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276

*London, 23d October 1828.*

SIR,

**H**AVING done myself the honour to wait upon you yesterday at the Colonial Office, to report myself, on return from Canada, I lose no time in addressing to you this letter upon the Affairs of that Colony; in so far, at least, as they have been recently discussed before a Committee of the House of Commons, and Report made upon the Evidence brought before it.

I have had an opportunity, since my arrival, to peruse the Proceedings and Report of the Committee. I have read the whole with the utmost attention, and, I regret to add, with the utmost astonishment. It would not have become me to have animadverted on these documents, were I not convinced that in duty I am called upon to offer a caution against the consequences likely to follow upon the incorrect statements made in evidence, and the erroneous views taken by the Committee, in giving credit and belief to them. In few words, Sir GEORGE, I declare the Petitions, Complaints, or Statements, made by the Deputies from Canada, MESSRS VIGER, NEILSON, and CUVILLIER, to be utterly false in facts; that they are deeply and cunningly perverted from the true and real state of circumstances existing in Lower Canada.

These statements have been adopted by the Committee, without hearing the other parties. The whole is "*ex parte*" evidence, which I am ready to refute. These statements uncontradicted, will deceive His Majesty's Government, and must mislead as to any measures to be adopted towards that Colony. I do, therefore, most earnestly entreat of you to suspend your decision, until that investigation, now recommended by the Committee, shall be carried into effect.

Although what affects myself personally in that Report is of far less importance than the main question, it is deeply important to my character and reputation.

I do not feel myself condemned as yet ; but the insinuation thrown out, of the probability of guilt, and my name held up to public notice, as demanding public investigation, cannot but create a strong bias in the public mind to my disadvantage. Upon that ground I feel myself most severely, and most unjustly prejudged. I stand ready to be heard. I demand to be heard in my defence ; and I am confident I can convince even the Committee, that I have been unjustly treated by their Report.

Having said this much, I will rest satisfied to wait the time when I may shew my conduct in a different light from that exhibited by the Deputies, VIGER, NEILSON, and CUVILLIER.

Anxious to meet investigation, I earnestly beg to be informed in what manner, shape, or form, it is intended to be made. I am ready to meet it in any shape.

I have the honor to be,

SIR GEORGE,

Your most obedient humble servant,

(Signed) DALHOUSIE.

Right Honourable Sir GEO. MURRAY,

§c. §c. §c.

*Downing Street, 27th October 1828.*

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of the 23d instant, on the subject of the Report made by the Committee of the House of Commons, on the Affairs of Canada, and the Evidence upon which it is founded.

As your Lordship is now in possession of the Report, I should be glad to be furnished in detail with such observations as may occur to you on a further examination of it, together with a statement of the grounds upon which your Lordship has represented the Petitions, and statements made by the Deputies, to be false in fact, or perverted from the true and real state of circumstances existing in Lower Canada.

I have the honor to be,

MY LORD,

Your Lordship's most obedient

Humble servant,

G. MURRAY.

Lieut.-Gen. The EARL of DALHOUSIE, G. C. B.

*Coalstoun, December 1828.*

To the Right Honourable Sir GEORGE MURRAY.

SIR,

**AUTHORISED** by your letter of 27th October, I have the honour now to submit to you some observations which have occurred to me on perusing the Report of the Committee of the House of Commons on the Affairs of Canada, and the evidence upon which that Report has been founded.

A large portion of that evidence conveys aspersions and insinuations against the Executive Government of Lower Canada, which I declare to be founded in falsehood, and wilfully perverted from the truth; misleading the Committee from a right understanding of existing circumstances in that province, and which, if allowed to stand uncontradicted, must tend to mislead also His Majesty's Ministers and Parliament, as to the measures which it would be advisable to adopt respecting Lower Canada. I hold it, therefore, to be a public duty to come forward yet in time to contradict those aspersions, and to shew the false colouring of the Petitions presented by the three Delegates from Canada.

I will not attempt to notice every question and answer. A few of these will be sufficient to shew the tendency of the evidence of these individuals, in so far as the real interests and wellbeing of the Province may be affected. If I can shew their assertions to be unfounded in fact, or their statements to be so coloured or distorted as to lead to false conclusions, I trust I shall succeed in arresting your decision on the measures to be adopted, until you obtain a more correct view of the interests of Canada than has been exhibited by the labours of this Committee, from the evidence brought before it.

Without further introduction, I proceed to my notice of the volume published as the Report of the Select Committee, at the commencement of which it is said,

“ Your Committee began their investigation into the state of the Civil Government of Canada, by examining the several Petitions for the Inhabitants of the two Provinces, which have been referred to them by the House.”

As I have taken no part in the Government of Upper Canada, my observations will be confined to Lower Canada only.

The Petitions from 10,000 Inhabitants of the Townships are well founded in every part of the statements.

Their complaints are the consequences of long neglect by the Legislature of the Province, especially in what proceeds from the House of Assembly; but

they are the consequences also of long neglect by Government at home, in turning a deaf ear to numerous petitions transmitted, and repeated representations made, by the Executive Government in the Province.

The prayer for an union of the two Provinces, now made in the Petition from the Townships, is a subject of State policy, which I consider totally distinct from the measures more immediately required for the wellbeing of the Lower Province in particular.

My observations being chiefly directed to the Petitions presented by Three Delegates, bearing, as has been said, 87,000 names, *or marks*, of inhabitants of Lower Canada, I think it right to state, *in limine*, my opinion of these Petitions.

I deny them to be a true expression of the sentiments of the people, and still less are they a faithful picture of the present state of Canada. It is necessary also to expose the origin of these Petitions, the manner in which they were got up, and the peculiar character of them, for these form the grounds upon which the reasonable, the respectable, and the loyal classes of society view them as the production of a few factious demagogues.

In November 1827, the House of Assembly having denied the existence and resisted the exercise of the Royal Prerogative, of allowing or disallowing the person they had chosen as "Speaker," it became necessary to prorogue the Provincial Parliament. Some violent Members of that House, with their associates in Quebec and Montreal, called public meetings to discuss these passing events. Committees were appointed to frame petitions of grievances to the King and Parliament, and measures were adopted to spread these sentiments into those parts of the Province, where they thought themselves possessed of any influence, and therefore particularly into every parish of the Catholic Church in Lower Canada.

The Montreal Committee took the lead with great activity. It might be supposed that copies of the Petition, setting forth their grievances, were circulated for the understanding of the people, and for their signature. Not so; the contents of the Petition were guarded as State secrets; no copy was issued from the Committee; notaries, or their clerks, village-doctors and tavern-keepers, were selected to travel over the parishes, with blank sheets of parchment,—every house was visited,—the number of inmates were ascertained, not heads of families or adult persons only, but infants in the cradle also; all present or absent, master and servant, so many living beings in family so many crosses were placed upon the sheet; and the travelling agent then proceeded to muster the next house;—thus the grand total of 87,000 names was made up.

But it did sometimes happen that a Canadian inhabitant desired to know what was the cause of discontent or the object of the Petition:—the answer was ready, though little consistent with truth.

One was told, that attempts were making by Government to put down the Catholic Church and Religion; another, that The Governor had seized the Treasury, and applied all public funds to his own use; a third, that The Governor intended to arm the Militia, and call it out on service; a fourth, that it was intended to petition His Majesty to put a stop to the emigration from Ireland, the emigrants having now driven the Canadians from the public works. In short, any calumny or fabrication was used by these travelling agents, to satisfy inquiries, and, at the same time, carefully to conceal the gross absurdities set forth in the Petition of Grievances.

I am sorry to say, that the inferior clergy in the Catholic parishes very

generally assisted to induce the people to comply with the solicitations of these agents.

Thus Petitions were framed; and 87,000 names have been mustered to give them effect; such acts of seditious imposition should not be received as the voice of a people addressing their Sovereign, in the belief of existing abuses, and soliciting, in full confidence of obtaining redress. The act of a few ought not to be taken as the act of a whole people.

The petitions use the expression, "*la voix de tout un peuple.*" I deny that these are the sentiments of the people in Canada: they are rather a libel on that peaceful and loyal people. Their sentiments are the very reverse of what is said in their name.

Many individuals (heads of families) have expressed their regret, that they had been deceived and decoyed by these travelling agents, to lend their names to sentiments which, now that they know their import, they utterly disavow. Farther proof of this may be found in the numerous addresses presented to the Governor at that moment; thousands of the superior classes, observing the passing events of the day,—knowing the real circumstances of public affairs,—capable of forming their own opinions,—capable also of declaring their own sentiments under their own signatures, immediately stepped forward to express their approbation of the conduct of His Majesty's Representative, and their detestation of the falsehood spread through the country, for the purpose of exciting discontent and disturbance.

I must here beg leave to draw your attention to these Addresses, copies of which are annexed to this.

If more circumstantial proof be wanted, these Petitions may be returned by Commissioners, to verify them by publication, and by the evidence of impartial men upon the spot. His Majesty's Government would learn that very different sentiments prevail in Lower Canada.

Most earnestly I wish to impress upon his Majesty's Ministers, that this is not "*la voix de tout un peuple;*" nor of the majority of it. It is the petition of the ignorant part of the people, easily led because of their ignorance; it is the petition of a few demagogues and turbulent men, who, having raised a flame in the country by their own acts, now press forward, in the character of Delegates, to advise His Majesty's Government to extinguish it, by such measures as may advance their own interests and object of power;—it is the petition of a few Disturbers of the Peace *versus* the Constituted Authorities in the Province, the Acts of the Imperial Parliament, and the existing Laws of the Land;—it is the petition of a few leaders in the Assembly, who have boldly attacked the principles of the Constitution, whose object is to overthrow the authority of the Sovereign, the power of the Imperial Parliament, and the rights of the other branches of the Provincial Legislature, to vest in themselves the sole control and authority in the State;—in fine, it is the petition of a few rash and reckless men, whose principles and sentiments place them in direct opposition to those of the well educated and respectable classes of society in Lower Canada, both French and English.

Such is the character I attach to the Montreal Petition; it is the substance—those of Quebec and Three Rivers followed as the shadows. Quebec has offered a copy more mildly expressed towards the Governor residing in that city; but in that it is only the more insidious, because the complaints and the grievances are identically the same as those of the Montreal leaders.

The Committee subsequently say, "For a further knowledge of the grievances complained of, your Committee beg leave to refer to the Petitions, which will be found in the Appendix."

In like manner, I beg leave to present "Observations upon the Petition of Grievances," dated at Quebec; they are contained in a small pamphlet, which I circulated amongst my personal friends in Canada, and in this country. I now affix my signature, as an acknowledgment that they contain my sentiments; and I am prepared to substantiate the facts by evidence, or by the opinions of the most respectable men in Canada.

I shall now turn to the evidence before the Committee, and return hereafter to the Report. I shall limit myself chiefly to the evidence of the Delegates, touching but lightly on those of others, whose opinions I believe to be candidly and impartially given.

In the *first* place, I pass by the evidence of Mr GALE and Mr ELLICE; the former had been sent to England on the part of the Executive Government, and, in my opinion, was well qualified to have given most correct information to His Majesty's Secretary of State, upon all the points set forth in the Petitions of the Delegates.

The latter, a gentleman of extensive landed property in Canada, although heretofore acquainted with the circumstances of the province, has not been in that country for many years, and *now* is not well informed upon the real state of affairs in that province.

Evidence of Mr  
NEILSON.

I come next to the evidence of Mr NEILSON, of which I must speak as that of one of the leaders in all the "Troubles" in Lower Canada; but I must here remark, that these troubles existed in no part of the province, in any other shape than in the newspapers, which these leaders circulated *gratis*; particularly to the inferior clergy in the country parishes. Knowing the men, their motives, and their ultimate object, it becomes peculiarly my duty to remove that veil which they have artfully thrown over their intentions, and by which they conceal consequences full of mischief to Canada.

— p. 67.

Mr N.'s evidence begins with a detail of complaints against the Legislative Council of Lower Canada, for not having passed bills sent up by the Lower House in Parliament assembled. As to those complaints, I have no doubt the Council has exercised a sound judgment, and would offer sound reasons for having so acted.

Then follow heavy charges against the Governor in Chief personally, to all which I only say now, that I am ready to answer in any manner than "*in cumulo*." I look at them as a rhapsody of calumny and nonsense.

— p. 69. line 10.

Mr N. asserts, that the petitions of Montreal and Quebec were simultaneous, and without concert. As to time it is very immaterial; but the concert was notorious; and that the three Delegates were the most active leaders in getting up these petitions.

— — line 22.

Mr N. is desired to describe the constitution of the Legislative Council. He describes the Members personally as men dependent upon the Government, and deprived of their own opinions, because some receive salaries as Judges on the Bench, some as Officers of Executive Government, and some as half-pay Captains.

I must here explain, that Mr N. and his associates have long circulated a doctrine, that no man who serves the King, or His Majesty's Government, ought to be trusted by "the People." Upon these principles he judges the Members of the Upper House in the Provincial Parliament; his sole object is to vilify all who are respectable, and truly independent in their station in life, in that province. No man could for one moment suppose a parallel case in this country, viz. the Commons of England to slander all that are raised to the confidence of



the Sovereign, and to the dignities of their country; but such is now the act of Mr N.

I consider the Members of the Legislative Council as men of high honour, and of perfect integrity,—men worthy of the dignities conferred upon them,—men that are not to be influenced nor tampered with; and, from that feeling, I have never, during my administration, solicited a vote upon any subject.

Mr N. asserts, that the difference of opinion on these matters is limited to the Members dependent upon Government. I hold that assertion to be utterly untrue; for amongst those who differ from these opinions, will be found almost all men of education,—the far greater proportion of landed proprietors, called Seigneurs,—almost the whole mercantile classes,—and, what is most important, all who read and value the principles of that Constitution which has been given to the Province by the Act of 1791.

Mr N. attempts to shew a character of subserviency in the Legislative Council, by the passing, in 1825, a Bill of Supply, which was rejected, in 1826, by the influence of another Governor. This is equally insidious and cunning. He does not plainly state, as he was bound to do, that the first bill, which was passed by the Lieutenant-Governor, Sir FRANCIS BURTON, having conceded, or sacrificed the rights of the Crown, had been disapproved of by the Secretary of State, and that instructions had in consequence been given to the Governor-in-Chief, to inform both Houses, in the following Session of their Parliament, that, in future, no such bill would be allowed to pass.

Mr N. does not inform the Committee, that, in 1826, the Governor-in-Chief, in obedience to orders, did formally acquaint both Houses, by message, that such instructions had been received. Nay, more than that, the Governor-in-Chief did inform the Speaker in each House privately, that such orders were in his possession. The fullest information had been given upon the subject; nevertheless, the Assembly (and these Delegates, leaders in the Assembly), did pass a Bill, precisely similar to that in 1825, which, of course, was rejected in the Legislative Council. This part of Mr N.'s evidence obviously attempts to pervert the truth, for the purpose of misleading the Committee of the House of Commons.

Speaking of the repeal of the 14th Geo. III., which fixes the revenue, and also appropriates the proceeds raised, Mr N. states, that “a law now stands in the Statute-Book, waiting the performance of conditions by the British Government for it to come into force.” That is not correct.

In 1794, Lord DORCHESTER, the Governor-in-Chief in Canada, informed the Legislature, by Message, “That, as soon as the Provinces of Upper and Lower Canada should have passed laws, levying the same or other duties to an equal amount to those which are payable under the Act of 1774, and when such laws should have obtained the Royal Assent, His Majesty's Ministers would be ready to propose to Parliament the repeal of the Act above mentioned.”

Now, in point of fact, neither Upper nor Lower Canada has performed the conditions specified. The truth is exactly the opposite of what Mr N. has stated. That law, standing in the Statute-Book of Lower Canada, awaits the performance of conditions by the Legislature there, and not by the British Government.

Mr N. states, that although the Revenue Acts raise a sum sufficient for the maintenance of the Civil Government, the expences of that Civil Government have always grown with the amount of the revenue.

That is a loose assertion, which an examination of the annual accounts will shew to be utterly untrue. If the Representatives in Assembly have not con-

Mr NEILSON'S  
Evidence, page 70,  
line 25.

— line 34.

— p. 73. line 42.

— p. 77. line 32.

trolled the finances, it has been their own fault ; because a full and explicit statement of revenue and expenditure for the past year, and estimates for the ensuing, have been regularly laid before both Houses of the Provincial Parliament.

Mr NEILSON'S  
Evidence, p. 78.  
line 12.

Mr N. is desired to point out what salaries are excessive, but he declines to speak to particulars. He cannot substantiate the fact as to individuals, and therefore deals in generalities, which do not admit of any other than a general denial.

*Expences of Government called the Civil List.*

— p. 79

On this part of the evidence of Mr N. it is impossible for me to shew circumstantially the errors and mis-statements, which are obvious. Some of these may proceed from incorrect information ; but the general object of the evidence is to insinuate, that the disorder in the finances is to be attributed to the Executive Government in Canada, during my administration.

Mr N. attempts to shew confusion which has not existed, and unreasonable demands which have not been made ; for nothing has been asked from the Legislature as Civil List, which had not been long established, as salaries of persons necessary to carry on the civil administration of Government.

— p. 80, line 1.

“ Have the Government proposed to make any particular fixed appropriation of that ?” Mr N. answers, “ No. The claim has been, that they could dispose of it as they thought proper.”

Mr N. answers well that the whole of the permanent revenue is appropriated specially to the purposes of civil government ; and that an estimate, shewing the intended expenditure, has annually been laid before the Provincial Parliament, which exhibited every item to be provided for. This answer by Mr N. is therefore utterly untrue, and is forcibly confirmed by his answer to the next question.

— p. 82, line 11.

After heavy complaints that a distinction had been made in the officers under Government, as permanent and local, Mr N. says, that had Government possessed funds sufficient, “ they would not have troubled us at all with that distinction ;” but Mr N., in this, conceals from the Committee the real fact, that this great trouble given to the Assembly by His Majesty's Government, and his Representative in that Province, was nothing more than a desire, in the Governor-in-Chief, to give every information and explanation of the services for which a supply in aid of the permanent revenue was asked, and, at the same time, to shew the consequences of a refusal of that aid.

I do think it impossible to shew more clearly the perverse intention of this evidence, and the utter disregard of truth which Mr N. has shewn.

Almost every page of the farther examination furnishes more instances, but I stop here at present with Mr N., as having shewn sufficient grounds to doubt his assertions, and hesitate upon the soundness of his opinions. Should further observations still be required, I am quite ready to pursue them.

Mr VIGER'S Evi-  
dence, p. 137.

I do not feel myself competent to differ from Mr VIGER, on that part of his evidence which gives opinions upon the laws of Canada.

Whether these are the best or the worst possible, or how these may be amended, the subject is undoubtedly of the deepest importance to the people in that province ; but I do think that the Judges in Canada, and the Law Officers of the Crown there, should be the best qualified to guide a Committee of the Commons of England to a right understanding of the subject.

— p. 143, line  
22.

In reference to the Canada Tenure Act, Mr VIGER says that it has created great discontent, and has been considered an unfortunate measure. I deny this

*in toto*; the subject of that act is yet little known in Canada. The act is scarcely in operation. It is a measure, in all degrees, as it regards the Seigneurs, optional, compulsory upon no man, and can have no effect to make it an unfortunate measure of the Imperial Parliament.

With regard to notaries in Canada being superior to others or British conveyancers, the assertion is absurd. It would be ridiculous to speak of a comparison in abilities or legal acquirements. There cannot be any; but I would compare the moral integrity of the two classes. It is notorious that the notaries are those who execute deeds of mortgage several times over on the same property. They consider themselves the secret confidential agents for their clients.

Mr VIGER'S Evidence, p. 143, line 8. from bottom.

I hold these to be often in effect fraudulent deeds, yet they are legal. I cannot think that the man who will execute multiplied deeds of mortgages, covering fraud, can be a *conveyancer* of property to a purchaser, with any assurance of safety in the transaction. I now speak, from many repeated instances having come to my knowledge, of positive robberies committed in that manner, on emigrants arriving in Canada, with their small capital to be vested in the purchase of a farm.

