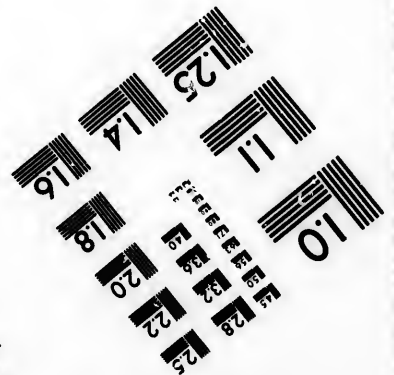
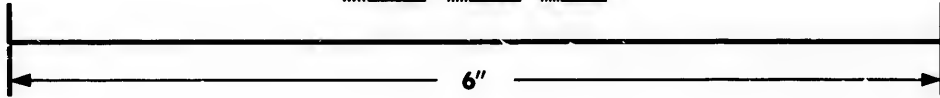
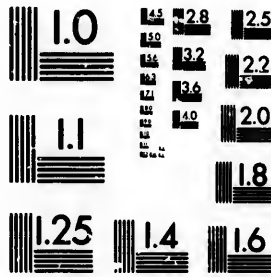


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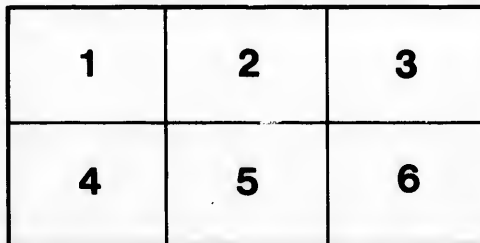
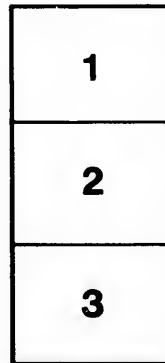
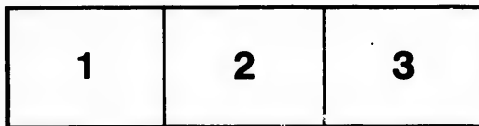
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ADDRESS

OF THE

CONSTITUTIONAL REFORM ASSOCIATION

TO THE

PEOPLE OF UPPER CANADA.

TORONTO:

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ADDRESS

1890

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FOR THE

1890

ADDRESS

OF THE

Constitutional Reform Association,

TO THE PEOPLE OF UPPER CANADA.

REFORM CONVENTION OF UPPER CANADA.

On the 23d September, 1859, a meeting of the Opposition Members of both Houses of Parliament was held at the Rossin House, Toronto. It was decided to summon a Convention of the Liberal party of Upper Canada, to be held in Toronto on the 9th November then next. The gentlemen whose names appear below were authorized to call the Convention. They issued the following Circular:—

Toronto, 3rd October, 1859.

DEAR SIR,—As you are no doubt already aware, a meeting of the Upper Canada Parliamentary Opposition was held at the Rossin House here on the 23rd September, to consider what steps should be taken in view of the unsatisfactory position of public affairs. The meeting was largely attended by members of the Legislature, and the conclusion was unanimously arrived at that the financial and political evils of the Province have reached such a point as to demand a thorough reconsideration of the relations between Upper and Lower Canada, and the adoption of constitutional changes framed to remedy the great abuses that have arisen under the present system. Much discussion was had as to the character of those constitutional changes, but it was felt that before coming to a conclusion on so important a question, it was fitting that the whole Liberal party throughout Upper Canada should be consulted. It was accordingly resolved to summon a General Convention of the Liberal

party to be held at Toronto on the 9th November, at noon, all who approve of the course of the present Parliamentary Opposition and desire to strengthen their hands, being invited to take part in the proceedings. The object of the Convention will be to consider the whole aspect of public affairs, and the best remedy for the admitted evils that exist—unfettered by any restrictions. Supporters of the Opposition advocating a written constitution—or a dissolution of the Union—or a federal union of all the British North American Provinces—or a federal system for Canada alone—or any other plan calculated in their opinion to meet the existing evils—are all equally welcome to the Convention. The one sole object is to discuss the whole subject with candour and without prejudice, that the best remedy may be found.

The position of Upper Canada at this moment is truly anomalous and alarming. With a population much more numerous than that of Lower Canada, and contributing to the general revenue a much larger share of taxation than the sister Province,—Upper Canada finds herself without power in the administration of the affairs of the Union. With a constitution professedly based on the principle that the will of the majority should prevail, a minority of the people of Upper Canada, by combination with the Lower Canada majority, are enabled to rule the Upper Province in direct hostility to the popular will. Extravagant expenditures and hurtful legislative measures are forced on us in defiance of the pro-

tests of large majorities of the representatives of the people—the most needful reforms are denied, and offices of honour and emolument are conferred on persons destitute of popular sympathy, and without qualification beyond that of unhesitating subserviency to the men who misgovern the country. Such a state of things is unendurable; and by our present movement, it is hoped to find a speedy and permanent remedy for the wrongs under which the country labours.

