherto held up by a Party amongst us as a Light to attract their Admiration, are in Truth a Beacon to warn them of the Quicksands surrounding Democracy. It has inspired them with increased Attachment to their own happy Condition, and afforded them a demonstrative Proof of their Strength to maintain our enviable Constitution inviolate, against foreign as well as domestic Invasion.

With these recent Examples of the working of Good out of Evil, by the all-wise Ruler of Nations, under whose supreme Guidance you have for Two Years held the Reins of our Government, we respectfully take leave of your Excellency, humbly expressing our Hope that your Excellency may receive at the Hands of our just and gracious Sovereign that Reward which your eminent Services have merited.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's loyal and dutiful Subjects, Freeholders and other Inhabitants of the Townships of Ernest Town and Amherst Island, beg leave most respectfully to approach your Excellency, and express the Feelings of deep and unfeigned Regret with which we have learned that Circumstances have arisen that have induced your Excellency to tender your Resignation of the Government of this Province, and that such Resignation has been accepted by Her Majesty's Government; and we further beg leave to assure your Excellency that we duly appreciate and shall ever remember with Gratitude the many and great Advantages which the People of this Province have derived from your Excellency's able, firm, and impartial, although short Administration of the Government of this Province, under Circumstances of peculiar Difficulty and Danger; and we are firmly persuaded it is owing to the Wisdom, Energy, and Decision of your Excellency's Measures that an Opportunity has been afforded to the loyal Inhabitants of this Province to evince their strong and unalterable

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Attachment to the Government and Constitution under which we have the Happiness to live, and their firm Determination and Ability to defend them against all Attacks of domestic Treason or foreign Aggression. Deeply impressed with these Sentiments, we tender to your Excellency the Assurance of our earnest Hope that Her Majesty's Government will duly appreciate and reward the important Services rendered by your Excellency to the best Interests of this Province and of the Empire, and that we shall ever feel the most lively Interest in your Excellency's Welfare, Honour, and Happiness.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Township of Grimsby and its Vicinity, beg leave most respectfully to express to your Excellency the deep and unfeigned Regret we experienced at learning that you were soon about to relinquish the Reins of Government in this Part of Her Majesty's Dominions.

Fully sensible of the many and great Difficulties with which you have had to contend since your Arrival in this Province, and which have been most happily surmounted by that Energy, Decision, and Judgment which have characterized your Excellency's Administration of the Government of Upper Canada, we should be greatly deficient in Gratitude did we not heartily deplore your Departure, and duly appreciate the Benefits which have already resulted from your Excellency's short but brilliant Career of Government.

Aware of your Excellency's great and continued Exertions to discharge faithfully the Duties of your arduous Office, to discover and remedy the Defects and Wants of a new Country, fully sensible of the great Ability your Excellency hath evinced in disentangling the numerous and difficult Questions brought before you, and of the astonishing Labour you have used to obtain Information concerning the Province generally, and of the Plans also of the Enemies of our Constitution, so atrocious in their Nature, and to defend us in a Time of unexampled Trouble, we cannot but entertain a Hope that such Knowledge will be made available to the Interests of this Province and the Empire at large. We cannot but hope that your active and efficient Services will soon be acknowledged and rewarded by our youthful and beloved Queen, and that, exalted to some higher Office of Duty, your Influence will be used in our Behalf, and if in our Behalf (as this promising Region contains the Germ of a powerful Nation) you may add, to the Welfare and Happiness of the whole Empire and of the World.

We commend your Excellency and Family to the protecting Care of that kind Providence which hath "prospered your Handiwork." Far distant could we have wished that Day to be on which we were to bid your Excellency a respectful Farewell; but since it is otherwise appointed, we receive no small Degree of Consolation from the Knowledge that your Excellency will carry with you the best Wishes of all Denominations of loyal Subjects, and that you will be enabled to enjoy in another Land the great Gratification, a Consciousness that you have nobly performed your Duty in this.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Township of Medonte, County of Simcoe, in the Name of our Fellow Subjects of the said Township, have the Honour to address you, at a Moment of deep Regret and Disappointment, at your unexpected Recall from the Government of Upper Canada. In vain your Excellency would console a loyal People with the Assurance that your Successor is an Officer of high Character and Experience. Impartial History, in

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recording the eventful Period of your Administration, will celebrate your just Estimation of the Canadian People, and pronounce, in accordance with the impartial Verdict of the British Empire, that to you, under the Protection of Divine Providence, it is mainly owing that Upper Canada has risen indignant, and expelled from her Soil a Set of Traitors at present leagued with Pirates, the Opprobrium of a neighbouring Nation. On your Return to our Father Land deign to carry to the Foot of the Throne the Expression of our Loyalty and Devotion to our gracious Queen, and explain to Her Majesty and the British People the Sources of the late Rebellion, and unmask the Designs of those, whoever or wherever they may be, who, under Pretence of Reform and Redress of Grievances, hoped to accomplish their revolutionary Schemes. The hardy Veterans, who marched with Alacrity to put down Rebellion, and who are now training us to the Use of Arms to repel the unjust Aggression of a neighbouring People, will not be forgotten by you, nor suffered by a grateful Country to languish, when their Services are no longer required, in hopeless Destitution.

May your Excellency, Lady Head, and Family land in Safety on the Shores of Britain, and may the Blessings of Divine Providence attend you in the Career of Honour, Loyalty, and uncompromising Integrity.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of Saint Thomas and its Vicinity, beg leave to offer to your Excellency the Expression of our unfeigned Sorrow for your Excellency's approaching Departure from this Province, and should be wanting in Gratitude did we not come forward to testify unequivocally our high Admiration of the Ability and Firmness displayed by your Excellency in administering the Government of this Province.

We cannot too strongly express our Regret that any Difference of Opinion between Her Majesty's Ministers and your Excellency should have caused your Excellency to resign the Government of this Province, convinced that the Policy pursued by your Excellency was the best calculated to promote the Welfare of the loyal Inhabitants of Upper Canada, and to maintain the Connexion happily existing between this Province and the British Empire.

Your Excellency wisely determined to repose Confidence in the truly loyal and great Majority of the People of Upper Canada, who are now proud to consider your Excellency as one of their greatest Benefactors.

Dark Clouds of gloomy Apprehension hung over our political Atmosphere when your Excellency assumed the Government of this Province. These have been promptly dissipated by the Wisdom of your Excellency's Administration, and a Prospect of Peace and Prosperity already dawns upon us.

Satisfied that a Consciousness of having done your Duty to your Sovereign and to the loyal Inhabitants of this Province will accompany your Excellency through Life, we beg leave to add our humble Prayer to the Almighty Dispenser of every Blessing for your Excellency's Welfare and Happiness.

To His Excellency Sir F. B. Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects resident in the Village of Newmarket and its Vicinity, beg to assure your Excellency, that we learn with extreme Regret that the Civil Government of this Province is to continue for so short a Time in your Excellency's Charge.

At the Time when it pleased our late most Gracious Sovereign to select your Excellency to administer the Government of this important Part of His Dominions,

Dominions, this Province was distracted by Dissension, and the Friends of the Constitution in a State of Despondency. How great, how happy has been the Change during your Excellency's short but brilliant Administration.

The Designs of a rebellious Faction, whose only Object was to destroy the British Supremacy, have been signally defeated. A Spirit of the most devoted Loyalty has been aroused throughout the Province, arising from your Excellency's firm and uncompromising Adherence to the Principles of the Constitution.

When we recall to our Recollection the Events of your Excellency's Administration of the Affairs of this Province,—the universal Respect and Confidence with which you are regarded, we deeply lament that the Policy of Her Majesty's Government has been such as to lead to your Excellency's Resignation.

In respectfully taking leave of your Excellency, we cannot refrain from expressing our earnest Hope that your Excellency will find, in the Approbation of our beloved Queen, and the Applause and Acknowledgment of the British Nation, a Reward for your never-ceasing Exertions and untiring Zeal for the Welfare of this Portion of Her Majesty's Dominions.

To these Expressions we also most cordially add our sincere Wishes for the domestic Happiness of your Excellency and your amiable Family.

To His Excellency Sir Francis Bond Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Town of Brantford and its Neighbourhood, have learned with painful Regret the Resignation of your Excellency of the Administration of the Government of this Province; and we feel it the more sensibly at a Period when we, in common with all loyal Subjects, have had Reason to congratulate your Excellency upon the successful Issue of the prompt and decisive Measures adopted for the Suppression of a most unnatural and base Attempt, by designing and wicked Men, to subvert and overthrow the happy Form of Government under which we live.

It is unnecessary to enter into a Detail of the Occurrences which have transpired during the Administration of your Excellency; but we may be permitted to say, that, although short, that Administration has been fraught with Events of the utmost Importance to this Portion of Her Majesty's Dominions. We are aware that on the Arrival of your Excellency, and before the Course of Policy intended to be pursued by your Excellency could have been known beyond the simple Avowal that you were authorized to correct all "real Grievances," your Excellency was assailed by a Majority of the then House of Assembly, with a Violence of Abuse characteristic of the Designs of unprincipled Men, predetermined to dismember this fair Province from the Parent State; but your Excellency's uncompromising Adherence to the Principles of the British Constitution so completely exposed the Duplicity of those revolutionary Attempts, that upon appealing to the Constituency of the Country your Excellency had the Gratification to find, that the Policy pursued by your Excellency was in strict Accordance with the loyal Feelings of a large Majority of Freeholders of the Province, and we most cordially ascribe to the active and unbiassed Energies of your Excellency's Mind, the Triumph of British Principles over Political Incendiarism.