When Mr VIGER is further pressed on this subject, and as to the opinion in the townships, he says, that he is not acquainted with the sentiments of the majority of the inhabitants in the townships. The least I can say of this answer is, that it is uncandid, because Mr VIGER knows very well that there is but one sentiment in the townships with regard to the French laws generally, and that is dislike of them.

— p. 144. line 28.

“ Have the Committee understood you correctly to imply, that the French Canadians would be more disposed to spread themselves, were they secure of their own laws and institutions?—Yes.”

— p. 157, line 27.

I think the answer of Mr V. is calculated to mislead the Committee.

There is no dislike in the Canadians to spread, and settle lands on either tenure. It is the want of accurate surveys, and the embarrassment of the Local Government, from being refused the means to execute surveys; it is the want of communications by roads, and other causes, that operate against the settlement of lands. Whenever a system shall be adopted to place a man securely in possession of his grant of land, the Canadian inhabitants will be found not only ready, but very good settlers, to bring that province into cultivation.

I think it unnecessary to dwell at any length upon this evidence. It is nearly similar in substance to that of Mr NEILSON; and, as this person is an associate and leading cause in the “ Troubles” in Canada, his sentiments and opinions ought to be weighed accordingly.

Mr CUVILLIER'S Evidence.

In perusing these pages, I cannot fix the drift of the examination to any particular subject of complaint in the Petitions to Parliament, nor to any object of abuse, as requiring amendment in the constitution, or even administration of the Government in Lower Canada. The whole appears to be a search after the individual opinions of Mr CUVILLIER, Auctioneer of Montreal.

In his answer to the questions then put, he frankly avows his dislike of the principles of monarchical government. He will not enter into the merits of any form of Government. He is averse to speak of it even. His opinion imports that the Government of Canada should be vested in the Sovereignty of the People, that a Governor may be sent there, provided he be paid from the treasury of the empire; but that the Assembly should have the sole controul and management of the public affairs.

— p. 161, line 19.

In his following answers he says, "There can be no aristocracy in Canada, or in America generally," because the system of laws leads to equality, and constant subdivision of landed property; and this is the system of law which ought to be preserved in Canada. Mr C.'s favoured system is "Equality," and "Republican forms."

Mr CUVILLIER'S  
Evidence, p. 162.  
line 3.

I cannot refrain from noticing a literary critique by Mr C., upon an expression in a Message sent down by the Governor, regarding a vote, "permanent during the life of the King." Mr C. appears to have considered "permanent" as synonymous with perpetual. He could have easily explained this as intended to guard against the system of legislation usual in the Assembly, by passing annual bills, and annual votes of supply.

— p. 161, line  
21.

"Have you put any information upon paper, which you are desirous of communicating to this Committee?"—"I have."

In this investigation, I do not clearly understand how, in this case of Mr CUVILLIER, as in that of Mr NEILSON, it seems to have been known that these persons had prepared written papers for the Committee; and I feel the more surprised, because, although it was known to several Members of that Committee, that another person had been sent home, on the part of His Majesty's Government in Canada, to meet and answer to all complaints, or charges, that might be made against it, by the Petitioners and Delegates; that person, ready, and in attendance, was not questioned in relation to many of the matters alleged by the Delegates to inculcate the Government. The information given by Mr C. is only a cursory view of the origin of the different claims to the appropriation of the revenue, all of which have been discussed already, fully in documents lodged in the Colonial Office.

— p. 169, line  
49.

Upon the composition of the Legislative Council, Mr C. would advise that it should be elective. I would only ask, How would that fancy agree with the principles of the British Constitution in Parliament, or the high prerogative right of His Majesty, to confer titles of nobility or distinction?

Upon the whole, I do Mr CUVILLIER the justice to say, that his evidence is more honest, more candid, and, at least, more frankly expresses his republican sentiments, than either of the other associated Delegates.

Mr MORGELL.  
Mr HAMILTON.  
Mr GRANT.

Upon the evidence of these gentlemen from Canada I shall make no remark, because I consider the question of church-lands, and funds, as altogether distinct from those parts of the Petitions which carry accusations against the Executive Government in Canada, to which alone my attention is directed at present.

Mr GILLESPIE,  
p. 210.

I am glad to bear witness to the evidence of this gentleman. He is concerned in mercantile affairs, has resided many years in Canada, and is altogether unconnected with the Government there. I have read his evidence with much satisfaction. It may be held to be, generally, a true picture of the state of the province, and of the impediments which chiefly retard its improvement.

Mr STEPHENS,  
p. 223.

The evidence of this gentleman goes to points on which I do not feel competent to speak. I trust, however, that these important points will not be treated lightly, upon the opinions of one person. I believe there are several parts of that evidence, upon which the Law Officers of the Crown in Canada would differ from Mr STEPHENS, and who would desire to be heard for the interests of the Province.

I have read the evidence, and the letters of this gentleman addressed to Mr HUSKISSON, and inserted as part of the evidence. It can, indeed, be of little use to notice them, and yet they ought not to pass uncontradicted. Mr PARKER,  
p. 232.

Mr PARKER has not been in Canada since 1811 ; upon that alone I am justified in saying that he knows nothing of the present state of Lower Canada. This Gentleman imagines great discontent in the minds of the Canadian population ; that they are disparaged, neglected, and exasperated by the Local Executive Government. I deny the whole, as a misrepresentation taken from the licentious newspapers published by NEILSON, PAPINEAU, VIGER, and others, and the evidence only goes to prove Mr PARKER's study of these publications.

He says, that public offices in Government are denied to Canadians. I flatly deny the assertion, and refer, for proof, to the record of offices of that province, transmitted annually to the Colonial Office.

The utmost impartiality on that point has guided me in the whole period of my administration. I felt it as a great pleasure, as well as a duty incumbent upon me, to promote young or old Canadians, wherever I found abilities and moral conduct to deserve it. Let the lists be examined, and I believe it will be found that the number of Canadians, in public situations, is at least equal to that of British.

Mr PARKER says, " That, within these last twenty years, the people has been so teazed, that he does not think 50,000 British troops could preserve the Canadas for two campaigns." Truly Mr P.'s apprehensions have been dreadfully excited ; but they would be laughed at in Canada. If His Majesty's Secretary of State has rested his confidence upon such authorities as this, it is no wonder that the Executive Government in Canada has been deprived of it. — p. 234.

There can be nothing in the evidence of Mr HORTON upon which I should remark as incorrect ; but I cannot avoid expressing my feeling at this moment. As that gentleman held the situation of Under Secretary of State, during a great part of the period in which I had the honour to be Governor of the Canadas, he must necessarily be well informed upon all matters connected with it. He must know the instructions and the line of policy under which I was acting. He must know the whole of my official correspondence with the Colonial Office. He must know if I have deviated in any point from my orders, and I do not see that he has noticed any such deviation. Mr WILMOT  
HORTON, p. 295.

So well informed as he must be, I do not hesitate to express my astonishment, that he should have allowed so much of unfounded insinuations, so much of malicious spirit as the petitions contain, and as has been expressed by the three Delegates, in accusation of the Local Executive Government in Lower Canada, to have been received in his hearing, without more marked refutation than his evidence has recorded.

This second evidence of Mr N. is a different subject,—a new Petition, and therefore to be treated by itself. Mr NEILSON'S  
Evidence, p. 313.

I feel myself, however, at this point restrained, by the respect due to a Committee of the House of Commons. I must declare, that I cannot express my sentiments so strongly, as the course pursued would warrant and justify, had it been adopted by a less eminent Body. I must be content to enter my protest against proceedings and Report on a Petition, and evidence such as these,—a Petition on behalf of others, from three men, who know nothing of the matter,—

a Petition originating from Central Committees in Canada, stirring up sedition, and tampering with the loyalty of that great national force, "The Militia."

I read, in the first words, from the Chairman of the Committee, to whom this paper is referred,

"A Petition, signed by yourself, D. B. VIGER, and AUSTIN CUVILLIER, has been referred to this Committee, from which they perceive, that, since you left Canada, the Government of that colony has *committed certain other acts*, of which you complain."

Sir, I humbly submit, that this is neither the mode of proceeding, nor the language which ought to be adopted towards the Executive Government, and His Majesty's Representative, in that distant part of His Majesty's dominions.

To allow defamatory and personal accusations to be made publicly against functionaries who are absent,—to allow them, on *ex parte* evidence, and upon the petitions of three individuals, acting only as the agents of absent and private persons,—to allow them to form part of a record of such authority as the Report of a Committee of the House of Commons, of a Committee formed upon the declared understanding that such personal accusations were not to be the objects of their inquiry,—to allow of these proceedings, not only without a hearing, but without the possibility of their being known or communicated to the official persons whose conduct was traduced; and, farther, even to report upon them in terms implying censure,—these are circumstances, I think, without precedent, and, I say, also *unparliamentary*—full of consequences injurious to the public servants of the Crown; to the estimation in which the Government should be held; to the due administration of justice, and to the very existence of constituted authority,—I say, these are circumstances so extraordinary, that, while I strongly protest against them, I must leave them to the reflection of the candid and impartial, to be judged according to their merits.

At the time when this Petition of NEILSON, VIGER, and CUVILLIER was presented, it was well known that I was shortly to arrive in England. Had it even been Parliamentary to receive petitions of persons (not incorporated) on behalf of others, the precipitation with which evidence was received, without the knowledge of those who were accused, and the admitting as evidence against the constituted authorities the statements of persons under bills of indictment for sedition and libel, would have been unjust.

For my own part, I do not conceive it necessary to dwell upon the general accusations of such traducers; but I do think I have cause to complain of these proceedings as both *unparliamentary* and unjust.

Let the facts be brought forward separately, and in a tangible shape, I will shew the character and real value of this latter Petition. I will only exhibit one feature *now*, as a specimen by which you may yourself judge of the rest.

A letter is added, as part of this evidence, signed by a Monsieur PARANT, addressed to his Colonel, Mr N. DUCHESNAY. I admit the receipt of that letter, and the verbal answer I gave to the Adjutant-General of Militia, to be made to it; but you will be surprised when I inform you, that in less than a week afterwards, Lieutenant-Colonel DUCHESNAY brought me a most humble apology from Monsieur PARANT, for having sent such a letter. The poor man (who, though an old Ensign of Militia, could neither read nor write), protested that the whole was a forgery; he had no intention to complain, he desired to petition for promotion, as was usually done. He disavowed every sentiment of the letter, when read to him. Upon farther inquiry, it was found that another person (well known), who had written for him, read to the poor man the one version, while he sent his own impertinence to the Colonel.

When such acts as these are laid before you, I hope you will admit that the Governor, and the Executive Government in Lower Canada, have just cause to feel indignation, and to express these feelings at the manner in which they have been treated in this investigation.

But it is not for myself and the Executive Government only I would express these feelings. I would further hope, that the purity and propriety of the conduct of the Chief-Justice and the Crown Officers (who also appear to stand traduced, in reference to decisions and prosecutions in the Courts of Justice in Canada), will be made apparent by the statements which have been transmitted from them to the Colonial-Office, and to which I refer.

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Having now travelled through this folio of evidence, I return to the Report, and proceed upon the opinions and recommendations founded upon the evidence.

Page 5.

It is stated, "Your Committee are fully aware of the disadvantages under which they labour, and of their inability, from their want of technical and local information, to enter, for any useful purpose, into minute and intricate details."

I risk the imputation of presumption in saying, but still I must declare, that I read, in every line almost of the Report, that want of local information, without which it is impossible to form a right conception of the state of affairs in the Canadas. It is from that cause that misrepresentation and false colouring have so easily led the Committee to form opinions altogether erroneous, and most alarming on several points, which are highly important to the wellbeing and good government of the British Colonies generally.

Having plainly spoken my mind upon the evidence as I proceeded, a few short remarks will be sufficient now, upon the various points recommended to notice by the Report.

#### 1. On the State of the Laws as French and British.

In this matter the Canada Tenures Act has already removed much of the doubt formerly existing: but the removal of doubts as to the laws which ought to regulate, and the establishment of courts to enforce such laws, are very different things. It is doubted whether the Provincial Assembly, as now composed, would provide for the establishment of such courts as are to act under the English laws in the townships. It seems therefore necessary that Parliament should authorise His Majesty to establish and provide for such courts, as may from time to time become necessary in the townships. Although this has been considered part of the Royal Prerogative, yet doubts are entertained by some in Canada upon this point; for which reason, as well as to provide for such courts, it seems to me advisable that all doubts should be removed by an Act of the Imperial Parliament.

6th Geo. IV.  
cap.

#### 2. On the recommendation for making New Grants of Land in the Feudal Tenure, "*en fief et Seigneurie*," I beg to express strong objections to such a measure.

The Canadians have no partiality for that tenure more than the other. To make new grants of that description, could have no other effect than to perpetuate and extend the divisions and animosities now existing,—to give additional force to a code of laws, and to prejudices, foreign to, and in many points inconsistent with, the prosperity of a British colony.

3. On the recommendation respecting Representation,

I beg leave to object also to any system of representation, of which population is the chief basis. The wealth, the intelligence, and varied interests of the country, ought to be considered, as well as the numbers in the population. Englishmen carry on the commerce of Canada; from them, from the military forces, the sources of revenue are supplied,—their interests are the most important, as they contribute most; and, as five-sixths of the territory are still the property of England, the representation ought not to depend upon the mere mass of numbers of the ignorant and prejudiced, who are always the tools of factious and designing men. Any system, approximating as this does to universal suffrage, is not adapted to the population of Canada, and would have no other tendency than to assimilate these provinces to the United States,—to turn their looks and their hopes towards that Government, instead of the Monarchy and Constitution of England.

4. The Granting of Land in Large Masses to Individuals holding Official Situations, is adverted to in the Report.

This applies to practices of thirty years ago, which have long ceased to exist in Lower Canada; and the Court of Escheats, now at last established, will accomplish the great object in view, the settlement of the country.

I think a tax on absentees would be found injurious in its operation, and difficult to be gathered, in Lower Canada.

5. The Committee next proceed to the Petitions got up by some factious Leaders in the Seigniorial parts of the Province, and brought to England by Messrs NEILSON, VIGER, and CUVILLIER.

Upon these, the Report has been framed from *ex parte* evidence alone. I consider these Petitions as nothing better than calumny and falsehood, utterly unworthy of other answers from me.—*Vide* Observations, No. 2.

The Committee first direct their attention to the financial differences existing in the province, and one expression in the Report instantly shews the want of adequate information; for they declare, that “they have learned, with the deepest regret, that the disputes which have arisen between the Government and the House of Assembly,”

Page 6.

Now, in fact, the dispute lays between the House of Commons and the House of Lords in Canada.

The Government has been loaded with the burthen of it, by the loose term of a half dozen violent demagogues.

The right to the disposal of the monies appropriated is clear *in law*, and, so long as it is fixed *by law*, neither the Legislative Council, nor the Government, can yield it to the violence of the Assembly.

It could neither be safe nor advisable, under any circumstances, to deprive the Executive Government of the sole means provided *by law*, for the support of that Government, and for the administration of justice in that province; neither would it be wise to place in the hands of a popular assembly the power of annually dissolving the Government, by making the salaries of Officers, necessarily permanent and indispensable, wholly dependent upon an annual vote.

The system of audit and accountability is severe, and closely attended to. I deny that there is any confusion in the administration of public affairs; but I admit that there has been great difficulties met with in it, chiefly arising out of these differences between the two branches of the Parliament, and also from a want of that attention, decision, and support, which the Local Government,



in all parts of the British dominions, ever has expected to receive, with the orders and instructions by which it is guided.

To place the receipt and expenditure of the public revenues in Canada in the hands of the Assembly, would be practically to overthrow the existence of every thing monarchical, and to establish a rank and loose democracy, and republican government in its place. The Assembly of the present day is (and has been in all my time there), composed of men wanting in education for such a trust; but, more than that, they are wanting in political integrity; and, for that reason alone, they ought not to be trusted with the application of the public revenues. Canada is by many years too young a country, and too much influenced by national jealousies and dissensions, to be so governed.

In this part of the Report it is stated, that the Government has paid away a sum of £140,000, without the consent of the Representatives of the People. Without either admitting or denying this assertion, I do think, that the Government ought to have been heard upon such a charge, before being condemned.

I will only here say, that nothing has been paid away under my signature, but what was indispensable for the maintenance of the public faith and the public service, and under the orders of His Majesty's Minister for the Colonial Department.

6. In regard to the Offices of Receiver-General, of Sheriffs, and to the Management of the Jesuits' Estates, I have shewn elsewhere how falsely the evidence has been given. The Committee, however, adopting this *ex parte* evidence, are altogether at fault, recommending, as if it were a new course of proceeding, measures already in practice, constantly enforced, and from which the Government never has deviated.

7. The State of the Legislative Councils is next adverted to.

The Committee here make recommendation, under a mistaken conception of things, arising from misrepresentations and imputations upon the character of the most upright and most independent men in Canada.

I trust it is sufficient for me to say at present, that the Legislative and Executive Councils in that Province are composed of men, whose character places them far above those who have thus calumniated them, and who will stand the more high in public esteem, as their character and conduct shall be the more investigated and the better known. I have no doubt, that, before long, the Members of both these Councils will, on their own part, express their sense of the injury and injustice which has been done them.

8. Upon the Settlement of the duties collected in the Ports of the St Lawrence, a portion of which is paid to Upper Canada, the Committee speak of the "heats which so unfortunately exist."

I can declare that I know of nothing which can be so called; something of that may have existed some years ago, but it was adjusted by the present system, in which I am confident there is at present no existing heat, although it may be likely, at some future period, to lead to serious difficulties.

9. In regard to the Composition of Juries, I do think that the Law-Officers of the Crown in that Province, are best qualified to give information, and their opinions might possibly place this subject in a very different light. Great defects certainly do exist in the constitution of Lower Canada; it is for the

Ministers of the Crown, and the wisdom of Parliament, to apply the remedy; but the Local Government must administer and uphold the Constitution as it is, and under all its defects.

The Committee remark, "That the embarrassments and discontents in the Canadas are to be attributed to the manner in which the existing system has been administered."

Sir, I respectfully submit, that this is as unjust as it is evidently a hasty decision against the Executive Government, which has been allowed no hearing, nor opportunity of defence. The opinion thus delivered may apply to other administrations as well as mine; but, as far as mine is alluded to, I do assert boldly and confidently, that I have administered that Government with the utmost impartiality, under a constant and watchful attention to the laws and constitution of that province.

I assert, that I have administered the Government according to the orders and instructions I received, and in that spirit of conciliation which is founded in reason, and a just sense of the high station in which I was placed. I readily admit, that I have not carried conciliation to the point of concession to popular noise or popular clamour and insult:—these I have firmly resisted; and when, on this, or on any other ground, farther explanation of my conduct may appear desirable, I shall be at all times ready to afford it.

Sir, It only remains for me now to notice the concluding paragraph of the Report. I feel certain that every man who reads it will admit, that it implies a direct and severe censure where my name is there publicly mentioned. How I must feel this, will readily appear to every man of honour. As such I appeal to yourself. I have been thus condemned and censured, unheard in my own defence, had it been necessary for me to enter upon it.

I boldly say, that I have not merited any such censure. I have not the presumption to ask for approbation of my conduct, upon my return from a command on foreign service of twelve years full. But this I do expect, under existing circumstances, that the public censure shall be removed in such manner, as may do justice to my name and reputation, till now untarnished, during a course of forty years devoted to the service of my country.

I have the honour, SIR, to be,

Your most obedient humble Servant,

DALHOUSIE.

(DISPATCH IN ADDITION.)

*London, 28th January 1829.*

To Sir GEORGE MURRAY,

SIR,

I SHOULD neither fulfil the last, nor perhaps the most useful duties, connected with the high situation from which I am now returned, nor should I satisfy my own feelings for the welfare of the Canadas, were I to close and present the accompanying papers, without making some recommendations upon points which I consider immediately deserving attention, with a view to the future good Government of that Province, and its happy connection with the Parent State.

It must be obvious, that peculiar causes of difficulty have long existed in Lower Canada; that some were created by the Act 1774, while others were produced and increased by that of 1791; that these have all grown with the lapse of years, and will continue to grow in number and in magnitude, until the Imperial Parliament shall apply to them an effectual cure. Palliative remedies only tend to confirm and strengthen the malady, under a specious appearance of tranquillity.

The leaders in mischief labour to produce this appearance, in order to veil their designs; but nothing can be more useless than to rely upon such periods of cessation from clamour among the factious,—it can be nothing better than momentary tranquillity.

The great cause of the evils in Lower Canada will be found in a system calculated to keep up distinctions and differences; it has sown the seeds of desire in the leaders of one portion of the people in that province, to keep them separate from the other portion; and, indeed, it might be said, from all the rest of His Majesty's dominions. Such division will ever give to factious leaders a powerful control over that part of the community.

The system in Canada has now thrown all representative power into the hands of the French Canadians.

The existing division of counties confirms it.

The leaders, consisting of some attorneys, notaries, and Catholic priests, now exercise the exclusive power as they think proper, and they are struggling to bring under their subjection all the branches of the government.

It cannot be supposed that such leaders are to be depended upon, to make the alterations which the interests of the Province may require. They will not deprive themselves of power, in order to impart it to others; nor will they make such regulations as will tend to remove those existing distinctions, which it has been their past policy to encourage. Whatever alterations, therefore, may be necessary for general purposes, must not be left to be accomplished under the influence of local prejudices, or by local legislature; the provincial enactments would be intentionally inadequate and inefficient. Such acts must be accomplished by the Imperial Parliament.

Under these considerations, I strongly recommend, as urgently important to the welfare of Lower Canada, that one or more Acts should be passed, containing the following provisions with respect to that Province:—

*1st*, To declare the Revenues, raised under the 14th Geo. III. to be permanently appropriated, and at the disposal of the Treasury, for the support of the Civil Government and Administration of Justice in Lower Canada.

[*Note*.—Such a provision would be only “declaratory” of the law as it now stands, according to the opinions of His Majesty’s Attorney and Solicitor General. It would put an end to the disputes so long existing on that subject, by determining the matter authoritatively; without this, these disputes will be constantly renewed; would rescue the Governor from total dependence upon the annual votes of the Assembly, for the salaries of Officers, necessarily permanent,—a dependence which, considering the composition of the Assembly, and the power of the leaders in it at this day, must always lay the Government in that Province under abject submission to the factious.]

*2d*, To authorise His Majesty to establish Courts of Justice in the Townships, and to provide for the Salaries of the Judges to be appointed there.

[A part of this provision may also be considered by some to be only “declaratory;” but this would be denied by others; and, as I am convinced that a Canadian Assembly never will sanction the establishment of Courts for the Townships, the provision appears to me necessary, and urgently called for.]

*3d*, To require that the Records, Registers, and written proceedings of the Legislature, of all Courts of Justice, and of all Public Officers, should be conducted and carried on in the English Language.

That the English Language only should be considered as the Text of all future Laws, as well as of all Laws enacted since Canada became annexed to the British Dominions.

[It has sometimes happened that the French and the English versions of the same law have been susceptible of somewhat different interpretations. Which of the two should be considered as the text, the language of the British Empire, or that of a foreign nation?

Experience has shewn, that two legal languages in the same country are inconsistent and inconvenient,—labour is doubled,—expences are doubled,—jealousies and enmities are excited,—distinctions perpetuated,—uncertainties increase; but, by declaring the English language to be the text, the present interests, as well as the future tranquillity of Canada, would be consulted, together with the dignity of the Parent State.]

*4th*, To authorise a new Division of Counties to be made without delay in Lower Canada, as in former times, under Proclamation by His Majesty’s Representative in that Province; and, farther, to vest authority in His Majesty to establish, from time to time, such other Counties, in such manner as the extension of the Population or New Settlements may require.

[The division of the province into counties, as now existing, was made under Proclamation, by command of His Majesty, but it was made with little local arrangement, and less foresight; and now, in consequence of changes, and new settlements, is become altogether ill suited to the object of the public interest.

By prescribing a certain limitation (suppose from 600 to 1000 square miles), in each county, a discretion sufficiently ample would be vested in Government, for all the useful purposes of adapting the counties to the local circumstances of the country. It is proper also that the Government should have the authority to establish a certain number of boroughs.]

*5th*, To establish a Qualification as to Property for Members of the Assembly.

[By the Act of 1791, a qualification has been fixed as to electors; but of so trifling a nature, as to render suffrage almost universal. There is no qualification at all for the elected; in consequence, men of the lowest rank in life,—men without means of subsistence,—men who could neither read nor write, have been elected, and are still elected to the Assembly in Lower Canada.

Regard to the dignity of the Legislature, as well as to the interests of the community, requires that the possibility of the recurrence of such selection of Representatives, should be prevented.]

*6th*, To place the Inhabitants of the Townships in Lower Canada as British Subjects, in respect to their Political Character and Rights, upon the same footing on which the Inhabitants of Upper Canada have been placed, by the Act which received his Majesty's sanction in the Spring of 1828.

[Such a measure could only be effected by the interposition of the Imperial Parliament; without this, all the loyalists who have received grants of land, all the inhabitants who have been encouraged or invited by Government to settle in the townships, and who have proved long fidelity to his Majesty, would be liable to be molested in the exercise of most of their rights as subjects.]

*7th*, To establish Register Offices for the Enregistration of all Deeds of Incumbrance on Lands, or other Saleable Property.

[It is the universal opinion in Lower Canada, that the Assembly, as now composed, will not be more likely, in times coming, than in times past, to make the requisite provisions for these useful and necessary purposes.]

*8th*, It is highly necessary that Government should adopt measures to enable the Surveyor-General's Department at Quebec, to make accurate Surveys of Districts, Counties, and other Divisions of the Country, that it may be ascertained where, and how, to lead the Great Roads most usefully, or direct such other measures as may be thought expedient.

[The total want of accurate Surveys, or means to cause such to be executed, is felt every day as one of the greatest embarrassments under which the Government of Lower Canada labours.]

*9th*, To extend the Province of New Brunswick to the Bank of the St Lawrence, by annexing to it the District or County of Gaspé.

[This appears to be the most natural boundary, and the interests of Gaspé, as well as of New Brunswick, would be equally consulted.

During the winter months, the communication from Gaspé to Quebec is difficult, and rarely attempted, but that from Gaspé to Frederickton is always practicable and frequent now. A glance at the Map might be sufficient, though there are a variety of weighty reasons which might be urged in favor of the measure.]

With these short suggestions I shall now present the Remarks which you have permitted me to prepare for your consideration, in the Affairs of the Canadas.

I regret that they have required me to extend them to such a length; but, in justice to the subject, and to myself, personally affected by them, I could not make them shorter.

I have the honour to be,

SIR,

Yours, &c.

DALHOUSIE.

# A P P E N D I X.

## No I.

REPORT OF THE SELECT COMMITTEE appointed to inquire into the State of the Civil Government of *Canada*, as established by the Act 31st Geo. III. and to report their Observations thereupon to the House ; and to whom several PETITIONS for an alteration in the present Government were preferred ;—HAVE examined the Matters to them referred, and agreed to the following REPORT :

YOUR COMMITTEE began their investigation into the State of the Civil Government of *Canada*, by examining the several Petitions from the Inhabitants of the two Provinces, which had been referred to them by the House. The Petitions from the Townships of the Lower Province, signed by above 10,000 persons, complain of the want of Courts within their own limits, and of the administration of French Law in the French Language ; that they are without Representation in the House of Assembly in Lower Canada, and that Emigrants of British origin have been deterred from settling in the Province ; and, finally, they pray that a legislative Union may take place between Upper and Lower Canada.

Your Committee then proceeded to examine the Petition signed by about 87,000 inhabitants of Lower Canada, resident within the Seigneuries, who complain of arbitrary conduct on the part of the Governor of the Province ; of his having applied public money without legal appropriation ; of violent prorogations and dissolutions of the Provincial Parliament ; and of his having prevented the passing of many useful Acts, which they enumerate. They complain also, that a Receiver-General had been maintained in the exercise of his functions for some years after his insolvency was known to the Government ; that similar abuses had prevailed with respect to the office of Sheriff. And it is further stated, that the rights of the Petitioners had been injured by Acts of the Imperial Parliament, particularly by the Canada Trade Act, and the Act passed in the sixth year of His Majesty's reign, c. 59, affecting the Tenures of Land.

For a further knowledge of the grievances complained of, your Committee beg leave to refer to the Petitions, which will be found in the Appendix.

Before your Committee proceed to explain, or to discuss these important subjects, they think it their duty to state, that Petitions from the Province of Upper Canada were also referred to their consideration ; the prayer of which petitions is, that the proceeds arising from the sale of certain lands, set apart for a Pro-

testant Clergy, may not be applied solely to the use of the Clergy of the Church of England, (the adherence to which, throughout the province, they state, in contradiction to the representations of Archdeacon Strachan, to be comparatively few in number), but that they may be applied to the maintenance of Protestant Clergymen of other denominations, and to the purposes of general education.

As these petitions appear to comprehend the most material subjects that have of late agitated the provinces of Upper and Lower Canada, your Committee thought the best course they could pursue was to examine witnesses as to each petition in succession; and in communicating to the House the information they have received, and the opinions they have been induced to form as to the Civil Government of Canada, they will treat of the different subjects, as much as possible, in the order in which they were investigated.

Your Committee proceeded to examine into the system of law established in Lower Canada, to which their attention was particularly drawn by the petition from the Townships. Your Committee have examined evidence in great detail on this subject; from which they collect, that uncertainty has long existed on points of law relating to the tenure of real property in that portion of the province. It appears that shortly after the cession of the province, the King of England, in a proclamation dated the 7th of October 1763, (which will be found in the Appendix), declared, amongst other things, that "all the inhabitants of the province, and all others resorting to it, might confide in His Royal protection for enjoying the benefit of the laws of England;" and he announced that he had "given commands for the erection of Courts of Judicature, with an appeal to His Majesty in Council."

In the year 1774 the first act of Parliament was passed, making provision for the better government of this part of the British dominions. By this act the English Criminal Law was preserved. But it was enacted, "that in all matters of controversy relative to property and civil rights, resort should be had to the laws of Canada as the rule and decision of the same; and all causes that should thereafter be established in every court of justice, to be appointed within the province, should, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada." There is, however, one marked exception to this concession of the French law, namely, "that it should not apply to lands which had been or should be granted in free and common soccage."

After an interval of seventeen years this Act was followed by the Constitutional Act of 1791. The provisions of this important act have no bearing upon the subject under our consideration, excepting that it provides, with respect to Lower Canada, that lands shall be granted in free and common soccage, if so desired: and further, that such grants shall be subject to such alteration as to the nature and consequences of soccage tenure as may be made by the Provincial Legislature, and with His Majesty's approbation and assent; but no such alteration has been made.

On examining into the application of those provisions in the province, it appears not only that doubts have existed as to the true interpretation of them, but that the general practice of the colony has been to convey real property within the townships according to the Canadian forms, and that it has descended and been subject to the incidents of that law. In the year 1826 the British Parliament passed an act, which put its own interpretation of these statutes beyond the reach of further dispute. This act, commonly called the Canada Tenure Act, declared that the law of England was the rule by which real property within the townships was to be hereafter regulated and administered. In offering any recommendations on

points of so much difficulty and importance, your Committee are fully aware of the disadvantages under which they labour, and of their inability, from their want of sufficient technical and local information, to enter for any useful purpose into minute and intricate details. They do not, however, decline to offer as their opinion, that it would be advantageous that the declaratory enactment in the Tenures Act, respecting lands held in free or common soccage, should be retained; that mortgages should be special; and that in proceedings for the conveyance of land, the simplest and least expensive forms of conveyance should be adopted, upon the principles of the law of England, that form which prevails in Upper Canada being probably, under all circumstances, the best which could be selected; that a registration of deeds relating to soccage lands should be established as in Upper Canada.

Your Committee are further of opinion, that means should be found of bringing into effective operation the clause in the Tenure Act which provides for the mutation of tenure, and they entertain no doubt of the inexpediency of retaining the seigniorial rights of the Crown, in the hope of deriving a profit from them. The sacrifice on the part of the Crown would be trifling, and would bear no proportion to the benefit that would result to the colony from such a concession.

In addition to these recommendations, it appears to be desirable, that some competent jurisdiction should be established to try and decide causes arising out of this description of property, and that Circuit Courts should be instituted within the townships for the same purposes.

The Committee cannot too strongly express their opinion, that the Canadians of French extraction should in no degree be disturbed in the peaceful enjoyment of their religion, laws and privileges, as secured to them by the British acts of Parliament; and so far from requiring them to hold lands on the British tenure, they think that when the lands in the Seigneuries are fully occupied, if the descendants of the original settlers shall still retain their preference to the tenure of *Fief et Seigneurie*, they see no objection to other portions of unoccupied lands in that province being granted to them on that tenure, provided that such lands are apart from, and not intermixed with, the townships.

Your Committee are now desirous of adverting to the Representative System of Lower Canada, with respect to which all parties seem to agree, that some change should take place. To this branch of their inquiry they are desirous of recalling to the recollection of the House, that under the provisions of the act of 1791, the division of the province, for the purpose of exercising the elective franchise, was entrusted to the Governor; and it appears that Sir Alured Clarke took the numerical amount of the population as the sole basis on which his calculations were formed, and divided into counties as much land as was found to contain a given number of inhabitants; on the thickly-peopled banks of the Saint Lawrence a small district was found to suffice, while in the more distant parts vast territories were comprehended in one county, in order to obtain the required amount of population; thus it happens that the counties of Kent, Surrey, Montreal, Leinster and Warwick, do not, altogether, equal in extent the single county of Buckinghamshire; the small counties, too, are composed wholly of lands holden as Seigneuries. A bill actually passed the Assembly, the object of which was to increase the numbers of the Representative Assembly. This bill did not become a law; and it appears to have been founded upon the same principle, and to have involved the same error, as the original arrangement by Sir Alured Clarke. It has been stated by one of the witnesses, that under the proposed division a disproportionate increase would have been given to the Representatives from the Seigneuries.



In providing a representative system for the inhabitants of a country which is gradually comprehending within its limits newly peopled and extensive districts, great imperfections must necessarily arise from proceeding, in the first instance, on the basis of population only. In Upper Canada, a representative system has been founded on the compound basis of territory and population. This principle we think might be advantageously adopted in Lower Canada.

One of the obstacles which is said greatly to impede the improvement of the country, is the practice of making grants of land in large masses to individuals who have held official situations in the colony, and who have evaded the conditions in the grant by which they were bound to provide for its cultivation, and now wholly neglect it. Although powers have been lately acquired by the Government to estreat these lands, and although we think that under certain modifications this power may be advantageously used, we are nevertheless of opinion, that a system should be adopted similar to that in Upper Canada, by the levy of a small annual duty on lands remaining unimproved and unoccupied, contrary to the conditions of the grant.

It now becomes the duty of your Committee to advert to the petitions signed by the inhabitants of the Seigneuries. On the important subjects contained in them, they thought it right to call for explanation from Mr Neilson, Mr Viger, and Mr Cuvillier, Members of the Assembly of Lower Canada, who had been deputed to this country for the purpose of seeking redress for the injuries complained of by the petitioners.

From the testimony of these gentlemen, they have learned, with the deepest regret, that the disputes which have arisen between the Government and the House of Assembly, originating (as they appear to have done) in doubts as to the right of appropriating and accounting for a considerable portion of the public revenues, have led to a state of confusion and difficulty in the administration of public affairs in that colony, which calls for an early and decisive remedy.

With a view to understand accurately the grounds of this dispute, the Committee have carefully examined into the different sources of revenue arising in Lower Canada, and they have examined also the public documents, which have enabled them to trace the successive steps which have been taken by the contending parties in these disputes. Your Committee beg leave to refer to the evidence of Mr Neilson, and of Mr Wilmot Horton, for a detailed account of the origin and progress of these differences.

Upon this important subject your Committee have felt that they should not do wisely in confining their views to a critical examination of the precise meaning of the words of the different statutes. They look rather to the circumstances of Lower Canada, to the spirit of its constitution, to the position and character of the local Government, and the powers, privileges and duties of the two branches of the Legislature. Although, from the opinion given by the law officers of the Crown, your Committee must conclude that the legal right of appropriating the revenues arising from the act of 1774, is vested in the Crown, they are prepared to say that the real interests of the provinces would be best promoted by placing the receipt and expenditure of the whole public revenue under the superintendence and control of the House of Assembly.

On the other hand your Committee, while recommending such a concession on the part of the Crown, are strongly impressed with the advantage of rendering the Governor, the Members of the Executive Council, and the Judges, independent of the annual votes of the House of Assembly for their respective salaries.

Your Committee are fully aware of the objections in principle which may be

fairly raised against the practice of voting permanent salaries to Judges, who are removable at the pleasure of the Crown ; but being convinced that it would be inexpedient that the Crown should be deprived of that power of removal, and having well considered the public inconvenience which might result from their being left in dependence upon an annual vote of the Assembly, they have decided to make the recommendation, in their instance, of a permanent vote of salary.

Although your Committee are aware that the grant of permanent salaries has been recommended to a much greater number of persons connected with the Executive Government than they have included in their recommendation, they have no hesitation in expressing their opinion that it is unnecessary to include so large a number ; and if the offices above enumerated are placed on the footing recommended, they are of opinion that all the revenues of the Province (except the territorial and hereditary revenues), should be placed under the control and direction of the Legislative Assembly.

Your Committee cannot close their observations on this branch of their inquiry without calling the attention of the House to the important circumstance, that in the progress of these disputes the local Government has thought it necessary, through a long series of years, to have recourse to a measure (which nothing but the most extreme necessity could justify), of annually appropriating, by its own authority, large sums of the money of the Province, amounting to no less a sum than L. 140,000, without the consent of the Representatives of the People, under whose control the appropriation of these sums is placed by the constitution.

Your Committee cannot but express their deep regret that such a state of things should have been allowed to exist for so many years in a British Colony, without any communication or reference having been made to Parliament on the subject.

Upon the several points referred to your Committee connected with the office of Receiver-General, of the Sheriffs, and of the Jesuits Estate, your Committee proceeded to examine evidence upon each. The facts of the case, as regard the Receiver-General, Mr Caldwell, are detailed in Mr Neilson's evidence. Mr Caldwell was a defaulter in 1823 for L. 96,000 of the public money of the Province. Upon an examination of his accounts by the House of Assembly, no acquittal could be traced from the Treasury of a later date than 1814, though some balances were stated up to 1819 ; and it appeared by documents then produced, that the fact of his deficiency was known for a considerable time before he was suspended.

Your Committee recommend for the future, that steps should be taken, by efficient securities, and by a regular audit of the accounts, to prevent the recurrence of similar losses and inconveniences to the Province.

As connected with this branch of the inquiry, your Committee recommend that precautions of the same nature should be adopted with regard to the Sheriffs ; as it appears that within a few years two instances of the insolvency of these officers have occurred while possessed, in virtue of their office, of large sums of money, deposited in their hands.

With respect to the estates which formerly belonged to the Jesuits, your Committee lament that they have not more full information ; but it appears to them to be desirable that the proceeds should be applied to the purposes of general education.

One of the most important subjects to which their inquiries have been directed has been the state of the Legislative Councils in both the Canadas, and the manner in which these Assemblies have answered the purposes for which they

were instituted. Your Committee strongly recommend, that a more independent character should be given to these bodies; that the majority of their Members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the Colonies would be attended with the greatest advantage. With respect to the Judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, your Committee entertain no doubt that they had better not be involved in the political business of the House. Upon similar grounds it appears to your Committee, that it is not desirable that Judges should hold seats in the Executive Council.