Entertaining these Opinions with respect to the Course pursued by your Excellency, we cannot but express our unaffected Regret, that, from Motives unknown to us, your Excellency has considered it expedient to resign the important Trust confided to your Care; but from whatever Cause your Excellency's Resignation may have proceeded we have the Consolation to believe, that your Excellency's Administration of the Government of this Province will receive the unequivocal Approbation of our most Gracious Queen and of the British Nation.

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With these Expressions your Excellency will carry with you our sincere Wishes for the lasting Prosperity and Happiness of yourself and your amiable Family.

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To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Inhabitants of Peterborough and its Vicinity, in the District of Newcastle, approach your Excellency, to address you on the Eve of your Departure for the Soil of your Birth, and to express our Regret that Instructions which an upright and honourable Mind could not conscientiously comply with obliged you, in the faithful Discharge of your difficult and important Duty to your Queen and this Province, to resign a Government that has been filled, although arduously, with Independence by England's Representative, and Security to its Inhabitants.

We cannot but review with Satisfaction the extraordinary Political Changes that have taken place since your Arrival among us, and the Call you made in the early Part of your Administration to the Sense and Feeling of the People, on the Dissolution of the House of Assembly. Late and present Events but too fully prove, that your Excellency's Decision of Character saved our adopted Country from Spoil and Ruin.

We beheld with Surprise and Displeasure the active and unconstitutional Part taken in the late Disturbances by Citizens of a neighbouring State professing Friendship and Neutrality; and congratulate Great Britain on having a just and firm Supporter of our national Faith and Honour.

You have applauded the Patriotism and Loyalty of the Militia of this Country; depend upon it they consider it their Honour as well as their Interest to maintain inviolate the Laws of our happy Constitution.

If we have Cause to lament our Loss, we have likewise Occasion to rejoice when we reflect on the Representation that will be made in our Behalf to our youthful and beloved Sovereign, that Her Subjects in Upper Canada are loyal; and proudly claim, as their Birthright, the Protection of the Flag that waves over them, knowing, that if it receives an Insult Redress must follow.

In adverting to our Regret at your Excellency's Departure, and to our unshaken Confidence in your Decision under the present singular Aspect of public Affairs, we cannot refrain from expressing our sincere Wishes for your Happiness, and commending you to that Providence which has so signally interposed for the Safety and Welfare of our adopted Country.

On leaving us, you carry with you the great Prize of having discharged the Duties of your Appointment with Honour, Spirit, and Integrity; you leave a People who deeply deplore your Departure, and who affectionately wish to your Excellency and Family a safe and speedy Passage to your native Land.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Inhabitants of Yonge Street and its immediate Vicinity, learn with Feelings of heartfelt Sorrow, that your Excellency is about to leave us; to leave us at a Time when your Policy in the Management of the Government of this Province has led to the happiest Result.

Thanks to your Excellency, there is not to be found in this Province a single Rebel in Arms; and to our Foreign Enemies we can bid Defiance. "Let them come if they dare."

Your Excellency's able Conduct in the Cabinet, and gallant Conduct during the Rebellion, have won our Hearts. You now know all the People in this Province, and we consider it a Calamity to lose you at this Time.

We still cling to the Hope that you will remain with us.

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20th March 1838.

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To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the loyal Inhabitants of the Township of Tyendenaga, in the Midland District, Upper Canada, beg leave humbly to approach your Excellency, and represent that we have with much Regret learned that your Excellency is about to yield up the Government of this Province, which you have, during a short but eventful Period, so ably administered; and that we cannot omit an Opportunity so favourable as the present to express our painful Feelings at your Departure, and our unqualified Approbation of the numerous Acts which have in a high Degree distinguished your Administration.

Called to preside over the Affairs of this Colony at a Time when the baneful Domination of a Faction began to prevail, and when a serious Doubt existed as to the Attachment of the Inhabitants of this Province to their Mother Country and British Institutions, you assumed the Reins of Government with a Resolution to redress all real Grievances, and a Determination to point out to many who had been deluded by the Sophistries of wicked and artful Men that the imaginary Grievances so cried up by them had no Existence.

Gifted with an Energy of Mind which enabled you to give good Effect to your wise Resolutions, the Country told you, when appealed to, that your Opinion of its Loyalty was not a wrong one, and enjoyed the well-deserved Pleasure of seeing the Province rise in its Might, and proclaim that your Judgment was correct, and that no temporary Departure from the Principles of true British Liberty would ever have Effect when called upon in the Manner you called upon them to prove their Loyalty and Devotion to their Country.

When the Province had so redeemed itself, and began to enjoy the good Effects of your mild Administration, we cannot sufficiently express our Indignation that a few misguided Men, led on by others whose Treachery could only be equalled by their Hypocrisy, should dare to raise the Standard of Rebellion, and threaten yourself and us with what we hold dearer than our Lives, the Subversion of the British Constitution. But we rejoice to say, that the Inhabitants of this Province proved to your Excellency, that what they had so bravely maintained at the Hustings they would *as bravely defend with their Lives.*

We offer to your Excellency our Congratulations upon the satisfactory Result which your Excellency's prompt and determined Conduct during the late Rebellion has produced, and the undoubted Character for Loyalty which that Conduct, and the general Tenor of your Excellency's Administration, has procured for the Province.

And we beg leave to assure you, that in departing from us you take with you our *heartfelt* Wishes for your future Prosperity, and our Prayers that in whatever Part of the British Dominions Providence may allot to you there may attend you a Continuation of the bright Career which your Government of this Province has obtained for you.

We beg your Excellency to convey to Lady Head and your Family our fervent Wishes for their Happiness, and our Assurance that they will always be in our Remembrance.

To His Excellency Sir Francis Bond Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Inhabitants of the District of Prince Edward, beg leave respectfully to approach your Excellency with the Expression of our deep Regret, felt in common with the other loyal Inhabitants of Upper Canada, on learning that you have resigned the high and important Station of Lieutenant Governor of this Province, filled by your Excellency with such Honour to yourself and lasting Advantage to the Empire.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

We view with Alarm and Distrust the Differences in Colonial Policy which have at the present Crisis deprived the Crown and the People of the Abilities and Services of a zealous Servant of Her Majesty; which Distrust and Alarm we have the more Cause to entertain, from our Knowledge of your Excellency's firm, constitutional, and judicious Administration of the Government of this Province, during a Time of Difficulty unparalleled in its Annals,—a Conduct which we had hoped would have received the continued gracious Approbation of your Sovereign.

We are fully sensible that this Province and the British Empire have incurred a deep Debt of Gratitude to your Excellency for your Efforts in suppressing the late base Attempts by force of Arms to sever the Connexion at present happily existing with the Parent State; an Attempt which has exhibited to the World as Traitors, many who, under the Garb of Reform and a Cry for responsible Government, had so long concealed their real Intentions.

We trust that while your Excellency's Departure from the Government of this Province is attended with the deep Regrets of its loyal Inhabitants, you will experience Satisfaction in the Assurance, that your Excellency is accompanied with the anxious Solicitude of a grateful People for your Welfare and Happiness, and with their sincere Hopes that your invaluable Services while Lieutenant Governor of Upper Canada will yet be duly appreciated by our Gracious Sovereign.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's faithful and devoted Subjects, Inhabitants of the loyal County of Huron, have learned with the utmost Regret that your Excellency is about to retire from the Government of this Portion of the British Dominions.

From whatever Cause this unexpected Blow may have proceeded, we beg to assure your Excellency that you will depart from Upper Canada accompanied by the sincere Regrets of every well-disposed Inhabitant, not only of this County but we are satisfied of this Province, in whose Opinion your Administration of the Government, during the short Period of your holding Office, has redounded to your own Honour, and has been of incalculable Advantage to the People over whom it has pleased Providence, in infinite Mercy, to place you.

Assailed as you have been since the Commencement of your Government by the insidious and open Attacks of an insignificant and occult Band of Traitors, aided by a vicious and licentious Portion of the public Press, we have watched with intense Anxiety the statesmanlike Policy and parental Solicitude you have at all Times displayed in protecting our Freedom, and upholding our Constitution inviolate.

Under your firm, temperate, and constitutional Rule, and through the wise Measures which you have adopted in the Administration of its Finances, Upper Canada is the only Government on the North American Continent which has escaped National Bankruptcy; and, misunderstood as we have been in the Mother Country, your Excellency's judicious and generous Confidence in the Loyalty and good Feeling of the People has demonstrated to the World, that in the mighty Empire over which it has pleased God to appoint Her Majesty to preside she has not a Body of Subjects more loyal and devoted than the People of Upper Canada, as unaided by a single regular Soldier we have proved ourselves willing and able, not only to suppress internal Rebellion, but to repel Foreign Aggression from the Shores of Her Majesty's Dominions intrusted to our Care.

You are now, Sir, quitting our Country, and as we have nothing to expect from you were we to flatter you, you may safely trust us, when we declare in Honesty and Sincerity of Heart that your Departure inspires us with the sincerest Sorrow, and that we strongly feel all the Benefits that your too short Stay has been bestowed upon us. Permit us to wish your Excellency all Health and Happiness wherever you may be, and that you may in future, should you

ever

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ever be called upon to serve Her Majesty in any Capacity, serve under those who are as capable of appreciating your Merits and Virtues as we who have the Honour to subscribe ourselves your Admirers and Well-wishers.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Inhabitants of the Townships of West Gwillimbury and Tecumseth in the County of Simcoe, and their Vicinity, having heard of your Excellency's Resignation of the Government of this Province, cannot allow your Excellency to leave us without expressing our unfeigned Regret at your Departure.