Your Committee are desirous of recording the principle which, in their judgment, should be applied to any alterations in the constitution of the Canadas, which were imparted to them under the formal Act of the British Legislature of 1791. That principle is to limit the alterations which it may be desirable to make by any future British Act, as far as possible, to such points as, from the relation between the mother country and the Canadas, can only be disposed of by the paramount authority of the British Legislature; and they are of opinion that all other changes should, if possible, be carried into effect by the local Legislatures themselves, in amicable communication with the local Government.

Upon the great question of the Union of the two Canadas, your Committee have received much evidence, to which they desire to call the attention of the House. With reference to the state of public feeling that appears to prevail in these Colonies on this momentous subject, your Committee are not prepared, under present circumstances, to recommend that measure.

Your Committee nevertheless think it highly desirable that some satisfactory arrangement (and, if possible, one of a permanent nature), should be effected between the two Canadas with regard to the imposition and distribution of the Customs collected in the St Lawrence. They trust, however, when the heats which so unfortunately exist shall have subsided, that such an arrangement may be amicably effected.

It now remains for us to lay before the House the result of our inquiries into the Clergy Reserves, which appear, by the statements of the Petitioners from Upper Canada, to be the cause of much anxiety and dissatisfaction in that Province. By the Act of 1791, the Governor is directed to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands for the support and maintenance of a Protestant Clergy within the same, as may have been a due proportion to the amount of such lands within the same, as have at any time been granted by or under any authority of his Majesty. And it is further provided, that such lands so allotted and appropriated shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated; and shall be, as nearly as the same may be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

The directions thus given have been strictly carried into effect, and the result is, that the separate portions of land which have been thus reserved are scattered over the whole of the districts already granted.

It was no doubt expected by the framers of this Act, that as the other six parts of the land granted were improved and cultivated, the reserved part would produce a rent, and that out of the profits thus realized an ample fund might be established for the maintenance of a Protestant Clergy. These anticipations, however, have not as yet been, and do not appear likely to be, soon realized. Judging indeed, by all the information the Committee could obtain on this sub-

ject, they entertain no doubt that these reserved lands, as they are at present distributed over the country, retard more than any other circumstance the improvement of the Colony, lying as they do in detached portions in each Township, and intervening between the occupations of actual settlers, who have no means of cutting roads through the woods and morasses which thus separate them from their neighbours. The allotment of those portions of reserved wilderness has, in fact, done much more to diminish the value of the six parts granted to these settlers, than the improvement of their allotments has done to increase the value of the reserve. This we think must be apparent from the results of the attempts which have been made to dispose of these lands. A corporation has been formed within the Province, consisting of the Clergy of the Church of England, who have been empowered to grant leases of those lands for a term not exceeding twenty-one years. It appears that in the Lower Province alone, the total quantity of Clergy Reserves is 488,594 acres, of which 75,639 acres are granted on leases, the terms of which are, that for every lot of 200 acres 8 bushels of wheat, or 25s. per annum, shall be paid for the first seven years; 16 bushels, or 50s. per annum, shall be paid for the next seven years; and 24 bushels, or 75s. per annum, for the last seven years. Under these circumstances, the nominal rent of the Clergy Reserves is L. 930 per annum. The actual receipt for the average of the last three years has been only L. 50 per annum. The great difference between the nominal and the net receipt is to be accounted for by the great difficulty of collecting rents, and by tenants absconding. We are informed also, that the resident Clergy act as local agents in collecting the rents, that a sum of L. 175 had been deducted for the expenses of management, and that at the date of the last communication on this subject L. 250 remained in the hands of the Receiver-General, being the gross produce of the whole revenue of an estate of 488,594 acres.

An attempt has been made to dispose of this estate by sale. The Canada Company, established by the act 6th Geo. IV. c. 75, agreed to purchase a large portion of these reserves at a price to be fixed by commissioners; 3s. 6d. per acre was the price estimated, and at this sum an unwillingness was expressed on the part of the Church to dispose of the lands.

The Government therefore have made arrangements with the Company, and an Act has since passed authorizing the sale of these lands to any person desiring to purchase them, provided the quantity sold does not exceed 100,000 acres each year.

As your Committee entertain no doubt that the reservation of these lands in mortmain is a serious obstacle to the improvement of the Colony, they think every proper exertion should be made to place them in the hands of persons who will perform upon them the duties of settlement, and bring them gradually into cultivation.

That their value, whatever it may be, must be applied to the maintenance of a Protestant Clergy, there can be no doubt. And your Committee regret that there is no prospect, as far as a present and succeeding generation is concerned, of their produce being sufficient for that object, in a country where wholly unimproved land is granted in fee for almost nothing to persons willing to settle on it. It is hardly to be expected that, with the exception of some favoured allotments, responsible tenants will be found who will hold on lease, or that purchasers of such land will be found at more than a nominal price.

Your Committee, however, are happy to find that the principle of the progressive sale of these lands has already been sanctioned by an Act of the British Parliament. They cannot avoid recommending in the strongest manner the pro-

priety of securing for the future any provision which may be deemed necessary for the religious wants of the community in those Provinces, by other means than by a reservation of one-seventh of the land, according to the enactment of the Act of 1791. They would also observe that equal objections exist to the reservation of that seventh, which in practice appears to be reserved for the benefit of the Crown; and doubtless the time must arrive when these reserved lands will have acquired a considerable value, from the circumstance of their being surrounded by settled districts, but that value will have been acquired at the expense of the real interests of this Province, and will operate to retard that course of general improvement which is the true source of national wealth. Your Committee are of opinion, therefore, that it may be well for the Government to consider whether these lands cannot be permanently alienated, subject to some fixed moderate reserved payment (either in money or in grain, as may be demanded), to arise after the first ten or fifteen years of occupation. They are not prepared to do more than offer this suggestion, which appears to them to be worthy of more careful investigation than it is in their power to give to it; but in this or in some such mode they are fully persuaded the lands thus reserved ought, without delay, to be permanently disposed of.

To a property at once so large and so unproductive, it appears that there are numerous claimants.

The Act of 1791 directs that the profits arising from this source shall be applied to a Protestant Clergy; doubts have arisen whether the Act requires the Government to confine them to the use of the Church of England only, or to allow the Church of Scotland to participate in them. The law officers of the Crown have given an opinion in favour of the rights of the Church of Scotland to such participation, in which your Committee entirely concur; but the question has also been raised, whether the Clergy of every denomination of Christians, except Roman Catholics, may not be included; it is not for your Committee to express an opinion on the exact meaning which the words of the Act legally convey. They entertain no doubt, however, that the intention of those persons who brought forward the measure in Parliament was to endow with parsonage houses and glebe lands the clergy of the Church of England, at the discretion of the local Government; but with respect to the distribution of the proceeds of the reserved lands generally, they are of opinion that they sought to reserve to the Government the right to apply the money, if they so thought fit, to any Protestant Clergy.

The Committee see little reason to hope that the annual income to be derived from this source is likely, within any time to which they can look forward, to amount to a sufficient sum to provide for the Protestant Clergy of these provinces; but they venture to press the early consideration of this subject on His Majesty's Government, with a view to an adjustment that may be satisfactory to the province, of the principle on which the proceeds from these lands are hereafter to be applied; and in deciding on the just and prudent application of these funds, the Government will necessarily be influenced by the state of the population, as to religious opinions, at the period when the decision is to be taken. At present it is certain that the adherents of the Church of England constitute but a small minority in the province of the Upper Canada. On the part of the Scotch Church, claims have been strongly urged on account of its establishment in the empire, and from the numbers of its adherents in the province. With regard to the other religious sects, the Committee have found much difficulty in ascertaining the exact numerical proportions which they bear one to the other; but the evidence has led them to believe, that neither the adherents of the Church of

England nor those of the Church of Scotland form the most numerous religious body within the province of Upper Canada.

The attention of the Committee having been drawn to the establishment of the University of King's College at York, in Upper Canada, they thought it their duty to examine the charter granted to that college; that charter was granted under the great seal, and it is to be observed, that it does not impose on the students an obligation to subscribe to the *Thirty-nine Articles*, which was done in the case of the other North American Colleges. Your Committee find it provided, amongst other arrangements, for the conduct and government of this institution, that the Archdeacon of York for the time being shall, by virtue of his office, at all times be President of the said College.

It is further ordained, that there shall be within the said College or Corporation a Council, to be called and known by the name of the College Council, which shall consist of the Chancellor, the President, and of seven Professors in Arts and Faculties of the said College; and that such said Professors shall be members of the established Church of England and Ireland, and shall, previously to their admission, sign and subscribe the *Thirty-nine Articles of religion*. To this Council the whole government of the College is confided. Of the great advantage which the establishment of a college for the purposes of general education in Upper Canada is likely to confer upon the province, your Committee entertain the strongest conviction; they lament only that the institution should be so constituted as materially to diminish the extent to which it might be useful.

It cannot, they think, be doubted, as the guidance and government of the College is to be vested in the hands of the members of the Church of England, that in the election of Professors a preference would inevitably be shown to persons of that persuasion; and in a country where only a small proportion of the inhabitants adhere to that church, a suspicion and jealousy of religious interference would necessarily be created.

For these and other reasons the Committee are desirous of stating their opinion, that great benefit would accrue to the province by changing the constitution of this body. They think that two Theological Professors should be established, one of the Church of England and another of the Church of Scotland (whose lectures the respective candidates for holy orders should be required to attend); but that with respect to the President, Professors, and all others connected with the College, no religious test whatever should be required.

That in the selection of Professors no rule should be followed, and no other object sought than the nomination of the most learned and discreet persons; and that (with exception of the Theological Professors) they should be required to sign a declaration, that, as far as it was necessary for them to advert in their lectures to religious subjects, they would distinctly recognize the truth of the Christian Revelation, but would abstain altogether from inculcating particular doctrines.

Though your Committee have now disposed of the most important subjects of their inquiry, they are aware that, on an examination of the petitions, and of the evidence, many other matters will appear entitled to consideration.

The Committee think it necessary also to observe, that the evidence from Upper Canada has not been equally ample and satisfactory with that which they have had the advantage of receiving from the lower provinces. Your Committee, however, are desirous of directing the attention of Government to the Sedition Act (should it not be found to have expired), the repeal of which appears to have been long the object of the efforts of the House of Assembly of Upper Canada.

Your Committee also beg leave to call the particular attention of the Govern-

ment to the mode in which juries are composed in the Canadas, with a view to remedy any defects that may be found to exist in the present system.

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, can 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;—1st, To what degree the embarrassments and discontents which have long prevailed in the Canadas, had arisen from defects in the system of laws and the constitutions established in these colonies. 2d, 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 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.

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Your Committee had closed their Inquiry, and were proceeding to consider their Report, when it became their duty to enter into further evidence upon a petition referred to them by the House, and signed by the agents who had brought to this country the petition of 87,000 inhabitants of Lower Canada, of which mention has been made in a former part of their Report.

This petition, and the evidence by which it is supported, contain the most grave allegations against the administration of Lord Dalhousie since the period at which those gentlemen left the colony.

Those complaints consist chiefly of the dismissal of many officers of the militia for the constitutional exercise of their civil rights; of the sudden and extensive remodelling of the commission of the peace, to serve (as it is alleged) political purposes; of a vexatious system of prosecutions for libel at the instance of the Attorney-General, and of the harsh and unconstitutional spirit in which these prosecutions have been conducted.

Your Committee have hitherto felt that they should best and most usefully discharge their duty by studiously abstaining from commenting upon the official conduct of individuals; but it is impossible for them not to call the serious and immediate attention of His Majesty's Government to these allegations

Your Committee also feel bound to urge upon His Majesty's Government, in the most especial manner, their opinion, that it is necessary that a strict and instant inquiry should take place into all the circumstances attending these prosecutions, with a view to giving such instructions upon them as shall be consistent with justice and policy.

Your Committee learn, with the greatest concern, that disputes have lately arisen in Upper Canada between the local Government and the House of Assembly, which have led to the abrupt termination of the session of the Legislature of that colony.

*22d July 1828.*

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## No. II.

To the Honourable the Knights, Citizens, and Burgesses, representing the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

The PETITION of the Subscribers, His Majesty's dutiful and loyal subjects, of British birth or descent, inhabitants of the Townships of Dunham, Stanbridge, St Armand, Sutton, Potton, Stanstead, Barnston, Barford, Hereford, Farnham, Brome, Bolton, Hatley, Compton, Clifton, Granby, Shefford, Stukely, Orford, Ascott, Eaton, Newport, Bury, Hampden, Milton, Roxton, Durham, Melborne, Windsor, Shipton, Stoke, Dudswell, Simpson, Kingsay, Grantham, Wickham, Wendover, Brompton, and other townships and places situate in the Province of Lower Canada ;

Humbly sheweth,

THAT your Petitioners have learnt, with the most heartfelt satisfaction and the most profound gratitude, that a Bill was introduced into the Honourable the House of Commons, at the last session of the Parliament of the United Kingdom, for uniting the Provinces of Upper and Lower Canada under one Legislature ; a measure to which the inhabitants of the townships of Lower Canada look forward as the only effectual means of terminating the difficulties and troubles under which they have laboured in times past, and of preventing the evils with which a continuation of the present state of things would threaten them for the time to come.

That the situation of the inhabitants of the townships is different from that of any other portion of the British empire, and is likely to prove most unfortunate and disastrous for themselves and their posterity, unless the legislative aid of the land of their ancestors be extended to relieve them ; as will be briefly shewn in the following statement :—The province of Lower Canada, according to its pre-



sent condition, may be separated into two parts; viz. first, the Seigniories, or French Lower Canada, which comprehends a narrow tract of land on each side of the river St Lawrence, varying in breadth from ten to forty miles; and, secondly, the Townships, or English Lower Canada, which comprehends the remainder of the province, and is more extensive, and capable of containing a far greater population than the Seigniories, or French Lower Canada. The seigniorial part of Lower Canada, whose population may be considered as about half filled up, is inhabited chiefly by Canadians, whose origin and language are French; but contains, besides these, a population of about 40,000 inhabitants of British origin. The townships, or English Lower Canada, are peopled *wholly* by inhabitants of British birth and descent, and American loyalists, amounting at present to about 40,000 souls, who have no other language than that of their British ancestors, who inhabit lands granted under the British tenure of free and common soccage, who have a Protestant clergy, for whose maintenance a portion of those lands are set apart, and who, notwithstanding, are subjected to French laws (the custom of Paris), of which they know nothing, compiled in a language with which they are unacquainted.

In addition to the evil of subjection to foreign laws in a foreign language, the townships, or English Lower Canada, labour under the further difficulty of having no courts within their own limits for the administration even of those foreign laws, but are compelled, for the most trifling legal redress, to resort to the courts established at the city of Quebec, Montreal, or Three Rivers, in seigniorial Canada, at a distance frequently from 100 to 150 miles, through a country where the travelling, by reason of the inadequacy of the laws regarding communications, is frequently difficult and dangerous; and, to complete the measure of their grievances, the townships are *de facto* without any representation whatever in the Provincial House of Assembly in Lower Canada. Their complaints to the Provincial Assembly have been always treated with contempt or indifference; nor can your Petitioners account for their being placed, as it were, almost out of the pale of civil government, by a neglect so different from the course pursued in the legislatures of other British provinces, except on the supposition that the French Canadian House of Assembly has not been desirous that emigrants from Britain or of British origin, should have inducements to seek an asylum, or become settlers, in Lower Canada. If such, indeed, were the object, it has not failed of partial success; as, of the many thousand emigrants who, within the last few years, have arrived from Great Britain, scarcely 1000 have settled in the townships of Lower Canada; but great numbers of them have gone into the United States, considering, possibly, that they should there find themselves in a less foreign country than in this British colony under its present circumstances, and under the foreign aspect of the representative branch of its legislature.

Your Petitioners will not enlarge upon the general statement they have given of their condition, by entering into the detail of the numerous hardships and difficulties with which they have had to contend, although sensible that the recital would call forth commiseration. They will content themselves with stating, that as settlements under these English tenures have been commenced, as immense tracts still remain to be settled, and as the population of Lower Canada is trifling compared to the amount which it is capable of attaining, there can be no sound reason for rearing up any portion of the province, so as, at its maturity, to constitute a nation of foreigners, or for continuing a system calculated to deter

Britons, and their descendants, from settling upon the waste lands of the Crown. In the management of colonies, as in the management of youth, prudence would seem to dictate, that the lasting interests of the future maturity, not the momentary inclinations of the present condition, should be considered of the deepest import. Already, within a recent period, near 100,000 emigrants of British birth have made Lower Canada only a place of transit, who, if the foreign aspect of the legislature had not urged them to take an abode elsewhere, might have augmented the strength and means of the English population in the province. But, notwithstanding the past checks to colonial increase, unless similar causes are allowed to operate hereafter, future emigrants, and their descendants, joined to the English already established here, may ultimately form a great majority of the inhabitants, and render the country, in fact as it is in name, a British colony. And in the attainment of this happy result, no injury could be done to the just rights of others; nor would even any prejudices be affected, except those delusions circulated and fostered by demagogues, "that the Canadians of French extraction are to remain a distinct people, and that they are entitled to be considered a nation;"—prejudices from which it must follow, as a necessary consequence, that the province of Lower Canada (of which not one-sixth part is settled) should be deemed their national territory, where none but those willing to become French ought to be allowed to establish themselves; prejudices which, however absurd they may appear, will obtain strength and influence if not speedily and completely discouraged, and will be found not only incompatible with colonial duty and allegiance, but also dangerous to the future safety of the adjoining colonies, and subversive of the rights of all the inhabitants of the townships, as well as of all the English settled in seignorial Canada, through whose hands the entire trade with the mother country is conducted.

Your Petitioners, the inhabitants of English Lower Canada, had always flattered themselves that no laws would be imposed or continued on that portion of the country, having a tendency to compel them to resemble a foreign nation, and to deprive them of the characteristics of their British origin; and their confidence on this occasion was increased by their recollection of the promises of his late Majesty, to give English laws to his subjects settling in Canada, and by the exception (an exception never yet enforced in practice) contained in the Quebec Act of 1774, declaring that the provisions of that act, establishing French laws, "should not extend to lands to be thereafter granted in free and common socage," a tenure which exists exclusively in the townships.

Your Petitioners felt, and they trust it is a feeling which cannot fail to meet with sympathy in the hearts of their countrymen, and the countrymen of their ancestors in Britain, that the knowledge of their native English language ought to be sufficient to enable them to learn their rights and to perform their duties as faithful subjects, while they resided under British tenures in what is, at least in name, a British colony. They felt that one great and glorious object of nations rearing up and protecting colonies, must be the establishment of a people who should perpetuate in after ages the honoured resemblance of the parent state: and they felt that it could neither be consistent with the dignity nor the interests of Great Britain, to rear up a colony to be hereafter, in language and in laws, a representative of France, while France was exempted from all the expense of its protection. They considered the townships of Lower Canada, now inhabited solely by settlers of British birth and origin, speaking only the English language, and having a Protestant clergy, upon whom one seventh of the land is bestowed, as

possessing a sacred claim upon the British Government for protection, against the painful and humiliating prospect, that their posterity might be doomed to acquire the language and assume the manners and character of a foreign people. And they also considered that the right of the townships to representation in the Provincial Assembly would not have been withheld from them in any other British colony, nor perhaps even here, had not their language and descent been British.

Your Petitioners would gladly limit their solicitations to one point—that of being allowed a representation in the Provincial Parliament, proportioned to the consequence and growing importance of the extensive districts they inhabit—if a sober view of their future safety would permit them to confine themselves to that object; but it is possible that even this sacred and inestimable privilege might, when accorded, be deprived of much of its advantage and efficiency towards procuring the settlement of the wild lands by emigrants from Britain, in consequence of the influence of the majority of French Canadians, which would still be found in the House of Assembly of Lower Canada, who, in the midst of professions of attachment to the mother country, seek to preserve themselves a separate and distinct people. To secure and preserve to the colony, and to the mother country, the full benefit which would be likely to arise from the establishment of principles calculated to produce a gradual assimilation of British feelings among all the inhabitants, of whatever origin, it would be essentially necessary that a legislative union between the provinces of Upper and Lower Canada should take place.

There are many reasons, in addition to the one your Petitioners have just assigned, which render the legislative union of the two provinces indispensable for their common prosperity, and which cause that measure to be most earnestly desired by all the inhabitants of both, who are not influenced by national prejudices, which ought to be extinguished, or by local or private interests, which are unworthy to be weighed against the general benefits to be obtained from the union.

Your Petitioners humbly represent, that no arguments can be urged against the union by the French Canadians, which will not, when analyzed, be resolvable into this real meaning, that they desire to remain a separate people, thereby ultimately to become a French nation, or, as they have denominated themselves, the "*Nation Canadienne*." The Canadians, without owing any of their increase to emigration, have more than twice doubled their numbers since the conquest; and although they might, without any injustice or deprivation of actual rights, have been by this time assimilated to their British fellow-subjects, they are, nevertheless, at this day, with but a few individual exceptions, as much foreigners in character as when that event took place; and must ever continue so, were the present state of things to be permanent. The present crisis, therefore, offers this alternative to Great Britain—either by uniting the provinces, to hold out inducements to the French to become English; or, by continuing the separation, to hold out inducements to the English in Lower Canada to become French. And the question is not, whether a country already peopled is to renounce its national feelings and characteristics, as the French Canadians may endeavour to represent; but whether a country, for the most part waste, and to be hereafter chiefly peopled by a British race, is to assume the character, language, and manners of a foreign nation. Should the latter course be preferred, Great Britain will be rearing up a people of foreigners, to become at no distant period, from their rapidly increasing population, a scourge to its adjoining colonies; whereas, if the union be adopted, it would ultimately remove national prejudices and hostility, derived from differ-

ence of origin, and consolidate the population of both provinces into one homogeneous mass, animated by the same views for the public interest, and the same sentiments of loyalty towards their common Sovereign.

The geographical situation of the two provinces, and the relations which nature has established between them, absolutely and indispensably require their union under one legislature, for they have but one outlet to the sea, and one channel of communication with the mother country. The only key of that communication—the only sea-port—is in the possession of Lower Canada, and with it the only means by which, for a length of time in a new country, a revenue can be raised for the support of government. To place, or to leave, the only key of communication, the only source of revenue, exclusively in the hands of a people like the French Canadians, anti-commercial in principle, and adverse to assimilation with their British fellow-subjects, must be extreme impolicy; nor can the checks upon the imposition and repeal of import duties, provided by the act of the last session of the Imperial Parliament, be more than a temporary remedy, inasmuch as Upper Canada is thereby only entitled to a species of veto, and has no initiative or deliberative voice in the enactments; nor, indeed, can human wisdom be adequate to devise such a system of revenue upon imports, while the provinces shall remain separate, as will not give unfair and unequal advantages to the one or the other, and of necessity produce irritation and enmity.

Your Petitioners further humbly state, that the French Canadians have been long admitted to the enjoyment of the freedom and the rights of British subjects, rights far more extensive than the utmost they could have hoped for had they continued colonists of France: but rights and duties are reciprocal; wherever the former exist, the latter are obligatory; and while the freedom and protection of Britain are bestowed upon Canadians, it can neither be unfair nor ungenerous to require, in return, the existence of such an amended Constitution as shall encourage a portion of our brethren from Britain to establish themselves and their posterity upon the Crown lands in Lower Canada. From a union of the provinces, no individual could reasonably complain of injury, no right would be taken away, no just pretensions would be set aside, and even no prejudice would be molested, save only such as might be found in those who cherish visionary views of the future existence of a Gallo-Canadian nation, which the union would at once and for ever dispel.

To discover with certainty what are the real feelings which excite opposition to the union (however diversified the pretexts assigned may be), it would only be requisite to consider whether, if the population were all of the same origin in provinces situated as the Canadas are with respect to each other, any objections to the measure would be made? The answer is obvious; there would be none. And if the real motives of opposition on the part of our French Canadian fellow-subjects, whether openly avowed or speciously disguised, arise from the intention of continuing or constituting a separate people, which would perpetuate among us the disastrous national distinctions of English and French, they form the strongest possible reasons in favour of the union. Your Petitioners had humbly hoped that the guardian care of the parent state would, under Providence, secure her colonies in this part of the globe from the ultimate danger of those national animosities and distinctions which have existed for so many ages, and proved such fertile sources of evil to Britons in Europe. And entertaining, as they do, the most perfect confidence that the salutary measure of the union of the Canadas would in the most equitable and beneficial manner secure their posterity from the evils

they have mentioned, they humbly conceive that the honour, as well as the humanity of the mother country, requires it to be effected while it is yet easily practicable, before the population shall be formidable in numbers, and before continually recurring exasperations shall have rendered animosity bitter and hereditary.

Your Petitioners therefore most humbly pray that an act be passed to authorise the Provincial Executive Government to divide the Townships of Lower Canada into counties, entitled to elect members, so as equitably to provide for the interest of their future population according to the extent of their territory, and also to unite the provinces of Upper and Lower Canada under one legislature, in such manner as may allow of representation proportioned in some measure to territorial extent, which thereby will provide for the growing state of the country, and also of necessity be ultimately proportioned to wealth and population.

And your Petitioners, as in duty bound, will ever pray, &c.

The foregoing Petition was transmitted from the townships in 1823, and signed, almost unanimously, by all the heads of families in the townships: the number of signatures exceeded 10,000. This Petition, together with others, even from the seigniories of Lower Canada, as well as from Upper Canada, in favour of the union of the two provinces, can be now produced, if required.

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### No. III.

**PETITION** of the Counties in the District of Quebec; and of the County of Warwick, District of Montreal.

To the KING'S Most Excellent Majesty:

May it please your Majesty,

WE your Majesty's faithful and loyal subjects, inhabitants of your province of Lower Canada, most humbly supplicate your Majesty to receive graciously this our humble Petition, which we now lay at the foot of your imperial throne, with hearts full of gratitude and inviolable attachment to your august Person and your Majesty's paternal Government.

Amongst the numerous benefits for which the inhabitants of Lower Canada are indebted to your Majesty's Government, there is none that they more highly prize than the invaluable constitution granted to this province by the Act of the Parliament of Great Britain, passed in the 31st year of the reign of our beloved Sovereign, your august Father, of ever-revered memory.

Called by that Act to the full enjoyment of British constitutional liberty, and become the depositaries of our own rights, under the protection of the mother country, we contracted the solemn obligation of preserving inviolate this sacred deposit, and of transmitting it to our descendants, such as it was confided to us

by the great men who then presided over the destinies of your powerful and glorious empire.

Deeply impressed with a sense of this obligation, alarmed by the abuses which have crept into the administration of the government of this province, and suffering under the evils which weigh on its inhabitants, we entertained an anxious hope that the House of Assembly, in the session of the Provincial Parliament, called for the dispatch of business on the 20th November last, would take into consideration the state of the province, and adopt efficacious measures to obtain the remedy and removal of these abuses and evils. We had a sure reliance on the well-tryed loyalty and disinterested zeal of our representatives; but we have had the mortification of seeing our hopes frustrated, by the refusal, on the part of his Excellency the Governor-in-Chief, to approve the Speaker elected by the Assembly, and by the proclamation of the 22d of the same month of November, proroguing the Provincial Parliament. In these circumstances, deprived of the services of our representatives, suffering under great evils, and threatened with others still greater, we humbly implore the protection of your Majesty, the source of all grace and of all justice.

The enlightened and patriotic statesmen who devised our Constitutional Act, and the British Parliament by which it was granted, intended to bestow on us a mixed government, modelled on the constitution of the parent state; the opinions publicly expressed at the time in Parliament, and the Act itself, record the beneficent views of the Imperial Legislature; a Governor, a Legislative Council, and an Assembly, were to form three distinct and independent branches, representing the King, the Lords, and the Commons; but the true spirit of that fundamental law has not been observed in the composition of the Legislative Council; for the majority of its members, consisting of persons whose principal resources for the support of themselves and their families are the salaries, emoluments, and fees derived from offices, which they hold during pleasure, they are interested in maintaining and increasing the salaries, emoluments, and fees of public officers paid by the people, and also in supporting divers abuses favourable to persons holding offices. The Legislative Council, by these means, is in effect the executive power, under a different name, and the Provincial Legislature is, in truth, reduced to two branches, a Governor and an Assembly; leaving the province without the benefit of the intermediate branch, as intended by the aforesaid Act; and, from this first and capital abuse, have resulted, and still continue to result, a multitude of abuses, and the impossibility of procuring a remedy.

We acknowledge that the Legislative Council ought to be independent; and, if it were, we should not be entitled to complain to your Majesty of the repeated refusals of that branch to proceed upon various bills sent up by the Assembly, howsoever useful and even indispensable they might be; but considering these refusals as the natural result of the composition of that body, and of the state of dependence in which the majority of its members are placed, we are compelled to consider its acts as the acts of the Executive Government; and we most humbly represent to your Majesty, that the Legislative Council of this province, the majority of which is composed of executive councillors, judges, and other persons dependent on the Executive, have, year after year, rejected several bills, refused and neglected to proceed on several other bills sent up by the Assembly, for the remedy of abuses, for encouraging education, promoting the general convenience of the subject, the improvement of the country, for increasing the security

of persons and property, and furthering the common welfare and prosperity of the province ; particularly, —

- Various annual bills granting the necessary sums for all the expenses of the civil government of the province, but regulating and setting limits to the expenditure.
- For affording a legal recourse to the subject having claims against the Protestant Government,
- For regulating certain fees and offices.
- For enabling the inhabitants of the towns to have a voice in the management of their local concerns, and a check on the expenditure of monies levied upon them by assessment.
- For facilitating the administration of justice throughout the province, for qualifying and regulating the formation of juries, and introducing jury trials in the country parts, and diminishing the expenses occasioned by the distance of suitors from the present seats of justice.
- For providing a new and sufficient gaol for the district of Montreal.
- For qualifying persons to serve in the office of justice of the peace.
- For continuing the Acts regulating the militia of the province.
- For increasing and apportioning the representation in the House of Assembly equally, among the qualified electors throughout the province, particularly in the new settlements and townships.
- For the security of the public monies in the hands of His Majesty's receiver-general in this province.
- For the independence of the judges, by securing to them their present salaries, upon their being commissioned during good behaviour, and for providing a tribunal for the trial of impeachments by the Assembly, so as to ensure a just responsibility in high public officers within the province.
- For appointing and providing for an authorized agent for the province, to reside in England, and attend to its interests there.

It is with the most profound grief that we find ourselves compelled to represent to your Majesty, that during several years past the incomes derived from real estate in this province, the profits of trade and industry, and the wages of labour therein, have greatly diminished, and still continue to diminish ; that, under these circumstances, it would not be equitable to impose taxes or new duties on its inhabitants for the public uses ; and that there exists no other resource which can reasonably be depended upon, to aid in the diffusion of knowledge, and facilitate the exertions of individual industry, than the proceeds of the existing revenues levied within the province.

Nevertheless, more than one-half of the gross amount of all its public revenues has been applied, for several years past, in payment of salaries, emoluments, and expenses of the officers of the Civil Government, exclusive of the usual and indispensable special appropriations ; and our anxiety is the greater, as these salaries and emoluments and expenses have been greatly increased, without the consent of the Legislature, and have, in some instances, been paid to persons who do not reside in the province, or have rendered no service therefor ; and, in other cases, the said salaries and emoluments and expenses are excessive, when compared with the incomes derived from real estate in this province, and the usual recompense obtained therein by individuals of talent, character, and industry, equal to those possessed

by the persons to whom the said salaries and emoluments are paid out of the public revenue of this province: and, lastly, in addition to those unnecessary and excessive salaries and expenses, your Majesty's subjects of this province are also burdened with various and increasing fees paid to the officers of the Civil Government, which are grievous to the subject, diminishing the protection of the laws, the benefits of government, and the resources of the country for its necessary wants.

We are convinced, that, besides the most perfect security of person and property, one of the most efficacious means of promoting the public prosperity and preventing its decline, is to aid in the diffusion of useful knowledge, and the free exercise of individual industry and enterprise; and we have witnessed, with satisfaction and gratitude, that our Provincial Legislature has appropriated very large sums of money for these objects, since the close of the last war with the United States of America; but we have to perform the painful duty of humbly representing to your Majesty, that the monies thus appropriated and applied, under the direction of the Provincial Executive, have not produced the beneficial results that were to be expected from a legal and judicious application of them, and have been tardily or insufficiently accounted for.

It is with the utmost pain that we are compelled to represent to your Majesty, that, in this province of the British empire, large sums of public money of the revenue levied within this province, have been applied, year after year, by warrant of the Executive Government, without any appropriation by the Legislature of the province (at a time when the necessary appropriations were rejected in the said Legislative Council), in payment of alleged expenses of the Civil Government, and other expenses for which no services were rendered to the province, or for new and increased salaries and allowances never recognized by the Legislature. Were we to refrain from complaining of such an enormous abuse, we should co-operate in consolidating our slavery, and we humbly implore your Majesty's justice.

Alike negligent in the preservation of the public monies, and prodigal in their expenditure, the Executive Government of this province has not only suffered the dissipation of large sums of money in the hands of the receiver-general, and other depositaries thereof, then and still under its superintendence and control, but has appointed other officers in the stead of these faulty depositaries, without taking any sufficient security for the future; and having advanced to different persons large sums of money appropriated by the Legislature, the neglect of the Executive Government in this respect has been such, that several of those persons have not accounted at the time when they ought to have accounted: some have insufficiently accounted, or not rendered any account; and, notwithstanding their negligence and default, some of these persons have been appointed by the Executive Government to offices of trust, honour, and profit; and we most humbly represent to your Majesty, that the Executive Government of the province, by its negligent conduct in these respects, has exposed your Majesty's subjects in this province to heavy and grievous losses, dissipated and endangered the resources of the province, and subjected its inhabitants to unnecessary burthens.

Your Majesty's faithful subjects in this province have already forwarded humble representations to your Majesty's Government, on the subject of the college and estates heretofore in the possession of the late order of Jesuits in this province, and, while we deplore the unfavourable result of our past endeavours, we nevertheless continue to entertain the most perfect confidence, that, so soon as the truth shall be fully known to your Majesty, justice will be rendered unto us; and



we humbly represent, that, as the said order was never the proprietor of the said college and estates, but merely the depository thereof for the education of the youth of Canada, the extinction of that order could not confer on the Sovereign any other rights on that property than were possessed by the said order; and that your Majesty succeeded to the possession of those estates, subject to their being applied to the education of the youth of this province, conformably to their primitive destination; and it is with the most profound grief that we find ourselves still deprived of the benefits which were formerly derived from the actual application of that property to these objects, under the direction of the Jesuits, while education is languishing amongst us for want of those resources.

The settlement of the waste lands in this province, the importance of which has already, at various times, occupied the attention of your Majesty's Imperial Government, has been neglected in the most unaccountable manner by the Executive Government of the province, so that large portions of the said lands, granted or reserved by the Crown, have been long held, and continue to be held, in the midst of, or in the immediate vicinity of actual settlements, without the owners or possessors thereof having been compelled to perform the duty of settlement, upon which said lands were granted by the Crown, or any other duty in relation to the said lands, to the grievous burthen of the actual inhabitants, the discouragement of new settlers, and the obstruction of the general increase and prosperity of the province.

But of all the abuses of which the inhabitants of this province have to complain, the most afflicting to your Petitioners is, that during the prevalence of the aforementioned, and various other abuses and grievances, false representations and repeated attempts have been made, by divers officers of the Provincial Executive, possessing the confidence of your Majesty's Government, to obtain from your Majesty's Government in England, and the Parliament of the United Kingdom, various alterations in the constitution of the Government of this province, as established by law, without the knowledge of your Majesty's faithful subjects in this province, in contempt of their most sacred rights and dearest interests; and this at a time when a majority of executive councillors, judges, and other officers in the Legislative Council, prevented the inhabitants of the province from having an authorised agent in England to watch over and support their interests, and enable them to be heard by the Government of the mother country; and it is under these circumstances that the Act of the Parliament of the United Kingdom, 4th Geo. IV. c. 6, reviving or continuing certain temporary Acts of the Provincial Legislature levying duties within this province, and the Acts affecting the tenure of lands therein, were passed, without the knowledge of its inhabitants, to the subversion of their rights and dearest interests, and particularly without the knowledge or consent of the proprietors more immediately interested in the last mentioned Acts. It is with the most afflicting sensations that we have witnessed the intrigues which have been in operation to despoil your Majesty's faithful subjects in this province, of the rights and benefits which were granted and guaranteed to us by the supreme authority of a powerful and generous nation, under the auspices of its most illustrious citizens.

We most humbly implore your Majesty to take this our petition into your most gracious consideration, to exercise your Royal Prerogative, so that your Majesty's faithful subjects in this province be relieved from the aforesaid abuses and grievances, and justice be done in the premises, that your petitioners may be maintained and secured in the full enjoyment of the constitution of government, as

established by the Act passed in the 31st year of the reign of our late Sovereign, your Royal Father, without any alteration thereof whatsoever.

And your Petitioners, as in duty bound, will ever pray.

*December, 1827.*

[N. B.—The Petitions to the Lords and Commons are the same as the above, with only the necessary change of style.]

Recapitulation of Signatures to the above Petition :

County of Cornwallis,	-	-	-	3,583
Devon,	-	-	-	2,139
Hertford,	-	-	-	2,394
Dorchester,	-	-	-	4,157
Part of Buckinghamshire,	-	-	-	1,532
Ditto Hampshire,	-	-	-	1,346
Quebec,	-	-	-	5,870
Orleans,	-	-	-	1,018
Northumberland,	-	-	-	2,445
				<hr/>
Total, District of Quebec,	-	-	-	24,484
County of Warwick,	-	-	-	4,904
				<hr/>
				29,388

*2d February 1828.*

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#### No. IV.

Province of Lower Canada.

#### PETITION of the Counties in the Districts of Montreal and Three Rivers.

[The Original of this Petition having been in French, it is given in preference to the English. The Petitions to the Lords and Commons are the same as the Petition to the King, with the necessary changes in the style.]

A la Très Excellente Majesté du Roi,

La Petition des soussignés fidèles loyaux Sujets de Votre Majesté résidents dan le Bas Canada.

Qu'il plaise à Votre Majesté,

DANS une partie éloignée des immenses domaines de votre Majesté, il existe un peuple peu nombreux, il est vrai, mais fidèle et loyal : il jouit avec orgueil et reconnaissance, sous la domination de votre Majesté, du noble titre de Sujets Britanniques, qui lui a été conféré sous le règne de votre père de glorieuse mémoire, avec tous les droits qui font de ce titre un objet d'envie. Plus ce bienfait était grand, plus votre bon peuple du Bas Canada a cru devoir montrer de reconnaissance : l'histoire est là pour déposer en notre faveur : laissons lui le soin de prouver

que nous avons deux fois empêché ce pays de passer sous une domination étrangère.

Reconnaissans de l'inestimable présent que nous a fait la mère patrie en nous accordant notre constitution, convaincus qu'elle peut faire le bonheur de vos fidèles sujets en Canada, le premier de nos vœux est de la conserver intacte et de jouir librement des droits précieux qu'elle nous assure.