We who now address you are principally Emigrants from the Mother Country, and were induced to make Upper Canada our future Home from the Hope and Belief that we should there enjoy to the full Extent the Blessing and Protection of the British Constitution, which from our Infancy we had been taught to cherish and believe better calculated than any other Form of Government to ensure our Happiness and Prosperity. The Preservation, therefore, of that glorious Constitution in all its Purity is our most earnest Wish; and we, in common with our Fellow Subjects in this Province, feel truly grateful to your Excellency for the bold and uncompromising Manner in which you have met and put down the various Attacks that have been made upon it, during your short but eventful Administration.

Short as your Excellency's Government of this Colony has been, we feel confident that it will be productive of lasting Benefits, and that Her Majesty, after the most rigid Scrutiny of all your Excellency's Acts while here, will deplore losing the Services of so efficient a Representative in this Portion of Her Dominions.

. While we earnestly pray that your Excellency and Family may reach in Safety your native Land, we indulge the Hope that your Excellency will not forget Upper Canada, but by making known to our Gracious Sovereign the Loyalty and Attachment of its Inhabitants to Her Person and Government, use your Influence in having the British Constitution so administered as to perpetuate our happy Connexion with the Land of our Birth.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Officers of the Militia of the Western District of Upper Canada, having been informed of your Excellency's intended Retirement from the high Office of Lieutenant Governor, cannot allow our Representative, Mr. Prince, to proceed to Toronto, without conveying by him our deep Regret that your Excellency should have deemed it expedient to tender your Resignation, and that Her Majesty should have been advised to accept such Resignation.

We beg Permission to express to your Excellency the high Opinion which we have ever entertained and ever shall entertain of your Excellency's Administration of the Government of this Province; and most deeply and unaffectedly do we lament that at this particular Crisis this Country should be so suddenly and unexpectedly bereft of your most important Services as Lieutenant Governor.

We heartily and sincerely hope, that your Excellency may enjoy long Life and Happiness, in whatever Situation Providence may be pleased to place your Excellency; and we beg to assure you that we, in common with all Her Majesty's loyal Subjects in this Province, will ever entertain a grateful Recollection of your Excellency, as the Chief Magistrate and Lieutenant Governor of Upper Canada.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the undersigned Inhabitants of the County of Prescott in the District of Ottawa, beg leave to approach your Excellency with our unfeigned and ardent Thanks for the able, zealous, and uncompromising Stand which your Excellency has so uniformly and successfully made in the Defence and Vindication of British Principles and of our glorious Constitution against the unprincipled Attacks of foreign and domestic Traitors.

By the splendid Series of moral and physical Achievements with which your Excellency's Administration has adorned the Pages of our Provincial History for the last Two Years your Excellency has erected a Memorial of Fame which Upper Canada will proudly acknowledge and preserve to after Ages.

Yet, while we contemplate with grateful Pride the Course and Results of your Excellency's Administration, we should do Violence to our Feelings were we to abstain from the Expression of our profound Regret, Mortification, and Disappointment at the sudden Recall of your Excellency from the exalted Station which you have so ably and honourably filled during a Period of unexampled Danger and Difficulty.

On assuming the Government of Upper Canada your Excellency found the whole Province distracted by the Machinations of a seditious and unprincipled Faction. In two brief Years how striking the Contrast! Your Excellency's first Appeal to the Loyalty and good Sense of Upper Canada met with a fitting and characteristic Response from the brave and loyal Constituency of the Province; and the innate Feeling and Principle of Loyalty which led a united People to rally in the Support of your Excellency's Administration in that Period of Trial and Difficulty have been still more strikingly manifested in the late momentous Crisis. Your Excellency, though thus prematurely withdrawn from your Charge, will have the supreme and consoling Satisfaction of leaving the People of Upper Canada peaceful, loyal, and united, and with nothing to regret on their Part but the Policy which has induced Her Majesty's Ministers to revoke your Excellency's Appointment; and in deploring that Policy we heartily coincide with the Address of the Honourable House of Assembly on this Subject, and especially in earnestly and emphatically declaring, that "if any thing be calculated to shake the Attachment of Her Majesty's devoted Subjects to Her Royal Person and Government, it is by Acts of Injustice or the Manifestation of ungenerous Distrust towards public Officers who have served the British Nation so faithfully and nobly as your Excellency has done."

Respectfully bidding your Excellency farewell, our heartfelt Prayers, and our best Wishes will accompany your Excellency and your amiable Family on your Departure from the Shores of Canada.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please Your Excellency,

We, Her Majesty's faithful and loyal Subjects of the Township of Georgina, have learnt with unfeigned Regret your Excellency's Recall from the Government of this Province.

Conscious of the various Difficulties your Excellency has had to encounter in the Administration of the Province, and of the Firmness and Decision your Excellency has displayed in meeting and overcoming them, we cannot but consider the Deprivation of your Excellency's Services at this Juncture as a great public Calamity in a Time of peculiar Need.

We

We cannot allow your Excellency to leave us without expressing our Conviction, that, under the Providence of Almighty God, to your wise and judicious Measures are we indebted for the Suppression of a wicked and unnatural Rebellion, whose Object was the Dismemberment of this Province from the Parent Country, and the Ruin of every loyal Supporter of Her Majesty's Government.

In leaving this Colony it must afford your Excellency a proud Satisfaction to know, that you carry with you the kindest Wishes of a grateful People.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's loyal Subjects the Inhabitants of Sandwich, beg to express our deep Regret at your Excellency's Recall from the Administration of Affairs in the Upper Province.

We feel confident there could not have been selected for that Recall a more unapposite and unpropitious Time than the present. We cannot avoid mentioning one important Fact. At your Excellency's first Arrival, from whatever Cause it matters not now to inquire, your Excellency was most ungenerously assailed by every Newspaper in both Provinces, and had to encounter an universal Opposition; yet so firm, so constitutional, and so just was the Policy adopted by your Excellency, that they who manifested a strenuous Disapproval ere long lifted their Voices in as strong an Approbation. Nor did this Change arise from Fickleness or Caprice but from that Respect which wise and upright Statesmen ever acquire from Britons. Your Excellency has twice tested this, with most unequivocal Results,—in the last Election, and in the present Rebellion,—a Rebellion that perchance had been rife still, if your Excellency's judicious Measures, from the first, had not fairly conquered Disaffection.

Not only do we deplore your Excellency's Recall, but the Period of it does not diminish that Feeling. Your Excellency has hitherto stood by the Helm, and guided our gallant Vessel safely through the most critical and dangerous Extent of her Course; and we had trusted that your Excellency would have carried her into her Haven, proudly and undamaged, defying Foreign Treachery and Attack. We were buoyant with the Hope that your Excellency would have reaped the Laurels and enjoyed with us the Fruits of a Triumph which you had planned and brought almost to a happy Consummation; for it is our firm Conviction that but for your Excellency's decided and inflexible Tone, which has enforced Respect from within and without, a War, kindled by Malevolence, had now desolated the entire Length of our Frontier.

We would humbly entreat your Excellency to transmit these our Sentiments to the Colonial Office, as a small Testimony of our Esteem for your Excellency's Talents and Integrity, and our Sorrow at the Loss about to be inflicted upon our Province. We will merely observe, that the Confidence inspired by your Excellency would have induced us to regard lightly the Fatigue, Privations, and Hardships incident to protecting our extended Western Frontier from Foreign Invasion during the Rigour of a Canadian Winter; although Loyalty to our young Queen, and Devotion to the mighty Empire to which we belong, will urge us to undiminished Efforts, and we trust with similar Success, should a foreign and astute Foe again dare to pollute the Soil of our District.

Your Excellency will depart with the cheering Reflection of having, by a Policy applauded by Conscience, converted the gloomy Murmurings of a Province at your Appointment over it into a warm Attachment and an unfeigned Affliction at your Removal. We bear witness to your Excellency's Faithfulness and unremitting Exertions in discharge of your Duty to our Gracious Queen and to our Country. That Heaven may ever bless and prosper your Excellency for it are our fervent Prayers.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned loyal Inhabitants of the Village of Streetsville and its Vicinity most respectfully beg leave to address your Excellency, to express our Feelings of deep and unfeigned Regret at hearing of your Excellency's Resignation of the Government of this Province, and intended Retirement from amongst us.

During the Period of your Administration your Path has been beset with numerous Obstacles by a base and rebellious Faction; but, through the sound Policy pursued by your Excellency, your firm and determined Opposition to their Views, you have finally frustrated their unhallowed Designs, and again restored to us the benign Blessings of Peace.

We shall ever have Reason to bear your Name in our most grateful Recollections as the Saviour of our Country from the Hands of the bloody Assassins who but lately polluted its Soil.

With Feelings of deep Interest for your Welfare, we heartily wish your Excellency and your amiable Family a safe and pleasant Transit to the happy Land of your Nativity.

In taking leave of your Excellency, we beg to tender you our sincere Thanks for the important Services which you have rendered this Province, in so impartially administering its Government, and conferring so many inestimable Blessings on its Inhabitants.

May Health and Prosperity be ever with you and your Family.—Farewell.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned loyal Inhabitants of the Townships of Cramahe and Haldimand, having learnt that we are about to be deprived of your Excellency's most valuable Services and Protection, which during the whole Period of your Excellency's Administration have been so unremittingly and so successfully exercised to promote the true Interests and Prosperity of this great and glorious Province, beg leave respectfully to state, that this unexpected and unwelcome Intelligence has filled us with Dismay and the deepest Regret. We should have lamented your Excellency's Retirement from the Government of this Province at any Time since your Arrival among us; but at the present Juncture, and under the Circumstances so honourable to yourself which we have Reason to believe have occasioned the Misfortune, we consider the Event as most peculiarly deplorable.

We beg to express to your Excellency our unfeigned Attachment, and our ardent Wishes for your future Health and Prosperity.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

It was with Feelings of unfeigned Regret that the Inhabitants of the Town of Hamilton and its Vicinity saw the Announcement that your Excellency had been constrained, from some Difference on the Matters of Colonial Policy with Her Majesty's Government, to tender your Resignation as Lieutenant Governor of this Province.

At the Time of your Excellency's Arrival in this Province the House of Assembly was under the Control of an anti-British Faction, who were straining every Nerve to compel the Government into Acts subversive of the Constitution,

tion, and to revolutionize the Country. Your Excellency, with signal Vigour and Ability, unmasked the Designs of those wicked Men, and, calling around you the loyal Inhabitants of Upper Canada, overthrew their Power, and procured a Parliament true to British Principles, and earnestly zealous for the best Interests of this Province.

In the general Admiration excited by this Act of your Excellency's Administration none more warmly participated than the Inhabitants of the Town of Hamilton and its Vicinity; and we have felt equal Gratification at the decisive Conduct since displayed by your Excellency in reposing with such unhesitating Confidence on the Loyalty and Patriotism of the Inhabitants of Upper Canada, and in accompanying them personally to resist the wicked Conspiracy of its internal Enemies, as well as the subsequent Aggression of its treacherous Allies.

By this extraordinary Vigour your Excellency has fully realized the Expectations of the Friends of the British Constitution in this Province, and called forth a Display of Loyalty which will serve as a convincing Proof to the World that British Principles are too deeply seated in this Portion of Her Majesty's Dominions to be overthrown by a Faction, let their Professions be what they may.

It now but remains for us to bid your Excellency a respectful Farewell, and to assure your Excellency, that wherever your approving Sovereign may require your Services, in no Part of Britain's wide-spread Empire will those Services be more fully appreciated or gratefully remembered than by the Inhabitants of the Town of Hamilton and its Vicinity.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Officers, Non-commissioned, and Private Soldiers of the Midland District of Upper Canada, assembled and doing Duty for the Protection of Kingston, the Key of Upper Canada, which we feel justly proud in having held in our safe Keeping since the Outbreaking of the most foul and unnatural Rebellion that ever disgraced the Annals of a civilized Community, approach your Excellency as the Representative of our beloved Sovereign at a Time when every true Canadian and British Heart feels keenly the Loss we are about to experience in the Removal of your Excellency from the Government of our Country, which you have so nobly shown can defend itself both against the Machinations of Traitors to its Constitutions within, and the Display of unexampled and unlooked for Enmity without, at a Time, too, when, from the Lapse of nearly a Quarter of a Century of profound Peace, Upper Canada was, it was supposed by those who arrayed themselves against her Honour and her Peace, destitute of that Military Ardour which enabled her during the last War to set Foreign Invasion at Defiance, with Means apparently then also inadequate to the Defence of her extended and exposed Frontier.

Your Excellency, attacked in the Capital by a Band of lawless Marauders, no sooner sounded the Cry "to Arms" than the rapacious and blood-thirsty Spoilers were discomfited and dispersed, and Ten thousand brave Militia Men rushed to your Banner from all Parts, whilst here at Kingston the only Struggle was between the Regiments of the Midland and Eastern Districts, which should, having first reinforced the Capital, secure the most important Military Position on the Great Lakes.

The Marauders desired to apportion out amongst their rash and deluded Followers our fertile and smiling Lands, and, finding the Militia had so resolutely ejected them from the Soil, sought Refuge in a Territory whose People were in a State of profound Peace with Great Britain.

An unholy Union for a Time kept the Erie Frontier of Upper Canada in a State of actual War, but the Invaders were speedily punished, and ejected for ever.

To your Excellency's energetic Measures the Militia of Upper Canada owe the proud Station they have once again attained, and when you leave

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Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

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us, Sir, in their Hearts will your Memory and your Name hold a fond and grateful Recollection.

In Camp, in Quarters, on the Field, the Militia Man and the Volunteer will mingle the revered Name of Isaac Brock with that of Francis Bond Head; both have led them to Victory.

And long in Upper Canada will the Hearth resound with the cheering Recollections of the Yonge Street Defeat, the Repulse at Chippewa, and last, though not least, the Flight in the London District, and the *Disaster* at Malden. Then shall your Name "*in our Orisons be duly remembered*," and become familiar in our Mouths "*as Household Words*."

May your Excellency also recollect us; and may that Providence which has guided you and us through this Storm in Safety be your Shield and your Safeguard in your Voyage homewards and through Life.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please Pour Excellency,

We, the undersigned Inhabitants of the Town of Chatham and its Vicinity, have lately heard with sincere Regret that your Excellency has resigned the Government of this Province.

We cannot allow your Excellency to leave us without adding our Assurance to that of the other Inhabitants of the Province, that we have ever admired the Spirit by which your Excellency has evidently been actuated during your Residence among us, and the open and manly Policy of your Administration.

We add our feeble Voice to that of every other loyal Man in Upper Canada in applauding your Excellency's Energy and Decision during the late unfortunate Disturbances; and we rejoice that under your Command it has been in our Power to prove our Attachment to the Constitution and Laws of our Forefathers.

In taking leave of your Excellency we offer our best and most sincere Wishes for your future Happiness; and we assure you, that in the Days of our Prosperity we shall not forget how nobly and firmly you stood by us in our short Hour of Trouble.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's faithful and loyal Subjects, Inhabitants of the Village of Paris and its Vicinity, beg leave to address your Excellency on retiring from the Government of this Province.

It is much to be regretted that any Difference of Opinion on Points of Colonial Policy should have arisen between your Excellency and Her Majesty's Government at home, and more especially at this eventful Period, when, by the Machinations of a few evil and designing Men, the Province has been nearly involved in all the Miseries of civil and bloody War, but which, through the Mercy of Divine Providence, your Excellency's prompt and vigorous Measures, and the Gallantry of the brave and loyal Inhabitants of the Province, has been speedily, and we trust effectually, put down.

The short Period of your Excellency's Administration enables us at one Glance to bring under View the whole Course of Policy pursued by your Excellency, and we must confess we perceive nothing emanating from your Excellency, in Word or Deed, which can in the slightest degree be interpreted as objectionable; on the contrary, the Wisdom and Promptitude you have on all Occasions displayed in upholding the Dignity of the Crown and maintaining our glorious Constitution inviolate, call for the highest Expression of Admiration and Gratitude on our Part; and we trust when our youthful and most Gracious Queen shall be

be called upon to take a similar View of your Excellency's Administration of the Government of this Province, Her Majesty will find no Difficulty in awarding to you a full Measure of Her Royal Approbation.

And now, on the Eve of your Excellency's Departure, we humbly beg leave to tender our warmest Acknowledgments for the many Benefits you have conferred upon ourselves and the Province at large; and in taking Leave permit us to express our ardent Wishes for the Happiness and Welfare of yourself and amiable Family, and in doing so we most respectfully bid your Excellency farewell.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, Inhabitants of Bytown and Vicinity, beg leave to express our most unfeigned Sorrow to learn that your Excellency has considered it necessary to resign the Government of Upper Canada.

Unacquainted with the Reasons which moved your Excellency to take such a Step, we can only deplore the Policy which divests the local Government of a necessary Power, thus causing Changes of Rulers, prejudicial alike to the Interests of the Colony and the Mother Country.

We have seen with Admiration the Energy and Activity which your Excellency has exerted to ascertain and secure our best Interests during your short Administration, which, under Providence, have saved us from the Horrors of a Civil War; and we therefore the more deeply grieve that we should be deprived of your Excellency's valuable Services at this delicate and difficult Crisis.

We humbly request that your Excellency will be pleased to lay these our Sentiments at the Foot of the Throne.

Amherstburg, Western District, 22d January 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

An appalling Rumour having most unexpectedly reached this remote Quarter of the Province that your Excellency has either been recalled by the Home Government, or that you have deemed it expedient to tender your Resignation,

We, as a small but anxious Portion of the grateful Population of a Province which has twice owed its Salvation to the wise, prompt, and energetic Measures adopted by your Excellency in its Behalf, most respectfully beg Permission, in so unlooked for a Dilemma, to be put in possession by your Excellency of such Information as will either set our Fears at rest, or, by placing this astounding Intelligence beyond a Doubt, enable us, in common with the rest of the Inhabitants of Upper Canada, to take such immediate Steps as may be deemed most likely to avert the most deadly Blow that could at the present eventful Crisis be struck at either the energetic patriotic Exertions or the rapidly reviving Prosperity of the Province.