Parmi les droits inhérents au titre de sujets Britanniques, celui de pétition est un des plus importants et des plus sacrés : il assure au plus pauvre individu le droit d'être entendu et l'espoir de la justice lors même qu'il se plaint des personnes les plus élevées en dignité. La voix de tout un peuple sera sans doute encore plus puissante, lors qu'elle parviendra aux pieds de trône, et qu'elle révélera à votre Majesté que l'oppression peut exister sous son Gouvernement paternel.

L'éloignement où nous sommes du siège de l'empire, et l'espoir d'un changement pour le mieux, nous ont engagés jusqu'à ce jour à un pénible silence ; mais l'excès du mal nous force enfin à le rompre. Il ne convient pas au caractère de sujet Britannique de souffrir servilement l'oppression : la patience dans ce cas n'est une vertu que pour des esclaves.

Nous venons déposer à vos pieds nos justes plaintes contre son Excellence George Comte de Dalhousie. Chargé par vous même de vous représenter dans votre Colonie, et de nous faire éprouver les bienfaits du Gouvernement de votre Majesté, il s'en faut de beaucoup, malheureusement pour nous, qu'il ait rempli la haute mission dont vous l'aviez gracieusement chargé pour le bonheur de vos fidèles sujets Canadiens.

Il a, pendant son administration, commis différents actes arbitraires, tendant à aliéner l'affection des fidèles sujets de votre Majesté, et subversifs du Gouvernement tel qu'établi par la loi dans cette province.

Il a, par warrant ou autrement, tiré des mains du receveur-général de cette province, des sommes considérables sans y être autorisé par la loi.

Il a, volontairement et méchamment, tronqué, supprimé, gardé par-devers lui et soustrait à la connaissance du Parlement Provincial, divers documens et papiers publics nécessaires à la dépêche des affaires et au bon gouvernement de cette province, et ce au grand détriment du service public et au grand préjudice des sujets de votre Majesté en la dite province.

Il a volontairement et en violation de son devoir envers son Souverain et son fidèles sujets en cette province, conservé dans l'exercice de ses fonctions, John Caldwell, ecuyer, cidevant receveur-général, entre les mains duquel le revenu public de cette province était versé, en vertu de la loi et des instructions royales, longtems après que ce fonctionnaire public avait avoué sa malversation et déclaré son incapacité de satisfaire aux demandes faites contre lui pour le service public ; et ce au grand détriment des habitans de cette province, et au grand préjudice du service, et de la foi publique.

Il a en opposition à la pratique constante du Gouvernement de votre Majesté, et en violation de son devoir comme administrateur du gouvernement de cette province, nommé John Hale, ecuyer, pour remplacer le dit John Caldwell, comme receveur-général, sans exiger ni requérir de lui les sûretés ordinaires requis pour assurer la due exécution des devoirs de cette place.

Il s'est en différens tems servi de son autorité comme Commandant en Chef, pour influencer, intimider les habitans de cette Province dans l'exercice de leurs droits civils et politiques.

Il a comme Commandant en Chef renvoyé et disgracié un grand nombre d'officiers de milice dans la province, sans cause juste, ou raison suffisante.

Il a sans cause, ou raison suffisante, arbitrairement et despotiquement, renvoyé et privé plusieurs officiers civils des places de confiance et de responsabilité qu'ils occupaient, et ce au préjudice de ces officiers et du service public.

Il a maintenu et conservé, conserve et maintient en place, plusieurs fonctionnaires publics, après qu'il a été prouvé que leur nomination à telles places, ou que leur conduite dans l'exercice, de leurs fonctions, étaient préjudiciables au service de votre Majesté et aux intérêts de ses sujets dans cette province.

Il a multiplié dans des tems de tranquillité, et sans aucune nécessité, des cours spéciales d'oyer et terminer, outre les termes réguliers et ordinaires des cours criminelles établies par la loi, imposant par là un fardeau considérable aux sujets de votre Majesté, et une dépense enorme à la province.

Il a, par des prorogations et dissolution subites et violentes du Parlement Provincial, nui aux intérêts publics de cette province, retardé ses progrès, empêché la passation d'actes utiles : Il a dans ses discours lors de telles prorogations, faussement accusé les représentans du peuple, afin de les décrier dans l'opinion de leurs constituans, et dans la vue de créer auprès du Gouvernement de votre Majesté des préjugés défavorables à la loyauté et au caractère des sujets Canadiens de votre Majesté : Il a toléré et permis que les Gazettes du Gouvernement publiées sous son autorité ou sous son contrôle, portassent journellement les accusations les plus fausses et le plus calomnieuses contre la Chambre d'Assemblée, ainsi que contre tout le peuple de cette province.

Il a par le même moyen menacé le pays d'exercer la Prérrogative Royale d'une manière violente, despotique et désastreuse, c'est-à-dire, de dissoudre continuellement, ou selon l'expression insultante de ces menaces, de chasser le corps représentatif jusqu'à ce que les francs-tenanciers et les propriétaires se vissent obligés de choisir pour représentans, non plus ceux qui auraient leur confiance, mais ceux qui seraient disposés à tout accorder à l'Exécutif et à lui sacrifier le droit qu'a le peuple de cette province, agissant par ses représentans, de déterminer quelle somme des deniers publics l'administration aura le droit de penser, et d'assurer l'emploi fidèle de ce deniers ; ou bien qu'il punirait la province en rejetant les bills passés par les représentans du peuple pour l'avantage général, jusqu'à ce qu'ils abandonnassent le droit de fixer et de contrôler la dépense ; et que les magistrats et les juges du pays seraient, aussi bien que les bas officiers, destitués des hautes et importantes places qu'ils occupent, et qui, dans l'intérêt public comme dans l'intérêt des particuliers, exigent l'indépendance et l'impartialité la plus absolue, s'ils n'étaient pas agréables à la présente administration.

Il a, conformément à la politique vindicative ainsi avouée par ces écrivains par lui employés, puni en effet le pays, en ne donnant point la sanction Royale à cinq bills d'appropriation pour aider les progrès et l'amélioration du pays en 1826, auxquels votre Majesté a bien voulu depuis donner sa sanction, et en permettant à ses conseillers executifs et autres personnes sous son contrôle et possédant des places durant plaisir, de se servir de leur prépondérance dans le Conseil Législatif dont ils sont aussi membres, pour supporter cette politique vindicative et rejeter en 1827, tous les bills d'appropriation pour l'avancement de la province et pour des objets de charité, qui avaient été passés annuellement depuis un grand nombre d'années.

Il a violé les franchises électives des habitans de cette province, en essayant

directement et indirectement d'influer sur l'élection des membres de la Chambre d'Assemblée de cette province.

Il a enfin, par tous ces divers actes d'oppression, créé dans tout le pays un sentiment d'alarme et de mécontentement, déprécié l'autorité du pouvoir judiciaire dans l'opinion publique, affaibli la confiance du peuple dans l'administration de la justice, et inspiré dans toute la province un sentiment insurmontable de méfiance, de supçon et de dégoût contre son administration.

Nous osons donc supplier votre Majesté de vouloir bien prendre en sa Royale considération les vexations qu'ont éprouvées vos fidèles sujets dans cette partie éloignée de vos domaines. Pressés sous le poids de tant d'actes d'oppression nous avons cru devoir supplier votre Majesté de vouloir bien, pour l'intérêt de son service dans cette colonie et l'avantage de ses fidèles sujets y résidens, rappeler pour toujours sa Excellence le Gouverneur en Chef, comme ne pouvant plus jouir de la confiance publique dans cette province, ni en administrer le gouvernement avec honneur pour la Couronne ou avec avantage pour le peuple.

Qu'il plaise à Votre Majesté,

Privés comme nous le sommes maintenant, par la prorogation du Parlement Provincial, des services publics de nos représentans, des services que nous avions droit d'attendre de leur zèle connu pour les intérêts de la province, et de leur patriotisme éprouvé, nous sommes dans la nécessité de soumettre nous-mêmes à la bienveillante considération de votre Majesté, quelques objets que nous estimons de la plus haute importance pour le bien être du pays, objets qui tendent également à assurer le bonheur du peuple, et à rendre cette colonie plus utile à l'empire Britannique, ce qui ne peut qu'intéresser le cœur Royal de votre Majesté sous le double rapport de père de son peuple et de chef suprême d'un puissant empire.

L'éducation est le premier des biens qu'un père puisse donner à son fils, le premier des biens qu'une législation éclairée puisse assurer aux peuples. En rendant justice aux efforts qui ont été faits dans ce pays vers cet objet important, par plusieurs corps et par un grand nombre de particuliers, on ne peut cependant disconvenir que l'éducation publique n'est pas encouragée dans ce pays en proportion de ses besoins. Et pourtant la province n'était pas dépourvue de moyens : la munificence des Rois de France et les bienfaits de quelques particuliers n'avoient rien laissé à désirer à ce sujet. Des fondations vraiment royales tant par leur objet que par leur étendue, assuraient à ce pays des ressources suffisantes pour le tems, et croissantes avec les besoins de la population. Depuis l'extinction de l'ordre des Jésuites en ce pays, ses biens sont passés aux mains du Gouvernement de votre Majesté. Votre Majesté peut seule les rendre à leur première, à leur bienfaisante destination. Nous l'en supplions très-humblement. Qu'il ne puisse pas être dit que cette province été privée sous le Gouvernement du Roi constitutionnel de la Grande Bretagne, des bienfaits que le Roi absolu de la France lui avait conférés pour l'éducation de ses habitans.

Un des droits naturels, fondamentaux, inaliénables des sujets Britanniques, un des titres de leur gloire et de leur sûreté, c'est le droit de se taxer eux-mêmes et de contribuer librement aux charges publiques selon leurs moyens. A ce titre naturel nous joignons encore les droits résultans de la loi écrite, des Actes du Parlement Impérial, qui déclarent que l'Angleterre renonce à imposer des taxes dans les colonies, et que donnent à cette province le droit de faire des lois pour sa

tranquillité, son bonheur, et son bon Gouvernement. Nous supplions humblement votre Majesté d'excuser notre témérité, ou bien plutôt d'approuver la confiance en votre justice et en celle du Parlement Impérial, qui nous engage à nous plaindre de ce que ces droits ont été lésés d'une manière grave par des Actes du Parlement Impérial. Nous faisons allusion surtout à l'acte de commerce du Canada, passé dans la troisième année du règne de votre Majesté, ch. 119, et à celui des tenures des terres, passé dans la sixième année du règne de votre Majesté, ch. 59, contre lequel nous avons déjà adressé par la voie de nos représentans à votre Majesté nos humbles réclamations : l'un établit directement des impôts dans cette colonie, et les rend perpétuels sans la participation du Parlement Provincial ; l'autre touche à des objets de législation intérieure sur lesquels nous croyons humblement que la législature coloniale avait pleine juridiction.

Nous croirions, Sire, mériter bien peu les inestimables bienfaits que nous procure la constitution qui nous régit, si nous ne fisions tous nos efforts pour la conserver intacte. C'est prouver combien nous en sentons tout le prix.

La cumulation dans une seule et même personne de plusieurs places importantes dans ces colonies et qui nous semblent incompatibles, est un obstacle vivement senti, un obstacle considérable au bon gouvernement de cette province. Nous voyons dans ce pays les places de juges du Banc du Roi, de conseillers exécutifs et législatifs, possédées par la même personne. Nous croyons humblement que ces hautes fonctions devraient être exercées isolément au lieu d'être cumulées : que les Juges bornés aux importantes fonctions de leur état ne devraient pas siéger dans les Conseils : que les Conseillers Législatifs ne devraient pas être admis au Conseil Exécutif, et *vice versa* : qu'il serait convenable que les Juges fussent plus indépendans, sujets seulement avec les autres grands fonctionnaires publics à un tribunal établi dans la province pour juger des *impeachments*. Nous avons déjà fait des représentations et des démarches concernant ces différens objets par le moyen de nos représentans dans la Chambre d'Assemblée. Les mesures par eux proposées ont échoué dans les autres branches de la Législature. Nous supplions humblement votre Majesté de vouloir bien prendre en sa considération royale les maux nombreux qui doivent inévitablement résulter de cette distribution impolitique, et peu sage de tous les pouvoirs du gouvernement, afin qu'étant très-justement condamné par votre Majesté, il vous plaise ordonner à vos Ministres de donner des instructions au Gouvernement Colonial à ce sujet, de manière à autoriser la passation d'Actes par le Parlement Provincial, qui tendraient à corriger ces abus.

L'accroissement rapide de la population depuis la première démarcation des comtés, rendant nécessaire un changement correspondant dans la représentation provinciale, notre Parlement jugea prudent, comme mesure préliminaire, de constater l'état actuel de la population, par un recensement qui devait servir de base aux changemens à faire dans la représentation. La Chambre d'Assemblée passa ensuite à plusieurs reprises un bill pour augmenter le nombre des comtés et des représentans. Ces bills ont également échoué dans les autres branches de la législature.

Il est encore un objet qui intéresse vivement le peuple de cette province ; c'est la nomination d'un agent provincial accrédité auprès du Gouvernement de votre Majesté, qui pourrait faire parvenir aux pieds du Trône, l'expression de nos besoins, fournir aux Ministres de votre Majesté des renseignemens utiles et veiller à nos intérêts particuliers. Cette province a déjà plus d'une fois éprouvé le besoin d'un semblable agent : ses représentans non pas encore pu réussir à obtenir

la passation d'un acte à cet effet. Les accusations mal fondées portées par le Gouverneur en Chef contre la Chambre d'Assemblée, dans son discours de prorogation du dernier Parlement, auxquelles la Chambre n'a pas encore eu occasion de répondre, démontrent la nécessité d'un agent; le Gouverneur qui accuse la Chambre ne pouvant guère être le canal de communication dont les accusés puissent se servir avec confiance pour défendre leur cause.—Nous supplions humblement votre Majesté de vouloir bien ordonner à vos Ministres de donner des instructions au Gouvernement Colonial, en vertu desquelles un bill pour l'augmentation de la représentation puisse être sanctionné, ainsi qu'un bill pour accorder à cette province l'avantage dont jouissent la plupart des autres colonies de votre Majesté, celui d'avoir un agent colonial, nommé et député par le peuple de la colonie, pour veiller à ses intérêts en Angleterre.

Le tout très-humblement soumis à la bienveillance et à la sagesse de votre Majesté, par les fidèles et loyaux sujets de votre Majesté dans le Bas Canada, les Petitionnaires soussignés qui comme il est de leur devoir ne cesseront de prier.

Bas Canada, Janvier 1828.

Recapitulation of Signatures, to February 6. 1828 :

County of Montreal,	-	-	-	-	7,753
Kent,	-	-	-	-	2,163
Huntingdon,	-	-	-	-	5,327
Leinster,	-	-	-	-	6,192
Surrey,	-	-	-	-	3,080
Bedford,	-	-	-	-	1,342
York,	-	-	-	-	4,199
Richelieu,	-	-	-	-	8,175
Effingham,	-	-	-	-	2,654
					<hr/>
Total district of Montreal,	-				40,885
Total district of Three Rivers,	-				10,665
					<hr/>
					51,550
District of Quebec,	-	-	-	-	29,330
Total to both Petitions,	-	-	-	-	<hr/> 80,888

Forwarded since, to 17th February 1828 :

Districts of Montreal and Three Rivers, and District of Quebec,	6,212
	<hr/>
Grand Total,	<hr/> 87,090 <hr/>

## No. V.

To the Honourable the Knights, Citizens, and Burgesses, representing the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

The PETITION of the Subscribers, His Majesty's dutiful and loyal Subjects, of British birth or descent, Inhabitants of the Townships of Dunham, Stanbridge, St Armand, Sutton, Potton, Stanstead, Barnston, Barford, Hereford, Farnham, Brome, Bolton, Hatley, Compton, Clifton, Granby, Shefford, Stukely, Orford, Ascot, Eaton, Newport, Bury, Hampden, Milton, Roxton, Durham, Melborn, Windsor, Shipton, Stoke, Duds-well, Simpson, Kingsey, Grantham, Wickham, Wendover, Brompton, and other Townships and Places situated on the south-east side of the River St Lawrence, in the Province of Lower Canada ;

Humbly Sheweth,

THAT the number of inhabitants of British birth and descent, now residing in the province of Lower Canada, exceeds 80,000 souls, a greater amount than all the inhabitants of the country when it first became a colony of England.

That the townships of Lower Canada form a large portion of the territorial extent of the province, separate from the signiories or old French feudal grants thereof, and are inhabited by a population upwards of 40,000 souls, almost wholly composed of persons of British birth and descent, whose numbers are continually augmenting, besides their natural increase, by the desirable accession of emigrants from the mother country.

That, so long ago as the year 1763, His Majesty's proclamation assured to his subjects, coming to settle upon the then ungranted lands in Canada, the benefit of the laws of his realm of England. That the assurances of this proclamation were as to them sanctioned and confirmed by the exception contained in the statute 14th Geo. III., which declared that the provisions of the said Act, establishing French laws, should not extend nor be construed to extend to lands to be granted in free and common soccage, the exclusive tenure of the townships.

That no provincial enactments or provisions were made towards carrying into practical operation the valued privileges of the English laws, which had been as aforesaid assured to them ; although the wishes of the townships in that particular were loudly expressed and universally known. That in consequence, the Imperial Parliament, in its beneficence, was pleased, in the sixth year of the reign of his present Majesty, to pass an Act, not less called for by a due regard to national honour, than by a sense of justice to your petitioners ; wherein any doubts too *scrupulously* entertained in respect to the construction of the aforesaid statute 14th Geo. III. have been happily removed, in relation to the townships, and the English laws regarding tenures established therein.



That it hath come to the knowledge of your petitioners, that numbers of the inhabitants of the seigniories, influenced by the French Canadian leaders of the House of Assembly, are now petitioning the Imperial Legislature for the repeal of the before mentioned statute of the sixth year of his present Majesty, commonly called the "Canada Tenures Act."

That your petitioners, for the blessing conferred by the said statute of the Imperial Parliament, in bestowing upon them the benefit of the laws of their parent country, and preserving the ties and character which connect them with the empire to which they belong, feel a weight of gratitude greater than they can express, and will at all times be ready to defend *those ties* against every invader or *enemy* either in *Lower Canada* or elsewhere. Their gratitude is also deeply felt on behalf of their countrymen the emigrants from Great Britain, who may now be induced, in great numbers, to settle among them, but who, without the benefit of English laws, would, for the most part, have been led to seek an asylum elsewhere, as they have, unhappily for this province, too often done in times past.

That, in order to give practical effect and scope to the benefits conferred upon them by the recent Act of the Imperial Parliament, and also to prevent the machinations of the French Canadian House of Assembly to their ruin, it becomes necessary that the townships, which have never hitherto been represented in the Provincial Legislature, notwithstanding their repeated solicitations in that behalf, should be divided into counties entitled to send members to the Provincial Legislature, and that competent courts and jurisdictions should be established among them for the administration of justice in conformity to the laws which have been beneficently accorded to them by the mother country.

That while your petitioners were waiting patiently the effect of their repeated solicitations for redress of grievances to be administered by the Provincial Legislature, the Legislative Council, in the session of the year 1825, by recommendation of his Excellency the Governor-in-Chief, passed a bill of the most salutary description, introducing into these townships the English law of dower and conveyance, and making encumbrances special, establishing also public offices therein for the enregistration of all mutations of real property and of all mortgages on the same.

That though this bill, carefully abstaining from every unnecessary innovation, neither disturbed the routine nor touched the customs of the French Canadians in the seigniories, the House of Assembly, evincing its characteristic disregard for the claims of your petitioners, neglected to proceed upon the said bill, when sent down for concurrence; and they are therefore constrained to pray the interference of the Imperial Parliament for the establishment of register offices as aforesaid.

Your petitioners therefore humbly pray that your Honourable House will be pleased to pass an Act to authorize the erection of the townships into a competent number of counties, according to extent of territory, to the end that the interest of the population of emigrant settlers may be provided for by a due proportion of representation equivalent to their just claims; and also to establish such competent number and description of courts and jurisdictions as the interests of these extensive sections of the province and the ends of justice may require. And further, to establish public offices of registry, for the en-registration of all acts and deeds conveying or encumbering real property therein.