Withholding the further Expression of our Opinions until favoured with your Excellency's Acknowledgment of this Address,

We have the Honour to remain, with that devoted Respect and Admiration which must ever be due to the Saviour of a Country, your Excellency's most obedient and most humble Servants.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's most dutiful and loyal Subjects, the Inhabitants of the Township of Dalhousie in the Bathurst District, having learned with deep and unfeigned Regret that it is your Excellency's Intention to retire from the Government of this Province, beg leave to assure your Excellency that we would deem it a Matter of deep Regret at any Time to lose the Services of a Man who has so uniformly proved himself so able and so promptly willing to devote his great Power and unrivalled Talents to the best Interest of his Country; and at a Time like the present, when we have been threatened with one of the greatest Evils that could possibly, in a political point of view, affect us, we only echo the Sentiments expressed by the Inhabitants of the Province in general, when we state that we look on the Removal of your Excellency from the Head of the Government in the present State of the Province as a Calamity of no small Magnitude.

We admire the noble Feeling which actuated your Excellency when you so cheerfully and so amiably represented our Gracious Sovereign in extending the Royal Clemency so well entrusted to your Charge to the poor deluded Dupes found in Arms against their fair and lawful Sovereign, who had been spurred up and led to Rebellion by the base Artifices of some of the most ungrateful and truly contemptible Traitors whose History has disgraced the Annals of modern Times.

We rejoice with all the good and loyal in the Province that the brave Militia of Upper Canada has, under Divine Province, been the chief Means of crushing the late unnatural Rebellion, and we admire the Wisdom of your Excellency that trusted the noble Deed to the Loyalty of their Hearts and the Prowess of their Arms. The Alacrity with which every Militia Man flew to Arms at the Call of his Country will convince the World that such a Current of pure Loyalty flows through the vast Forests of Upper Canada as the open or concealed Enemies of the illustrious House of Brunswick *will never be able to stem.*

We have every Confidence that your Excellency will be pleased to represent the Services of the gallant Militia Volunteers in the proper Quarter, and we doubt not but our excellent Government will, in its usual munificent Manner, reward the Services of both Officers and Men; and we trust, that so soon as your Excellency will see that their farther Services at the Time can be dispensed with that you will cause our Townsmen to be restored to the Bosom of their Families, from whence they will again spring like Lions when their Country needs their Aid.

In conclusion, we sincerely hope that every Comfort and Happiness may be the Lot of your Excellency, in your Person and Family, and that you may have a safe and pleasant Passage to your native Land, and be long spared as the faithful Servant of our Sovereign and the unflinching Supporter of the British Constitution.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

Sir,

As Commissioners of the Canada Company, a public Body possessing so deep an Interest in the Prosperity of Upper Canada, we beg to assure your Excellency of our sincere Regret at your approaching Retirement from the Government of this Colony.

Our official Duty having of necessity led to frequent Intercourse with your Excellency on the Affairs of the Company, it affords us much Pleasure, previous to your Excellency's Departure from this Country, to tender our Acknowledgments of the unvaried Kindness with which your Excellency has been pleased

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pleased to receive such Communications as we have had to make, and of the liberal and impartial Interpretation which has always been given by your Excellency to such Parts of the Canada Company's Agreement with Her Majesty's Government as the Attention of your Excellency has from Time to Time been directed to.

Wishing your Excellency many Years of Happiness and Prosperity,

We have, &c.

W. Allan.

Thos. Mercer Jones.

Commissioners.

Canada Company's Office, Toronto,
23d January 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Magistrates and loyal Inhabitants of the County of Hastings, beg leave to approach your Excellency, and to declare,—

That we have heard with deep Regret that your Excellency is about to leave the Province, and we feel assured that it will by no means be considered valueless that your Excellency should carry with you into your Retirement the Knowledge that we, the loyal Inhabitants of this County, consider that this Province is deeply indebted to your Excellency for the prompt and able Manner with which you came forward, in an Hour of extreme Danger and Difficulty, and rescued the Country and our beloved Institutions from the Horrors of a Civil War and the licentious Control of a Mob.

Called, as your Excellency was, to the Administration of the Government at a Time when Revolution and Rebellion threatened the Destruction of British Supremacy in this Province, surrounded by the manifold Difficulties which false Friends constantly placed before your Excellency as a "Stumbling-block," we can and do duly appreciate the firm and dignified Manner in which you have ever maintained the Integrity of the British Empire, and defended for the People of this Province, and maintained untarnished and unimpaired, their happy and glorious Constitution.

Great as is our Regret, from the simple Fact of your Excellency's having resigned the Reins of Government, our Sorrow is doubly increased from the Circumstances which have led to it, and it proves, if Proof were needed, that throughout the whole of your public Career in this Province your Excellency has had but One Object in view, namely, the Good of the Province, the untarnished Integrity of the Empire.

Deeply is it to be lamented that the Advisers of Her Majesty have chosen rather to listen to the Dictates of popular Clamour than the Advice and Opinion of an independent, responsible, and worthy Representative of their august Mistress; for in pursuing this hasty Course, and not allowing Time to test between their Opinions, formed upon Doubt, and your Excellency's, founded upon Fact and a positive Knowledge of undoubted Proofs, they have deprived their Sovereign of the Services of an able and zealous Officer, and Her Majesty's loyal Subjects in this Province of the most efficient Defender of their Rights that it has pleased Providence should be sent to this Colony to administer the Government.

As the County of Hastings was first in the glorious Contest of the Elective Franchise to sustain the independent Course your Excellency had marked out for yourself in the late political Crisis, when Rebels under the Guise of Reform sought to subvert our happy and glorious Constitution, so do we now declare our Adherence to those great Principles of political Integrity, at the Shrine of which your Excellency has been pleased to sacrifice the Honour of being your Queen's Representative in this Province.

Should it so happen, that in course of Events your Excellency should again return to this Country to resume the Reins of Government, now at a most critical Period transferred to inexperienced Hands, we should greet with Delight and Joy your Return amongst us.

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Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

May a long, prosperous, and happy Life, and every Blessing which Providence can bestow, here and hereafter, be the Reward of your Excellency's Conduct, and may Lady Head and your Family be benefited in like Manner, through the kindest Dispensations of Providence, is the sincere Prayer of us all.

Enclosures.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Inhabitants of the Town of Cornwall, have learned with Regret, that having differed in Opinion with Her Majesty's Government in some important Subject of Colonial Policy, your Excellency has been compelled, from a Sense of Duty, to tender your Resignation of the Government of this Province.

The Subject upon which your Excellency has been forced thus to differ is unknown to us, and we cannot of course express any Opinion upon the Question at issue, but when we recollect the firm, vigorous, and constitutional Manner in which your Excellency has under most unprecedented Dangers and Difficulties upheld the Prerogative of the Crown, and maintained inviolate the Liberties and Privileges of Her Majesty's Subjects in this Province, we cannot but feel, that in accepting your Resignation, Her Majesty's Ministers have inflicted a deep and lasting Injury upon the Interests of the Colony.

From the Moment in which you assumed the Government of this Province, your Excellency has been assailed by the untiring Opposition and groundless hatred of a wicked and revolutionary Faction. Trusting for Support in the Loyalty of those you were called upon to govern, your Excellency offered a firm and successful Resistance to the Machinations of the Leaders of this traitorous Cabal. In thus confiding in the Attachment of a devoted People, your Excellency has been more than Conqueror, for while the guilty have been driven from the Flock the deluded have been brought back to the Fold.

The Feelings of the Heart can only be honestly expressed in the simple and unpretending Language of Truth ; and we trust your Excellency will believe, that in taking leave of you we feel a Sorrow as deep as the Benefits your Excellency has conferred on the Province will be lasting. We fervently pray that your Excellency will receive from the Hands of our beloved Queen the Reward to which you are justly entitled, and that every Blessing, spiritual and temporal, may attend your Excellency and Family wherever it may please the Almighty Disposer of Events hereafter to place you.

To His Excellency Sir F. B. Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the Magistrates, Freeholders, and Inhabitants of the County of Oxford, duly convened by public Notice, beg leave respectfully to address your Excellency, and to express our deep Concern at the Announcement of your Resignation of the Government of this Province.

Under ordinary Circumstances we would receive this Intelligence with painful Anxiety, but in the actual Situation of the Province, whether in respect to its internal State or external Prospects, we must deplore the Communication as a great national Calamity.

When your Excellency assumed the Government a factious Organization already marked, by unequivocal Symptoms, a determined Hostility to the British Throne, and attempted in that Spirit to control your Government and to overthrow our Constitution ; we look back with unqualified Approbation to your Excellency's Firmness on that Occasion, and to the constitutional Appeal you then

then made for Support to the Loyalty of the Province, and to which, under Divine Favour, we now stand indebted for the Preservation of our Liberties.

The same wise and uncompromising Conduct has marked the entire Course of your Excellency's Government; but although the Limits of an Address will not admit of an Enumeration of what has been thus done under your Directions for the Benefit of the Province, we cannot pass over the magnanimous and honourable Course adopted by your Excellency in a Moment of severe and most critical Difficulty, when the whole commercial Credit of America was shaken to its Foundation. The noble Stand then successfully made under your Excellency's Auspices to sustain British Integrity in her commercial Engagements, amidst the Contagion and Temptation then spread around us, demands our Gratitude not less than our Admiration.

But if our Obligations are here great and lasting, we are at a Loss adequately to express what we and the entire Province owe to your Excellency for the Wisdom, the Promptitude, and Ability you have displayed in crushing the unnatural Rebellion attempted to be excited in this hitherto peaceful and happy Land.

We are aware that Objections may be raised by factious Demagogues to the Policy of sending the regular Forces to the Assistance of the Lower Province, but the devoted Feelings in your Excellency's Breast would have already convinced you that Appeal could confidently be made, under any Emergency, to the same Patriotism and Loyalty your Firmness and Wisdom had already so triumphantly drawn forth.

We feel that the Upper Province has nobly responded to this Call, and has marked in Characters not to be misunderstood that its Loyalty and Attachment to the British Throne, and to the Constitution as established in this Province, is not to be shaken by domestic Traitors or subverted by foreign Duplicity. It is now demonstrated to the World that this Province seeks not, as she has been misrepresented, any Alienation from the Parent State, and is determined, at all Hazards, to preserve a Connexion with which her best and dearest Interests are identified. We are not of those who have any Fears as to the Result, except it arises from a Change in the wise and provident Government your Excellency has established. Our Cause is a righteous one, no less than the Defence of our Altars and Fire-sides, and as such we can look for Protection to Almighty Power; but whilst we hail with Satisfaction the Moderation and Vigour of your Excellency's Measures on the Frontier, which demand our warmest Acknowledgments, we are ready and willing, with our Lives and Fortunes, if Need require, to sustain them, by repelling Foreign Aggression or Interference of any Kind, yet still desirous to cultivate, if permitted, the Relations of Amity with our Neighbours.

We lament that so little of this Spirit has been shown, by the Insult offered to our most Gracious Sovereign in the Invasion of our Province by an armed Band of American Citizens, uncontrolled by American Authority, who have waged War and committed Bloodshed on the Subjects of Her Majesty engaged in the Recovery of a Part of the British Territory, then audaciously held by Rebels. We trust Reparation has been or will be demanded for this Outrage, in which the Honour and Independence of the British Empire is involved. Of your Excellency's Feelings on this Subject we can have no Doubt, and are equally confident that in your Hands no Insult would be offered to the British Nation with Impunity.

Again we repeat our unfeigned Regret that at such a Moment we are deprived of your Excellency's Presence and commanding Influence and Abilities; and although we deprecate any Interference with the Prerogative of our Gracious Queen, we cannot but look with anxious Solicitude to a Change in the Government of the Province, accompanied as it is by a Notification that any Part of your Administration of its Affairs does not meet the Approbation of Her Majesty's Ministers.

It remains only for us to express our warm and most affectionate Wishes for your Excellency's Welfare. You have nobly fulfilled the high Duties of the Station to which you were called, and can conscientiously repose in future Life on the Conviction of having thus earned the unfading Gratitude of the Province, which owes to your paternal Care the Preservation of its Laws, its Liberties, and Happiness.

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Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the undersigned Inhabitants of the County of Glengarry, have learned with the most sincere Regret, that in consequence of a Difference of Opinion between your Excellency and Her Majesty's Advisers, your Excellency has deemed it your Duty to resign the Government of this Province.

When we reflect upon the factious Opposition which your Excellency encountered upon your assuming this Government, not only from the Majority of the then House of Assembly, but from those who were the sworn Advisers and confidential Servants of the Crown, the prompt Manner in which you thwarted the designing Views of the one, and rebutted the insidious Professions of the other; the successful Result of your Appeal to the People to aid you to maintain the Constitution; the Reliance you placed upon their Loyalty at a Moment when Her Majesty's Forces were withdrawn from the Province; and the Energy you displayed in crushing a Rebellion as unnatural as it was unforeseen; when we reflect upon all this, we beg to assure your Excellency, that if any thing could shake our Loyalty to our Sovereign, or our Confidence in the Justice of the Imperial Government, there are but few Things that would be more calculated to do both than the recalling your Excellency at so critical a Period; and in these Sentiments we believe would unite with us about a Thousand of our Fellow Subjects of this County, who, at the Call of your Excellency's gallant and excellent Predecessor, have gone to Lower Canada to assist in maintaining the Peace of that Province, as well as to guard against the Machinations of a Portion of our Republican Neighbours.

Trusting that your Excellency's important Services to this Province will meet with that Approbation from our Gracious Queen which they so justly merit, and that you and your Family may long enjoy every earthly Comfort, we respectfully bid your Excellency Farewell.

Amherstburg, Western District,
22d January 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

Scarcely had the late hurried yet respectful Address to your Excellency by a Majority of the undersigned, either residing in this immediate Neighbourhood, or assembled in Arms at the Call of their Country, at this important remote Point of the Canadian Frontier, been despatched, when the Truth of the paralizing Rumour of your Excellency's Resignation burst upon them in the public Announcement of your Excellency's Message to Parliament on the 15th inst.

The Object of their anxious Appeal being thus unhappily anticipated, all that now remains to the undersigned is, without waiting for the Honour of your Excellency's Reply, at once to unite with the rest of the loyal and grateful Inhabitants of Upper Canada, and more particularly with their spirited and talented Representatives in both Chambers of the Provincial Legislature, in the Expression of the poignant Regret with which they contemplate your Excellency's sudden Departure from a Country which, in so short a Period, has owed so much to the Wisdom and Decision of your Excellency's eventful Administration of its Government, at the same Time that they are bound to admire that noble disinterested Bearing which could promptly sacrifice all selfish Considerations rather than submit to the humiliating un-British Predicament of being the servile Instrument of carrying into effect, at the Beck of an uninformed distant Colonial Secretary, Measures which neither your sounder Judgment nor better Experience *on the Spot* could approve.

Coinciding

Coinciding more especially in the sterling Sentiments expressed by our Representatives in the House of Assembly, as embodying the direct unfettered Echo of the Feelings of a high-minded, loyal, and discerning People, we deem it a Waste of Words to add here a single Sentence to so noble, so perfect, and yet so well earned a Tribute to your Excellency's Merits, and therefore content ourselves with the simple Expression of our renewed affectionate Regrets at your Excellency's approaching Departure; and confidently leaving the more just Appreciation of your Excellency's invaluable Services to the calm and dignified Award of the Senate of our Mother Country, and the Degree and Nature of their high Reward to the unsophisticated warm Heart of our beloved Sovereign, unite in imploring the Divine Blessing on your Excellency's future Career, whether to be spent in the even and more happy Tenor of domestic Retirement, or to be devoted, as we hope it soon will be, to more stirring Scenes in the Service of your Country.

To His Excellency Sir F. B. Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's loyal and dutiful Subjects of the Township of Orillia, again approach your Excellency without any Abatement of those Feelings which induced us, on the First Day of the present Year, unanimously to express our Loyalty to the British Crown, and our Gratitude to your Excellency personally for your uncompromising Zeal and superior Talent in the Discharge of the arduous Duties of this Province.

We repeat that your intense Application, Talent, Knowledge of the real Causes of Complaint, your Endeavour to remedy all Evils without compromising the Constitution, have been the Means, under Divine Providence, of warding off the Blow which has been and now is aimed at us by the Subjects of a neighbouring Power, professedly in Amity with Great Britain.

That under all these Circumstances we cannot avoid expressing our Regret and Alarm, occasioned by the Notification of your Excellency's Resignation, conveyed to the House of Assembly in your Message of 15th ultimo.

If that Policy which has aroused such a universal Burst of loyal Feeling, Expression, and Action throughout Upper Canada, whereby Rebellion against the Crown has been crushed, and Foreign Invasion repelled, be a just Cause for depriving Her Majesty's Subjects in this Colony of a wise and efficient Governor, and our Sovereign of his talented Services in this important Portion of the British Empire, at a Time when a Combination of every great Quality, with a local and political Knowledge of the Country, is requisite, we must, with all due Humility and Submission to the Laws we respect, but in the Determination of upholding our glorious Connexion with the Mother Country and British Supremacy, reiterate our heartfelt Regret at your Excellency's Resignation, and our Fears that the Steps taken by our Colonial Minister, and that Line of Policy required by him, must have been guided by the Misrepresentations of our Enemies, and the Want of due Knowledge in the Affairs of the Colony.

We believe it will be gratifying to your Excellency to be assured, that should the insolent and unprincipled Spirit of Encroachment displayed by the United States of America lead them to attempt any further Aggression on the Shores of Canada, we shall not hesitate, in defence of the admirable Constitution and good Laws under which we live, to give all our Energies and hasten all our Exertions in repelling the Insult, and defending our Country, Laws, and Constitution.

We believe that the important Events that have happened in this Province during the Administration of your Excellency will long be remembered with deep Interest, and will long have a most important Influence upon the Interests and Prosperity of the British Possessions in North America.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

We earnestly trust that your Departure from among us will be but temporary; that our Gracious Monarch will be pleased to command a Continuation of your valuable Services; and that you may return among us, exalted and invigorated with renewed Powers.

To the whole of the foregoing Addresses His Excellency returned the following Reply, verbally explaining to the respective Deputations, that feeling it to be his Duty not to write any thing on the Subject of his Retirement from the Government of the Province which could tend to agitate that Question, he had resolved to give but one Answer to whatever valedictory Addresses he might receive:

Gentlemen,

I sincerely thank the Inhabitants of ——— for the very gratifying Expressions respecting my Administration of the Government of this Province which are contained in their Address.

Addenda.

The following Addresses from legislative and other public Bodies, had they been received in Time, would have been placed with those of a similar Description at Page 481.

Address delivered by the Honourable the Speaker of the House of Assembly at the Prorogation of the Provincial Parliament to His Excellency the Lieutenant Governor, previously to the Delivery of the Speech from the Throne.

May it please your Excellency,

We, Her Majesty's most dutiful and loyal Subjects, the Commons of Upper Canada, have granted to our Sovereign Lady the Queen the Supplies necessary to enable Her Majesty to carry on the Civil Government of this Province for the present Year.