And your petitioners, as in duty bound, will ever pray, &c. &c.

## No. VI.

*PETITION of the Agents of the Lower Canada Petitioners for a redress of Grievances, presented to the House of Commons, 14th July 1828.*

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled,

The PETITION of JOHN NEILSON, DENIS, BENJAMIN, VIGER, and AUSTIN CUVILLIER, of the Province of Lower Canada, Esquires ;

Humbly Sheweth ;

THAT your petitioners were deputed to this country, in January last, with the Petitions of a great majority of His Majesty's subjects in the Province of Lower Canada, addressed to His Majesty and both Houses of Parliament, complaining of various grievances to which the inhabitants of the said province were exposed in the administration of the local Government ; two of which petitions have since been presented to your Honourable House, and are referred to a Select Committee on the Civil Government of Canada, now sitting.

That since the said petitions were presented, your petitioners have been instructed, on the part of the different Committees of the aforesaid petitioners in the several counties in the district of Montreal, and for the district of Three Rivers, at a General Meeting held in the city of Montreal, on the 17th of April last, to add to the complaints contained in their petitions aforesaid, various other acts of maladministration on the part of the local Government, which have taken place since their humble petitions were forwarded, to be laid at the foot of the Throne, and presented to Parliament.

That, on the 21st February last, his Excellency the Earl of Dalhousie, Governor-in-Chief of the said province, issued a General Order of Militia, dismissing from His Majesty's service divers officers in command of local divisions of the Militia of said province and others, wherein the said officers were accused of "having been active instruments of a party hostile to His Majesty's government."

That the first and only notice which these gentlemen had of the existence of any complaints against them, was by the publication of the said General Order in the newspaper, printed and published by the King's printer at Quebec.

That the said dismissions, and the charges against the said officers, was grounded on no other fact than that they had taken part, and acted, at the several places of their residence, with the great majority of the inhabitants of the said province, in furthering and signing the aforesaid petitions to His Majesty and both Houses of Parliament.

That the officers of the several local divisions to which these gentlemen belonged, and several of the Committees of the petitioners subsequently, expressed and published their opinion of unabated confidence in and esteem for the gentle-

men, thus in common with all the signers of the said petitions, publicly aspersed by the said General Order, without trial and without a hearing.

That subsequently several prosecutions were instituted under the authority of his Excellency the Governor-in-Chief, by the Attorney-General of the said province, against a number of persons concerned in publishing the proceedings of the said Officers and Committees of Petitioners, which prosecutions have been conducted with circumstances of unusual severity, and are still pending.

That, besides these prosecutions, a great number of others have been instituted by the said Attorney-General, for offences connected with the politics of the province, and particularly against the press; that in fact of five newspapers published in the province, which are independent of executive influence or control, numerous proceedings have been had by the said Attorney-General, or on the part of the Crown, directed against each of them, while the newspapers published under the express authority of his Excellency the Governor-in-Chief, or subject to executive influence, asperse the character of individuals, and calumniate the Representative body, and the inhabitants of the province, their laws, institutions and manners, with entire impunity.

Your petitioners humbly represent that these proceedings had, under the authority of the Governor-in-Chief, subsequently to the appeal made to the justice of His Majesty and Parliament, together with the continued suspension of the sittings of the Provincial Legislature, have increased the irritation and alarm which previously existed, and that when the state of the province is fully considered, but especially the peculiarly intimate connection which prevails therein between the Executive Authority and the Judges, and other Officers of the Courts of Justice, there is danger that the confidence of the subject in Canada, in the security of his person, property, and reputation, may eventually be destroyed.

Your petitioners humbly pray that their petition may be taken into consideration, that they may be heard thereon, and that justice be done in the premises.

And your petitioners, as in duty bound, will every pray.

(Signed) J. NEILSON.  
D. B. VIGER.  
AUSTIN CUVILLIER.

LONDON,  
12th July 1828.

## No. VII.

## PROVINCE of LOWER CANADA.

TO HIS EXCELLENCY GEORGE, EARL OF DALHOUSIE OF DALHOUSIE CASTLE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General, and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and their several Dependencies, &c. &c. &c.

May it please your Excellency,

WE the undersigned Members of his Majesty's Executive Council of the Province of Lower Canada, having taken into consideration the communications transmitted to your Excellency by certain committees, or associations of individuals at Quebec and Montreal, purporting to be petitions to his Majesty, which you were pleased to lay before us, beg leave to offer our best thanks for this mark of your Excellency's attention.

Amid the clamour of violated laws and infringements of the constitution which distinguish these papers as much as the falsehoods and misrepresentations which they contain, it is obvious that their principal intention is to censure the Officers of his Majesty's Government generally, and this intention manifestly extends to the Members of the Executive Council. We deem it therefore to be our indispensable duty, in the first instance, to state to your Excellency, that we shall thankfully meet any and every inquiry into our conduct which may be directed upon this or any other occasion. But to this we beg leave to add, that impressed with the strongest feelings of gratitude towards his Majesty, for the many favours and benefits which he has been graciously pleased to bestow upon us, in common with the rest of his subjects in this part of his dominions, we have endeavoured faithfully to discharge our duty, by an equal attention to the rights and interests of the Crown, and of the subject and the course which we have hitherto pursued, we shall continue to pursue, notwithstanding the imputations which have been poured forth against us by men who, in the mere wantonness of party spirit, have endeavoured to fan the flame of disaffection, (to the progress of which they have too long contributed) by repeated attempts to undermine the character of his Majesty's Counsels, and to waken the confidence of his subjects in their talents and integrity.

We have long viewed with regret the torrent of false and libellous slander which has issued from the press, and we had hoped that your Excellency's uniform attention to all matters affecting the public welfare, to the protection of the subjects' rights on one hand, and to the rights and prerogatives of the Crown, and the security of the State on the other, would have prevented any effusion of its calumny against your Excellency; it is therefore with the deepest regret we have seen your Excellency libelled, in a manner unexampled, not only by the press, but by the paper purporting to be a Petition to his Majesty from certain electors of Montreal. In the relative station which we have the honour to hold in his Majesty's Government, it would ill become us to advert to the measures of your Excellency's administration, in which, as Privy Counsellors, we have participated;

yet as our official situation has afforded us a knowledge, from the motives in which they have proceeded, we trust we may with propriety express the high sense which we entertain of the disinterested integrity, the zeal, and earnest endeavours to promote the welfare of this province, which have constituted the invariable rule of your Excellency's administration.

We beg, in conclusion, to be permitted to express to your Excellency our firm persuasion, and just confidence, that these extravagant and unprecedented attempts, by petitions to his Majesty, to blacken and degrade the character of his faithful servants, will prove as impotent as they are unjust, and that the Public, convinced that such and such only is their object, and of the dangerous consequences of such practices, will see in those who support them with so bold a defiance of truth, probability, and common decency, promoters of disaffection and disorder, and real enemies to the happiness and to the true interests of the country.

Signed by

The Honourable

JONATHAN SEWELL, Chief Justice.

CHARLES, Lord Bishop of Quebec.

JOHN RICHARDSON.

MR JUSTICE KERR.

WILLIAM SMITH.

CHAS. DE LERY.

JOHN HALE.

JOHN STEWART.

A. W. COCHRAN.

JAMES STUART, Attorney-General.

COUNCIL-CHAMBER, }  
10th March 1828. }

[To this Appendix are added the Addresses presented to the GOVERNOR-IN-CHIEF, upon his departure from Quebec, in September 1828.]

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No. VIII.

ADDRESS FROM THE LITERARY AND HISTORICAL SOCIETY OF  
QUEBEC.

To His Excellency GEORGE, Earl of DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, and New Brunswick, and their several dependencies; Vice-Admiral of the same—General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower and Upper Canada, Nova Scotia, and New Brunswick, and their several dependencies:

MAY IT PLEASE YOUR EXCELLENCY,—

THE MEMBERS of the LITERARY and HISTORICAL SOCIETY of QUEBEC feel it to be peculiarly their duty to address YOUR LORDSHIP on the occasion of your approaching departure from the Province, as the original Founder and munificent Patron of the Institution.

In all civilized countries, as they advance in education and general knowledge, it has been found expedient to institute Societies, by which learned men have been brought together—not so much for intellectual communication, as with a view to stimulate the community in the pursuit of knowledge, and to point out the means of its attainment.

To your Excellency, actuated by these principles, this Society owes its formation, and its present state of advancement. They rejoice that your Excellency's administration has been distinguished by an event in the Provincial annals, which marks the commencement of a new era in Lower Canada, and which, they trust, will gradually open to the increasing numbers of the educated population of the Colony, the richest and purest stores of intellectual wealth.

When they reflect on the gigantic efforts made by the learned of the old world to grasp the perfection of knowledge, they feel, in regard to their own humble exertions, that there are different gradations in the scale of merit.—They have, however, this gratifying recollection, that all additions to the sources of literary and scientific information are valuable and meritorious; and that, under your Lordship's auspices and example, the study of a new science (Mineralogy) has been introduced into this Province, the successful cultivation of which the Collection in the possession of the Society bids fair to secure.

To the Countess of DALHOUSIE they beg most respectfully and gratefully to express their sense of her Ladyship's liberal patronage and assistance.—Her aid and contribution have never been wanting to promote the interests, and to extend the utility, of this Society.

Although a wider field for your Lordship's benevolence and exertion will be opened in the magnificent region to which you are now called, they are well convinced that an affectionate remembrance of this Province, and of this Society, will remain indelible from your Lordship's mind.

With these sentiments, and with heartfelt wishes for the continued health and happiness of your Lordship, and of all your family, they most respectfully entreat that your Excellency will, on your arrival in London, honour this Society by sitting for a Portrait, to be painted at their expense, and to remain in their Hall, a lasting memorial of your Lordship, as the Founder of the Society, and as a token of the individual esteem and affection of the Members.

That Divine Providence may bless and preserve your Lordship, Lady DALHOUSIE and Family, wherever it may please our Most Gracious Sovereign to call you, is the fervent prayer of the Society.

ANSWER :

GENTLEMEN,—There is no act in the whole period of my administration of the Government in this Province which has afforded me so much satisfaction as that of having accomplished the formation of the Literary and Historical Society of Quebec. It is a work of slow growth, and one which cannot be forced to perfection in a rapid progress; but it has already advanced sufficiently to encourage my confident hope, that it will prove, hereafter, to be a source of great public utility.

I am, indeed, proud of the station and title which has been assigned to me as “the Patron” of the Society—a title which I could not have presumed to accept in any other character than that of the representative of his Majesty. As such, I did not hesitate to take the first place among you, and I have endeavoured to fulfil the duties with all the zeal of which I am capable. I am now to take my leave of this country, but I am happy in the opportunity of assuring you that, wherever I may go, I shall always think of, and feel deeply interested in, the progress of this excellent Institution.

The high compliment you pay me, in desiring that I would sit for my portrait, to be placed in your Hall of Meeting, is a command which I shall obey with the greatest pleasure, and with a deep sense of gratitude.

In conveying these sentiments by you, Gentlemen, to the Society, I beg you will do me the favour to present this letter, which I place in your hands, with the wish that it may be laid upon the table at your next meeting.

CHATEAU ST LOUIS, *3d September 1828.*

DALHOUSIE.

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No. IX.

ADDRESS FROM THE MASTER, DEPUTY-MASTER, AND WARDENS OF  
THE TRINITY-HOUSE OF QUEBEC.

To His Excellency, GEORGE Earl of DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies :

MAY IT PLEASE YOUR EXCELLENCY,—

WE, the MASTER, DEPUTY MASTER, and WARDENS of the TRINITY-HOUSE of QUEBEC, beg leave respectfully to approach your Excellency, on the eve of your departure from this Province, to offer our sincere thanks for the ready co-operation which your Excellency has uniformly afforded during your Administration of the Government, in the measures proposed for the improvement of the Navigation of the River St Lawrence.

Although it is to be regretted that the Funds of the Corporation have not been adequate to effect all the improvements which had been contemplated, yet the erection of

various Lights and Beacons, for some of which the public are indebted to your Excellency's own suggestion, will remain among the memorials of the deep interest you have felt in promoting the prosperity of the Canadas, with a view to the future permanent benefit of these Provinces.

We avail ourselves of this opportunity to request that your Excellency may be pleased, while in England, should your leisure permit, to renew the recommendation you did us the honour to forward some years ago, in regard to the erection of a Light-House on the Island of St Paul's. We beg leave to refer your Excellency to two Addresses on the subject from this Corporation, dated the 18th November 1825, and the 17th October 1826, in which the great advantages of a Light in that situation, to vessels frequenting the Gulf and River St Lawrence are pointed out.—The statement of expected benefits made in those Addresses will, we feel assured, be corroborated through that local knowledge of the subject which your Excellency fully possesses, and which you will have an opportunity of communicating personally to his Majesty's Ministers.

We respectfully take leave, sincerely wishing your Excellency a pleasant passage home, and that you may long enjoy health and happiness in whatever clime his Majesty may require your valuable service.

J. STEWART, Master.

ROBT. PATTERSON, Warden.

JOHN LEATHER, Warden.

R. YOUNG, S. of P. and Warden.

WM. WALKER, Deputy-Master.

H. LEMESURIER, Warden.

J. LAMBLY, H. M. and Warden.

W. LINDSAY, Treasurer, T. H. Q.

QUEBEC, 19th August 1828.

#### ANSWER:

GENTLEMEN,—I beg you will accept my grateful thanks for this address. Knowing well the constant attention which you have directed to the general interests of the navigation of the St Lawrence, and to the various and important matters which are vested in the Corporation of the Trinity-House at Quebec, it has always afforded me the greatest satisfaction to co-operate with you, and support your measures for the public good.

You may be assured that on my arrival in England, I shall follow up the objects which are mentioned in this Address with all the zeal and anxiety of which I am capable.

DALHOUSIE.

CHATEAU ST LOUIS, 3d September 1828.

#### No. X.

#### ADDRESS FROM THE COMMITTEE OF TRADE.

To His Excellency GEORGE Earl OF DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies:

MAY IT PLEASE YOUR EXCELLENCY—

THE COMMITTEE of TRADE of QUEBEC having had frequent occasion to trouble your Lordship on matters connected with the Trade of the Province, and having thereby had better opportunities than the public at large of appreciating the desire which your Lordship has shewn to promote the Commerce and Welfare of the Country, would be wanting in duty towards your Lordship, were they, on your approaching departure, to omit most



respectfully to acknowledge their sense of the readiness with which you have received and listened to their representations, and of the desire which you have shewn to afford to the Trade all the assistance and protection in your power, either from the exercise of your Lordship's authority, or from your influence with his Majesty's Ministers.

For these various acts of favour the Committee of Trade have to repeat their sincere acknowledgments.

That you may be fortunate in your passage hence, and to that distant land, to the chief command of which it has pleased his Majesty to elevate your Lordship;—That your Lordship may have the proud satisfaction of being there the instrument, under Divine Providence, of extending not only the glories of the British arms, but of advancing the cause of humanity, and promoting the happiness of millions;—

And finally, that your Lordship and your amiable Countess may long continue to enjoy every blessing which this world can bestow, is the sincere wish and fervent prayer of this Committee.

By order and on behalf of the

Committee of Trade of Quebec,

(Signed) W. FINLAY, Chairman.

COMMITTEE OF TRADE ROOM, }  
QUEBEC, 2d September 1828. }

#### ANSWER :

GENTLEMEN,—I have always felt the greatest satisfaction in any communication with the BOARD of TRADE in Quebec, and have always placed great confidence in the advice I have obtained from the Committee in all references to them, regarding the commerce and welfare of the country.

Entertaining the highest respect for the Merchants in Quebec, I receive this Address with the greatest pleasure.

I thank you for the sentiments you have expressed, and beg you will allow me to offer my most cordial wishes for your prosperity and happiness.

CHATEAU St LOUIS, 3d September 1828.

No. XI.

#### ADDRESS FROM WILLIAM HENRY.

To His Excellency GEORGE Earl of Dalhousie, Knight Grand Cross of the most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all his Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies.

MAY IT PLEASE YOUR EXCELLENCY,—

As friends to the Constitution, as dutiful and loyal subjects to his Majesty, and uninfluenced by any other motives but those of truth and sincerity, we, the Inhabitants of the Borough of William Henry and Parish of Sorel, most respectfully beg leave to approach your Excellency with those feelings of deep regret which your departure from the Province cannot fail to produce on the minds of all men, who, capable of appreciation, have watched with care and attention the wisdom and justice which dictated the administration.

of the Government, so justly and so graciously entrusted to you for upwards of seven years.

The respect due to the Constitutional rights and liberties of his Majesty's subjects, has, we beg leave to express, always appeared to us as forming a prominent part of your Excellency's Administration in this Province; but we have to regret, that a want of corresponding respect on the part of one branch of the Legislature to the constituted authorities and prerogatives of the Crown with which your Excellency is invested, too effectually operated to create such a disunion as could not but frustrate the intentions of the Executive, and thereby retard the best interests of the Province.

But we should be wanting in the knowledge we have obtained of the political state of the Province, were we to fail in attributing the existing differences to men, misled by private passions and views, and who, with a warm desire for personal popularity and aggrandizement, subvert and satiate the minds of an uneducated and deluded people, by pretensions and assumptions to such rights and privileges as are not only inconsonant and in direct opposition to constitutional principles, but what is of greater importance, to the very happiness and prosperity of this promising appendage to the British Empire.

We have now only to look forward with anxious expectations for that favourable and salutary change which the existing state of the country so urgently calls for, and which we fervently hope the wisdom and justice of the Imperial Parliament, after deliberate investigation, will so far promote as to effect a permanent barrier against those political differences so long and so unhappily involving the best interests of his Majesty's subjects.

We have, on several occasions, testified to your Excellency the high esteem in which we held your public and private virtues, and it only remains with us to regard the entire approbation of your administration of the Government of this Province, by our beloved and gracious Sovereign, as the most valuable token which could be bequeathed to his loyal subjects of the Borough of William Henry and Parish of Sorel, and the most effectual consolation for the loss we are about to sustain, by being deprived of your services, arises from the warmest anticipations that the influence of your Excellency's example will extend to your successors, and thereby secure an administration, at once pure in its intentions, able and energetic.

It now becomes our faithful duty to bid you farewell; and may our earnest prayers so far operate with Almighty Providence as to secure to yourself, the Countess of Dalhousie, family and suite, a propitious return to your native home, and when there, may you meet the congratulations of our beloved Sovereign, your country, and your friends.

WILLIAM HENRY, 30th August 1828.

Signed by 206.

#### ANSWER:

GENTLEMEN,—Having spent a great part of my time in the immediate neighbourhood of Sorel, I cannot but feel peculiarly gratified by an Address from the Inhabitants there. The sentiments now expressed from them in approbation of my conduct in this Government are highly acceptable. I join with them in deeply lamenting the unhappy difference on constitutional points which have so greatly interrupted the smooth course of public affairs; but I also entertain with them the hope that these differences may speedily be removed by the effectual interposition of the Imperial Parliament. Lady DALHOUSIE, equally with myself, will ever retain an affectionate regard for Sorel, and the most sincere wishes for the well-being of all its inhabitants.

DALHOUSIE.

CHATEAU St LOUIS, 3d September 1828.

## No. XII.

## ADDRESS FROM THE EXECUTIVE COUNCIL OF LOWER CANADA.

To His Excellency, GEORGE Earl of DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies :

MAY IT PLEASE YOUR EXCELLENCY,—

WE, the Members of His Majesty's EXECUTIVE COUNCIL of Lower Canada, with all the sentiments of respect and attachment which your Excellency's Administration of his Majesty's Government in this Province, and your uniform conduct towards us, have excited in our minds, approach your Excellency, to express our regret at your departure from this Province.