Upon looking back at the various important Communications which have been made by your Excellency to the House of Assembly during the present Session, we cannot but congratulate you and the Country upon the firm and noble Attitude assumed by your Excellency in all these public Documents which have emanated from your Excellency.

When we reflect upon the Occurrences that have taken place in Upper Canada and upon its Borders within a few Months past, and upon the distinguished Part taken by your Excellency to maintain the Honour and Interests of our Country during that short but eventful Period, we find equal Cause of Gratulation. Rebellion has been crushed, the Attacks of perfidious Citizens of a Foreign Power have been repelled, and Peace reigns triumphant within the Bounds of your Excellency's Government. We trust that the Provisions of the Militia Law, to which your Excellency has just given the Royal Assent, may, under Divine Providence, contribute to the Preservation of this loyal Portion of the British Empire from the Aggression of all Enemies, whether Foreign or Domestic.

From the Message of your Excellency transmitted to both Houses of the Legislature we have too much Reason to believe, that the present will be the last Time we ever shall have the Honour of meeting your Excellency on an Occasion like the present. In the Name of the People of this Province, I offer to your Excellency the Expression of their deep Regret, that your Excellency should have felt constrained to tender to Her Majesty your Resignation of the Government of this Province, which your Excellency has administered with so much Credit to yourself and Advantage to the Country. The People of Upper Canada will ever retain a grateful Recollection of the Services of your Excellency; and they feel assured your Excellency will meet with a due Reward at the Hands of our youthful and beloved Queen.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

It now only remains for me to present to your Excellency, for the Royal Assent, the Bill to provide for the Support of the Civil Government of this Province for the current Year.

Sir, Government House, Halifax, 6th February 1838.

At the Request of the Legislative Council of this Province, I have the Pleasure to transmit to your Excellency the enclosed Resolutions of that honourable Body, expressing their high Admiration of the energetic Measures adopted by your Excellency to suppress the recent rebellious Outbreak in Upper Canada, and offering their Thanks to Colonel Allan Napier MacNab, and the Militia under his Command, for their gallant Conduct on that Occasion.

I have, &c.

His Excellency Sir Francis Bond Head, Baronet, &c. &c. &c., Toronto.

(Signed) C. Campbell.

Legislative Council Chamber, 29th January 1838.

On Motion of Mr. Stewart, seconded by Mr. Ousley :—

Resolved unanimously, That while the Members of this House view with the deepest Regret the Existence of Rebellion in the Provinces of Lower and Upper Canada, they cannot refrain from expressing the Gratification they have derived from those warm and animating Displays of universal Loyalty and Attachment to the British Constitution and Government to which it has given occasion throughout the British North American Colonies.

Resolved unanimously, That the grateful Acknowledgments of this House ought to be immediately conveyed to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada, for the Penetration with which he discovered, and the firm, prompt, and energetic Manner in which he baffled and defeated, the mad Designs of traitorous Men, to rob and murder those who prefer the Blessings of the British Government to Republican Institutions, but more especially for the noble-minded Reliance upon the Courage and Loyalty of the People alone, by which he was enabled to render most important Aid towards the Suppression of the unnatural Rebellion in Lower Canada.

Resolved unanimously, That the Thanks of this House are also due to Colonel Allan Napier MacNab, and the loyal Militia of Upper Canada, for their gallant Conduct in crushing in its Infancy this rebellious Attempt, and in exhibiting a noble Example of the Spirit with which Her Majesty's North American Subjects are determined to preserve their Connexion with their Mother Country, and to put down all Endeavours to weaken or destroy it.

Resolved unanimously, That this House view with Astonishment and Regret the Support and Assistance which in a Time of profound Peace and Amity between the Two Governments have been afforded to the expatriated Rebels by many Citizens of the American Union ; and this House trusts that the Efforts of the general Government of the United States will not be remitted until such of its Citizens as have been guilty of so unjustifiable a Violation of the existing Treaty and the Law of Nations shall be punished with that Severity which they deserve.

Resolved unanimously, That while this House recognize in the British Soldier that Devotion to his Sovereign and Country which has led to the effectual Suppression of the Rebellion in Lower Canada, and also to a long and dreary March at this inclement Season, they cannot but rejoice that the Absence of the Troops from the Upper Province has afforded gratifying and irresistible Evidence of the deep-rooted Attachment of the People to the British Constitution.

Resolved unanimously, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit these Resolutions to His Excellency Sir Francis Bond Head, the Lieutenant Governor of Upper Canada.

John C. Halliburton,
Clerk.

 Resolved,

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Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

Legislative Council Chamber, 31st January 1838.

Resolved, That Mr. Stewart, Mr. Smith, and Mr. Ratchford do wait upon His Excellency the Lieutenant Governor, and present to him the Address and Resolutions agreed to on the 29th of this present Month of January.

John C. Halliburton,
Clerk.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We the undersigned, on behalf of the Executive Committee of the Constitutional Association of Quebec, having been informed that your Excellency is about to retire from the Government of Upper Canada, feel ourselves impelled, as well by a Sense of Justice to your Excellency's Person as by a Sense of Duty to our beloved Queen, to express our deep Regret at your Excellency's intended Departure; and although Circumstances have placed your Excellency beyond our Reach for the more intimate and private Relations of Life, yet upon public Grounds we feel ourselves called upon to acquaint your Excellency that we deeply deplore the Causes which have led your Excellency to resign the high and important Station you have held in our Sister Province, the Duties of which you have so ably and so faithfully discharged.

The passing Events in Upper Canada could not but be regarded by us as of the most vital Importance to this Province, and, entertaining this View, we have watched with the utmost Anxiety your Excellency's Administration. We have followed you through your prosperous Career, and particularly during the eventful Period of the late Rebellion, and whilst recording, as we now do by this Address, our Admiration of your public Conduct, we venture to express the Hope that Her Majesty's Ministers will at length be convinced that the Principles of the British Constitution alone are applicable to the good Government of these Provinces.

At a Time when Constitutional Government has led to such happy Results, from the Exercise of a sound Discretion, accompanied by a dignified and uncompromising Course of Policy, which has conspicuously marked your Excellency's Administration in Upper Canada, we are irresistibly led to attribute the present deplorable Condition of the British and Irish Inhabitants of this Province to a weak and vacillating Policy, so directly opposite to that pursued by your Excellency.

We therefore deeply sympathise with the Inhabitants of our Sister Province on the Loss they will so universally feel on the Occasion of your Excellency's Departure.

In respectfully offering our sincere Wishes for your Excellency's future Happiness, and that of Lady Head and Family, we feel that we speak the Sentiments of the whole Body of Constitutionalists in this District, in expressing the Hope, nay the Conviction, that your valuable Talents will ever be enlisted in behalf of these Provinces, and that the important Services you have already rendered to Upper Canada and the Empire at large will receive that well-merited Reward, the Approbation of our most gracious and beloved Queen.

(Signed) A. Stuart, Chairman.
W. Briston, Secretary.

Province of Lower Canada,
Quebec, 24th February 1838.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the undersigned Officers, Non-commissioned Officers, and Privates of the First Company of Saint John's Loyal Volunteers Light Infantry, residing at

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

at St. John's in the Province of Lower Canada, cannot possibly refrain from addressing your Excellency in consequence of understanding by the public Press that you are about to retire from the Government of Upper Canada.

We beg leave to express our sincere Regret that your Excellency has found it necessary to solicit your Recall, knowing, as we do, that the best Interests of the Sister Province, as well as her Peace, Prosperity, and Happiness, are commingled with those of our own. Your Excellency's straightforward Policy has been our Admiration at the first Commencement of your Excellency's Career in this Hemisphere. Your Excellency's honest, uniform, and constitutional Conduct has been most gratifying to us, who profess a firm and steady Attachment to Her Majesty's Crown and Government. Most particularly we must expatiate on the prompt, manly, and spirited Effort displayed by your Excellency in frustrating and finally quelling a most unnatural Rebellion, which had reared its Head in that improving Country over which His late Majesty, of happy Memory, had placed your Excellency.

Your Excellency had declared, "that the British Constitution should be preserved inviolate;" that Pledge has been redeemed, and the Machinations of evil and designing Men destroyed, and their base Schemes rendered abortive; and no greater Proof can be produced to show the Estimation in which your Excellency was held by the People of Upper Canada, than the spontaneous Muster of local Force to support your Excellency's Command on a late Occasion; and in this Feeling we most truly participate.

We now take leave of your Excellency, expressing our Confidence that you will receive the Approbation of our Gracious Queen, and the loyal and thinking Part of the People of Great Britain, for the conscientious Performance of the arduous Duty for which your Excellency was so eminently calculated, by your Excellency's transcendant Talents, to discharge.

We beg to add our most cordial and sincere Wishes for the Health and Happiness of your Excellency and your amiable Family, and to wish you a propitious Voyage to Old England.

Coldwater, 8th February 1838.

Address to His Excellency Sir Francis Bond Head, Baronet, K.C.H., Lieutenant Governor of the Province of Upper Canada, &c. &c. &c., from the Chippawa Chiefs of Lakes Huron and Simcoe.

Father—We speak to you in the Name of our Warriors and of our Women and Children.

Father—We feel lonely to hear you are about to embark in one of the great Wooden Canoes to cross the Salt Lake to your Home.