We solicit your Excellency's permission to offer our best thanks for the confidence with which you have honoured us, for the liberality and frankness with which our opinions have been received and discussed, and for the cordial aid and assistance in the execution of the important duties of our office which your Excellency has been pleased to afford us at all times.

In the relative station which we have the honour to hold in his Majesty's Government, it would ill become us to advert to the measures of your Excellency's Administration; yet, as our official situation has afforded us a general knowledge of the principles from which they have proceeded, we take the liberty of expressing the high sense which we entertain of the disinterested integrity, the liberality, zeal, and attention, which have constantly marked the unwearied endeavours of your Excellency, to promote the interests and the welfare of this Province, and the happiness of the people entrusted to your charge.

We are impressed with the strongest feelings of gratitude for the many favours and benefits which his Majesty has been pleased to bestow upon us in common with the rest of his subjects in this part of his dominions; and we entreat your Excellency to lay at the foot of the Throne the full assurances of our inviolable attachment to his Majesty's sacred Person and Government, which we now tender to your Excellency. By a faithful discharge of our duty, we have endeavoured, and shall in future endeavour, to merit the approbation of our Most Gracious Sovereign.

We most respectfully take leave of your Excellency, with wishes for the health and happiness of your Excellency, and of the Countess of DALHOUSIE, which are most sincere and most fervent.

Signed by Order,

J. SEWELL, President.

COUNCIL-ROOM, 6th September 1828.

## ANSWER :

GENTLEMEN,—I cannot look back on the period of my residence in Canada, and duties in the administration of the Government, without feeling the full weight of obligation under which I lay to the Members of his Majesty's Executive Council here.

In all my difficulties, and in all acts of responsibility, I have ever turned to you for advice; and well knowing the public spirit, honour and independence with which that advice has been given me, I never have hesitated one moment to rest my confidence, or to act in the spirit of your councils.

I am happy, therefore, in declaring, that you have invariably given me a prudent and deliberate support;—that aid, assistance, and confidence in all our relative duties, have been, in the highest degree, cordially mutual.

With these feelings I shall approach the presence of my Sovereign, conscious of the rectitude of my conduct in all my acts; and prepared to offer the fullest assurances that his Majesty has not, in any part of his dominions, subjects more inviolably attached to his sacred Person and Government than the Honourable Members of his Executive Council here.

Faithful to your duty, enlightened in mind, independent in spirit, the honour of the Sovereign, and the best interests of the people, have been the objects of your study and deliberations.

Although I am to leave this Province on other public service, I have spent so many years amongst you, and in your confidence, that I can never cease to feel myself deeply and intimately associated in all that may concern the well-being of the Canadas. You will ever find me ready and willing to obey your commands, and ever zealous to promote your interests.

I return you a thousand thanks for all the kind wishes you offer to Lady DALHOUSIE and myself; we feel them, and esteem them, as coming from well known and assured friends.

DALHOUSIE.

CASTLE of St LOUIS, 6th September 1828.

#### No. XIII.

#### ADDRESS FROM THE MAGISTRATES AND INHABITANTS OF QUEBEC.

To His Excellency GEORGE Earl of DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia, and New Brunswick, and their several dependencies:

MAY IT PLEASE YOUR EXCELLENCY,—

CALLLED as your Excellency is, from an administration of the Civil Government in this Province, characterized by undeviating uprightiness and firmness of purpose, and promoted from the Chief Command in British North America to the more important and elevated station of Commander-in-Chief in the British possessions in India, the Magistrates, Clergy, and undersigned Inhabitants of Quebec and its vicinity, beg leave most respectfully to approach, and heartily to congratulate, your Excellency on this further and distinguished proof of the Royal approbation of your Excellency's long and meritorious services, and of the increased confidence of our most Gracious Sovereign in your Excellency.

The improvement and prosperity of the Province have been objects to which your Excellency's attention has unceasingly and successfully been devoted; and for these as well as for the munificence invariably extended by your Excellency, to the various public, literary, and charitable Institutions, which your Excellency has ever been forward to patronize and promote, its Inhabitants must always be grateful.

Although the Government, at the time when your Excellency assumed it, was placed, and has since remained, under peculiar and trying disadvantages, owing to differences in the Legislature, the removal of which is nowise rested with your Excellency, as they arose from circumstances pre-existent to your Excellency's Administration; and from pretensions to which, consistently with the high trust reposed in your Excellency, as his Majesty's Representative, your Excellency could not accede; great progress has, notwithstanding, been made towards the advancement of the best interests of the Province, chiefly through your Excellency's exertions, in drawing the attention of his Majesty's Government at home to the just value of the Canadas as British Colonies; to the undertaking of ex-

tensive works of internal improvement and defence; and to legislative measures tending to secure a permanent and cordial connection with the parent state.

The desire evinced by your Excellency for advancing, by every practicable means within your Excellency's reach, the prosperity of these Provinces, and the knowledge you possess of their capabilities, their resources and their wants, are pledges that your Excellency will continue to take a lively concern in their welfare; and we fell assured, that whether at your place in the British Senate, or near his Majesty's Government, as the occasion may occur, their true interests will ever find in your Excellency a steady and effective supporter.

Wishing your Excellency and the Countess of DALHOUSIE, whose many and exemplary qualities have endeared her Ladyship to all classes, more especially to the afflicted and the destitute, a happy return to Britain, and the blessing of continued health, we most respectfully take our leave.

#### ANSWER:

GENTLEMEN,—It is a source of the greatest satisfaction to me, on the moment of my departure from this country, to think that I have faithfully done my duty in the station to which my Sovereign had appointed me; and to know also that the Magistrates, Clergy, and principal Inhabitants of Quebec express their approbation of my conduct during the period of my residence among them.

This Address conveys their sentiments in terms highly acceptable and honourable to me, and I shall retain them as the best answer to be made to all the calumnies and slanders which have proceeded from a few malicious agitators, scarcely deserving of notice.

Lady DALHOUSIE cannot but feel highly sensible and obliged, by the kind and flattering mention of her in this public Address; but she feels also, that the society of Quebec will do her ample justice for painful feelings of regret at this moment, without giving utterance to them by me.

In taking my leave of this Country, be assured that I shall ever feel the greatest desire to promote, by all means within my power, the future interests and prosperity of this fine and happy Province.

DALHOUSIE.

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#### No. XIV.

#### ADDRESS FROM THE CITY OF MONTREAL.

To His Excellency, GEORGE Earl of DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies:

MAY IT PLEASE YOUR EXCELLENCY,—

WE, his Majesty's dutiful and loyal subjects, inhabitants of the city and county of Montreal and the vicinity thereof, beg leave to approach your Excellency, to express the deep regret and concern which we feel at your intended departure from this country.

Your Excellency's administration of the Government, under the most trying circumstances and difficulties, has been conducted with a firmness not to be surpassed, in support of the Royal Prerogative, National Supremacy, and Provincial Legislation; in resistance of persevering attempts at popular encroachment and usurpation, amidst the most unmerited invective and grossest misrepresentation, which nothing could have supported but a deep sense of what was due to a faithful discharge of public duty, regardless of personal considerations.

This Province owes it to your Lordship, that a dissolution of the Government, with consequent anarchy and ruin had not taken place, which must have happened from the popular branch proceeding to extremes, in order to enforce submission to its will, without caring for the evils which such a course of conduct must necessarily have produced, had not your Excellency, to avert such a calamity, paid the public officers their accustomed salaries, in conformity to long established usage, and the dictates of humanity, without occasioning any additions to the public burdens.

In no country where civil government exists is taxation more moderate than in this; and although a systematic artificial clamour has been raised by a few, yet no financial grievance is felt by the public.

Amongst the many dangerous powers claimed by the Assembly, is that of making every public officer dependent upon that body, by voting his salary annually, in abrogation of the permanent appropriations made by the authority of the whole Legislative; and it is no less extraordinary than true, that the Assembly, amongst other innovations, and with a view to the augmentation of their power, aimed at rendering every rule of government uncertain, by endeavouring to make all the laws temporary, the evils whereof have recently been experienced by the expiration of many necessary and important laws.

Bills have, by that branch, been introduced, containing principles and provisions opposed to the existing constitution, and persisted in from a spirit of dictation to the other branches of the Legislature, in contempt of their rights and co-ordinate powers; and the Assembly, in direct violation of the Royal Prerogative, persisted in the choice of a Speaker, after his approval by the King's Representative had been refused: one step more, and the Royal right of Prorogation may be questioned, and the concurrence of the Legislative Council, and the Royal assent to Bills, be considered empty forms.

Representation has been withheld from the Townships, unless upon such terms as would have increased the evil they labour under; and, in point of fact, the commercial Capital furnished by the Mother country, and the population of British origin, whom it is well known are extensive landed proprietors in this Province, as well under the old as new tenures, cannot be said to be represented.

We have to congratulate your Lordship and the country at large, that, by your firm and prompt measures, the mischievous insubordination manifested by a portion of the Militia Officers in this Province has been arrested, and has only tended to prove more clearly the unshaken attachment of the people to the Government, and their obedience to the laws.

The Political situation of this Province is so well known to your Lordship, as it renders it unnecessary to enter into further details, and we firmly hope that your Lordship, on your return to Great Britain, will suggest to his Majesty's Government such remedies as you may consider applicable to our peculiar situation.

Your Lordship's and Lady DALHOUSIE's urbanity, condescension and purity of private life, have been eminently conspicuous and exemplary, and will be long remembered; as also your desire and anxiety to promote and patronize all useful public improvements, notwithstanding the many impediments thrown in the way of them.

It is gratifying to us to find that your Excellency has already received the approbation of our gracious and beloved Sovereign, with a substantial proof thereof, in the promotion to a higher situation of confidence and trust.

There cannot be a doubt that the admirers of your Lordship's upright conduct will increase in numbers, and comprehend all, who prefer a mixed government, administered upon British constitutional principles, to the doctrines of those who deceive the unthinking by false pretences, in order to promote their individual purposes.

Confident that your Excellency will meet with a most gracious reception from our Sovereign, we fervently pray that you may continue to receive increased proofs of his Majesty's protection and favour, at which we shall heartily rejoice, however far you may be removed from us.

And we further pray that your Lordship and Lady DALHOUSIE may enjoy every blessing, with a speedy and pleasant passage across the Atlantic, and a happy meeting with your family and friends in your native land.

MONTREAL, 14th August 1828.

## ANSWER :

GENTLEMEN,—This farewell address conveys to me, in the most flattering terms, the assurance that the respectable classes of the inhabitants in the city and county of Montreal have approved the measures of Government during my administration of it. I need not enter into any detail on these subjects, but simply express my hope, that the differences which have agitated the political affairs of the Province, and the difficulties consequent upon them to the person charged with the responsibility of Government, will be speedily met and remedied by the wisdom of the Imperial Parliament.

For myself, I return my most grateful thanks for the open, decided, and steady support I have received from Montreal. The opinions entertained there have given me confidence in my path; and with the sentiments which you now express on my departure, I shall go forward with the same firm purpose unto the end. If I can yet render service to this Province, I shall think myself bound to it by every sense of duty and feeling of gratitude.

Your attention and kind wishes towards Lady DALHOUSIE can never be forgotten; she and I will ever think of them with a sincere and affectionate recollection of our residence and of our friends in Canada.

Confident in the rectitude of my intentions, and possessed of such testimonials as I carry with me from the enlightened and educated population of Canada, I cannot for a moment doubt of being honoured by that reception which his Majesty never fails to grant to a faithful servant of the Crown. Even now, indeed, I feel those honours declared, by the distinguished manner in which I am to be conveyed to Europe, and by the unequivocal terms of approbation which his Majesty's Secretary of State has expressed in Parliament.

I leave you, Gentlemen, under every mark of honour that can be conferred upon me; and I leave you with every feeling of affectionate attachment and personal regard.

DALHOUSIE.

## No. XV.

## ADDRESS FROM THE TOWN OF THREE RIVERS.

TO HIS EXCELLENCY GEORGE EARL OF DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies :

MAY IT PLEASE YOUR EXCELLENCY,—

WE, his Majesty's most dutiful and loyal subjects, the Magistrates and Inhabitants of the Town of Three Rivers, deeply impressed with those sentiments of respect and gratitude which have ever characterized a free and enlightened people, when about to be deprived of the administration of a faithful and upright ruler, beg permission to approach your Excellency with feelings of unfeigned regret at your intended retirement from the Government-in-Chief of British America, to assume a more exalted rank and elevated station, in conducting the important affairs of this great Empire.

Witnessing as we have done for a period of eight successive years, fraught with events no less important to the dignity and stability of the Crown, than the freedom and happiness of the people, that laudable combination of justice, integrity, ability, and humanity with which your Excellency has administered the Government of this Province, amidst

scenes alike disheartening to the patriot and discouraging to the philanthropist, we feel greatly at a loss in what terms to convey a corresponding idea of the obligations we feel, and the gratitude which we owe to your Excellency for such high favours.

If in the discharge of one of the most sacred trusts of Sovereignty, the laborious and unintermitting exertions of your Excellency, in the cause of a fairly balanced and well defended Constitutional Government, have not been crowned with the success which they deserved, not only we, but all unprejudiced members of the community at large, unite with one voice in absolving your Excellency from any degree of blame in a result so unfortunate to the general interests of the Province. But, in the midst of what we hope to be only a temporary disappointment, nothing can be more consolatory to us, or gratifying to your Excellency, than the loudly proclaimed fact, that these sentiments are in unity with those of the highest authority of the metropolitan State. How could it be otherwise? Your Excellency has fought the good fight of the Constitution. If you have not been able to preserve it from insult and inroad, your Excellency has at least defended it from injury and destruction. You may glory not only in leaving it in its original purity, but in having afforded us strong hopes of it being made more suitable to the exigency of the times, and the present condition of the Province; and it must not be concealed that, in doing so, your Excellency had to contend with the most powerful opponents in a free state—popular clamour, ignorance, and prejudice; the predominancy of which, without that check which your Excellency, by a constitutional exercise of your powers, so resolutely and seasonably applied to it in this Province, has ever been followed by perpetual and irremediable anarchy.

But as your Excellency's endeavours to promote the improvement of the country and the happiness of the people entrusted to your care were happily not confined to one or two branches of our civil polity, but extended to every case and situation where your Excellency could act, so we rejoice to be able to say, that those endeavours have proved eminently successful in various departments of your Administration. In proof of this, we have only to turn our attention to the more peaceful arts of general industry, commerce, and agriculture. Our fields bear witness to the good example furnished by the taste and spirit of your Excellency's rural improvements; our Lakes and Rivers, and our Harbours, bear equal testimony to the liberal spirit which always characterized your Excellency's commercial views; and the industrious labourer will ever entertain a grateful remembrance of your Excellency's uniform desire to promote his happiness and moral worth.

Be assured, therefore, my Lord, that it is with no ordinary feelings of sorrow we now part with so eminent a pattern alike of public and of private virtue. No doubt the service of our most gracious and beloved Sovereign demands the presence of your Excellency in another hemisphere; and we cannot refrain, on the present occasion, from congratulating the nation at large on an appointment which, from experience, we are assured will redound to its honour and welfare. But here, my Lord, whilst the example of your Excellency's public character and conduct will perpetually shine as a splendid beacon to direct all who come after you in the same enlightened and patriotic course, the numerous obligations we owe to your Excellency's administration have left an impression which will last till we and all who unite with us in this tribute of respect to your Lordship be entombed in the bosom of that country whose prosperity has been so much enhanced by your Excellency.—History will then take up the grateful theme, and preserve it as long as public virtue shall be cherished and respected; and whoever can give the most faithful narrative of your Excellency's Administration, will certainly be your best panegyrist.

Will your Excellency be pleased to convey to the Countess of DALHOUSIE the high sense which we entertain of the numerous virtues for which her Ladyship's character has always been remarkable; and the regret which we feel at the loss which the society of this Province will sustain by her departure from a country which her Ladyship's presence has so long and so eminently graced.

Farewell my Lord! We shall ever take the truest and the deepest interest in your welfare; assuring ourselves, that in whatever quarter of the Empire your Excellency may be destined to preside or to command, there its interests will be most prized, and its glory most conspicuous.



## ANSWER:

GENTLEMEN,—This most flattering tribute of approbation from the Magistrates and Inhabitants of the Town of Three Rivers would have been acceptable to me on any occasion, but it is infinitely more acceptable on the eve of my departure from the country, in all probability, for ever.

Gentlemen,—I have never varied from the course of my duties, so far as I could comprehend those of the Representative of our most gracious Sovereign in the distant Colonies of the British Empire. I have studied to walk the path of honour as a man and as a soldier. I have above all things studied to do justice with impartiality, without any respect of persons. I have disregarded popular clamour, and the slander of wandering scribblers. My sense of duty has never been influenced by such common weapons, and I leave them behind me as utterly inoffensive. The favourable opinions expressed in the language of this Address are to my mind the highest reward of public life; they are lasting and imperishable to me and to those who shall follow me to sustain my name. I can leave no better record to guide the young to a close as honourable as this which you now testify to me.

Lady DALHOUSIE desires me to express her grateful sense of the terms in which her departure has been noticed. She will never cease to entertain an affectionate recollection of Canada.

Be assured, Gentlemen, that though I am now to proceed on other service, I do not consider my duties towards this country at an end; while I have life, I will seek every opportunity to promote the interest and well-being of these Provinces.

DALHOUSIE.

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No. XVI.

ADDRESS FROM THE DISTRICT OF THREE RIVERS.

To His Excellency GEORGE Earl of DALHOUSIE, Knight Grand Cross of the Most Honourable Military Order of the Bath, Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies, Vice-Admiral of the same, General and Commander-in-Chief of all His Majesty's Forces in the Provinces of Lower Canada and Upper Canada, Nova Scotia and New Brunswick, and their several dependencies:

MAY IT PLEASE YOUR EXCELLENCY,—

WE, Members of the Clergy, Magistrates, and Landholders of the District of Three Rivers, have learned with sincere regret, that your Excellency will shortly leave the high station you hold in this Province; but that regret is in some degree diminished by the consideration that the cause of our being deprived of your Excellency's further protection arises from the circumstance of your Excellency's having been called by our gracious Sovereign, to a command far more important to his Majesty's service, and which must also be more agreeable to your Excellency.

We beg to assure your Excellency, that we shall ever retain the most grateful sense of the obligations due to your Excellency, for the continued and special protection granted by your Excellency to every useful institution established in this Province. The Seminaries of Learning and Religious Establishments have invariably received both your Excellency's public and private support. The agriculture of the country has been fostered and encouraged by your Excellency's example and munificence. Elementary Schools have been established, the poor and sick have been assisted, all persons having claims have obtained most impartial decisions from your Excellency; in short, every act of the admini-

stration of your Excellency's Government has been directed to the improvement of the Province, and to promote the interests, happiness and welfare, of his Majesty's subjects therein.

For all these benefits, we pray your Excellency to accept our most grateful acknowledgment.

We also beg your Excellency to convey to the Countess of DALHOUSIE the high sense we entertain of her Ladyship's distinguished and amiable qualities; she has endeared herself to every member of this community by her uniform courtesy and kindness, and possesses, in an eminent degree, all those virtues which are essential to happiness, both in domestic and social intercourse.

We humbly beg, that your Excellency will be pleased to accept yourself, and also to convey to the Countess of DALHOUSIE, our most fervent wishes for your joint prosperity and happiness, and that you may enjoy a pleasant voyage, and a happy meeting with your friends in Great Britain.

ANSWER :

GENTLEMEN,—I return my sincere thanks and acknowledgment to the Clergy, Magistrates, and Landholders of the district of Three Rivers, for the gratifying manner in which this address from them has been expressed.

Conscious that my intentions and acts have been directed to the public good, it is pleasing to me to receive, on the eve of my departure, such assurances of public approbation and esteem.

Lady DALHOUSIE and myself are truly sensible of the kind wishes which are expressed in this address, and will always retain a very grateful recollection of them.

DALHOUSIE.