Father—When you first came to this, once the Land of our Fathers, we rejoiced to take you by the Hand, and you gladdened our Hearts by saying you would take the same Care of us which our gone-away Father had done.

Father—We are aware that you have been deeply engaged, and that you have had great Trouble with your White Children, and for this Reason we believe it has not been in your Power to continue that good Work for us which you intended.

Father—We wish you to tell our new Father of the Arrangements we made when we gave up our Lands at Coldwater and the Narrows, so that he may prevent our White Brethren from taking our Buildings.

Father—We have heard that the Big Knives by their late bad Behaviour are likely to displease our Great Mother the Queen; if this be the Case, and the Red-Coats raise the War Cry, our War Clubs shall be unburied, our Faces painted, and the *pale-faced* Big Knives shall again feel that the Hearts of the Red Men of the Forest are English.

Father—Do not forget to tell our Great Mother that even the little Instruction we have received from the Great Spirit's good Book (the Bible) has taught us not to cut the Hair from off our Enemies Heads, as our heathen Ancestors did, and that when we fight we shall act as the Civilized do.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

Father—We now salute you, and we pray that the Great Master of Life may be kind to you, that He may bless you with a long and good Journey under the *blue* Sky and endless Happiness above it.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Coloured Inhabitants of Hamilton and its Vicinity, having heard with unfeigned Regret that your Excellency is about to leave this Province, feel ourselves called upon to address your Excellency on an Occasion of the most poignant Sorrow to all of us.

Having experienced the Blessings of living under your Excellency's most paternal Administration of the Government of this Province, the Benefits we have received will be remembered by our Children's Children, with heartfelt Gratitude that Providence mercifully sent your Excellency hither to succour the oppressed and liberate the Captive.

We beg to assure your Excellency of our most devoted Loyalty and Attachment to the British Constitution, as under no other Government whatever could we enjoy such extensive Privileges and Protection, and for which we can assure your Excellency we are truly grateful; and in proof of which we are ready at any Time to sacrifice our Lives in Defence of that Government. And as we voluntarily left our Homes and took up Arms to defend this Province from an expected Attack from Rebels and Pirates assembled on Navy Island, we shall at all Times be among the foremost to answer any Call that may be made upon us, either to suppress Rebellion in the British Provinces or Aggression by a Foreign Enemy.

We beg most sincerely to thank your Excellency for the humane and prompt Manner in which your Excellency acted in the Case of a Coloured Man of the Town of Hamilton, Jesse Happy, who was claimed by the American Authorities, and whom you released from Prison and most nobly refused to surrender up to Slavery; setting a bright Example to our Republican and Democratic Neighbours, of determined, stern, monarchical Justice.

We now most respectfully and sorrowfully bid Farewell to your Excellency, and, poor as we are, trust we shall never prove Insolvents in Gratitude for Benefits received; and rest assured, that wherever your Lot may be cast you will have the Prayers of the Coloured Inhabitants of Hamilton and Parts adjacent offered up to Divine Providence for the Happiness of yourself and Family.

To His Excellency Sir Francis Bond Head, Bart., Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the principal Chiefs and Warriors of the Six Nations Indians, residing at the Grand River, in the Gore District, beg leave respectfully to approach your Excellency, and to express our sincere Regret in learning that your Excellency is shortly to resign the Government of this Province, and leave for England.

Although your Excellency's Stay in this Province has not been long, it will be marked as the most important Period in the History of Upper Canada. Your extended Views for the Improvement of this fine Country and the Introduction of Population and Capital from the old Country must claim the Admiration of all who desire to see it flourish as a British Colony; and may it long continue to form Part of that Country to which our Ancestors, from their earliest Connexion, clung with devoted Loyalty.

By your prompt and energetic Measures an unnatural Rebellion has been put down. Our Friends, the Militia of the Country, behaved nobly; they instantly flew to your Call; our Warriors were ready to have fought by their Side.

We

We regret your Departure the more, as our Interests and Improvements as a rude People depend much upon the Care and Attention of the Executive of the Country. Your Excellency has devoted much of your valuable Time and Attention to the Improvement and Wants of the Red Children of the Forest, and particularly to the Six Nations, who now address you; and may your Excellency's liberal Views for the Improvement of the poor Indians be as heartily entertained by your Successor, as they have been sincerely commenced.

And when your Excellency reaches the Shore of your Home, convey to our Sovereign, our youthful Queen, that Her Red Children of the Forest are loyal, and that they feel and largely appreciate the kind and paternal Protection of the British Government, between whom and the Six Nations the Chain of Friendship, although of long Standing, has not been allowed to rust.

In approaching your Excellency to bid you Farewell the Six Nations take this Opportunity of returning you their sincere Thanks for your kind Care and Consideration of their Wants; and they pray the Great Spirit to protect and reward you.

Address of the Patriotic Highlanders of Lochiel to His Excellency Sir Francis Bond Head, Baronet, &c. &c.

To His Excellency Sir Francis Bond Head, Baronet, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant Governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

We, the loyal, patriotic, and true-hearted Highlanders of that Part of Glengarry called Lochiel, in the Eastern District, Sons of the heath-clad Mountains of old Scotia, who never turn our Backs on either our Friends or our Foes, do in all Loyalty and sincere Affection humbly approach your Excellency as the worthy and unflinching Representative of our most gracious Queen, to express our Abhorrence of the foul and unnatural Rebellion which has raised its Hydra Head in both the Lower and Upper Province of this excellent Country. We are certain that the vigilant and precautionary Measures which your Excellency has adopted will no Doubt ultimately crush the Wretches who have thus unblushingly raised the Standard of Rebellion. But should in the meantime our humble but sincere Efforts be needed, we swear by the Memory of the Past, by the Blessings of the Present, by the Hope of the Future, by all that is worthy of ourselves and of being transmitted down to our Posterity, that we are all to a Man ready at a Moment's Warning to march against the Incendiaries and Rebels of this our adopted Country, and either to triumph or fall nobly in the Strife, and hand down immaculate to our Posterity the Liberty, Laws, and Religion of our Forefathers; that Liberty, that Religion, and those Laws that they heroically died to defend and sealed with their Blood.

Whenever called upon by your Excellency, and that Circumstances of Necessity require it, we shall ever be found at the Post of Duty, ready to be instrumental in either putting down or exterminating the deluded and rebellious Wretches who have most impiously rushed to Arms in order to break through all Laws, Divine and Human, to bring into Contempt the Dignity of our beloved and most gracious young Queen, to subvert the Laws of our beloved Country, and to overturn our glorious Constitution, the Pride and Envy of the World.

His Excellency's Reply.

Brave and loyal Highlanders of Lochiel,

The few remaining Rebels who dared to insult the Authorities of this noble Portion of the British Empire have absconded from its Dominions, and the only Enemies we have now to encounter are a Band of Pirates, who, under American Leaders, have invaded our Territory for the avowed Object of plundering our Lands and subverting our revered Institutions.

No. 73.
Sir F. B. Head
to
Lord Glenelg,
20th March 1838.

Enclosures.

I feel confident, if this unprincipled Aggression should continue, that in one Body you will advance to exterminate the perfidious Invaders of our Liberties, or, like Highlanders, perish

"With your Backs to the Field
And your Feet to the Foe,
And leaving in Battle
No Blot on your Name,
Look proudly to Heaven
From the Deathbed of Fame!"

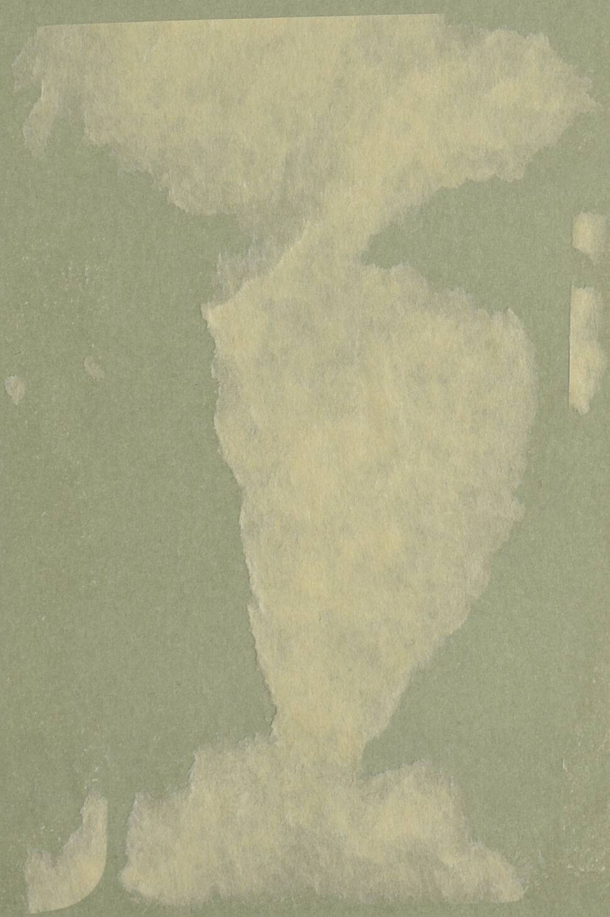
Government House,
13th January 1838.

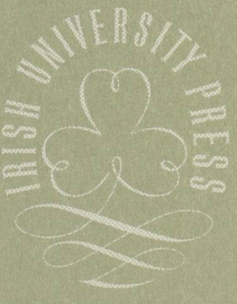
(The Addresses presented to the Lieutenant Governor contain upwards of FOURTEEN THOUSAND Signatures.)

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