There was some difficulty in arriving at the best mode of obtaining delegates to the Convention, from the absence in many of the constituencies of any party organization. It was finally deemed best to entrust the task of securing action in each constituency to the member of Parliament representing it—if he sustains the Opposition; and in other cases to the Opposition candidate at last general election, or other prominent Liberal, and leave him in consultation with other friends in the constituency to take such steps for the election of a delegate as their local knowledge may best enable them to decide upon.

Much discussion occurred as to the number of delegates to be chosen, and it was finally agreed that at least one delegate should be sent from each municipality, and that all members of Parliament and of the Opposition Press should be *ex officio* members. It will be readily perceived that as the object of the Convention is simply discussion, and to elicit the feeling of the country, it will be inexpedient to debar prominent and well-informed members of the party from being present by any stern restriction as to numbers. It is recommended, however, that the number from any municipality should not exceed five.

The duty of initiating measures for the selection of delegates for the county of under these arrangements devolve on you, and you are respectively invited to undertake it. As it is highly important that the gathering should be large and general, no time should be lost in making the selection; and the great advantage of having all the townships represented should be kept steadily in view.

We are,

Dear Sir,

Yours truly,

ADAM FERGUSSON, *Chairman.*

WILLIAM McDUGALL, } *Secretaries.*
JOHN SCOBLE, }

Delegates were named, in pursuance of this call, in all the Counties and Ridings of Upper Canada, with two or three exceptions,—and on

the 9th November assembled in St. Lawrence Hall, Toronto, to the number of 570. The Convention was organized by the appointment of Hon. Adam Fergusson, of Woodhill, President; Hon. D. Christie, and D. A. McDonald, M.P.P., Vice-Presidents; and Jno. Scoble and Alex. McKinnon, Esqs., Secretaries. The Convention sat for three days and adopted the following Resolutions, with only three or four dissenting voices:—

1. *Resolved*—That the existing Legislative Union of Upper and Lower Canada has failed to realize the anticipations of its promoters, has resulted in a heavy public debt, burdensome taxation, great political abuses, and universal dissatisfaction throughout Upper Canada; and it is the matured conviction of this assembly, from the antagonisms developed through difference of origin, local interests, and other causes, that the Union in its present form can no longer be continued with advantage to the people.

2. *Resolved*—That highly desirable as it would be, while the existing Union is maintained, that local legislation should not be forced on one section of the Province against the wishes of a majority of the representatives of that section—yet this Assembly is of opinion that the plan of government known as the "Double Majority" would be no permanent remedy for existing evils.

3. *Resolved*—That, necessary as it is that strict constitutional restraints on the power of the Legislature and Executive in regard to the borrowing and expenditure of money and other matters, should form part of any satisfactory change of the existing Constitutional system—yet the imposition of such restraints would not alone remedy the evils under which the country now labours.

4. *Resolved*,—That without entering on the discussion of other objections, this assembly is of opinion that the delay which must occur in obtaining the sanction of the Lower Provinces to a Federal Union of all the British North American Colonies, places that measure beyond consideration as a remedy for present evils.

5. *Resolved*,—That in the opinion of this assembly, the best practicable remedy for the evils now encountered in the government of Canada is to be found in the formation of two or more local governments, to which shall be committed the control of all matters of a local or sectional character, and some joint authority charged with such matters as are necessarily common to both sections of the Province.

5. *Resolved*,—That while the details of the changes proposed in the last resolution are necessarily subject for future arrangement, yet this assembly deems it imperative to declare that no government would be satisfactory to the people of Upper Canada which is not based on the principle of Representation by Population.

The Convention also adopted the following Constitution for an Association to be forthwith organized, with branches in every constituency in Upper Canada :—

CONSTITUTIONAL REFORM ASSOCIATION OF UPPER CANADA.

ARTICLE I.

The Constitutional Reform Association of Upper Canada is established for the purpose of—

1. Procuring for the people of Upper Canada a Legislature and Government which shall have the control of all matters of a local or sectional character.

2. Procuring the establishment of some joint authority charged with such matters as are necessarily common to both sections of the Province.

3. Procuring under an amended Constitution further and better safeguards against extravagant public expenditure, and executive mal-administration.

4. Procuring the election to parliament of candidates pledged to the foregoing principles.

ARTICLE II.

The Association shall consist of all members of parliament, members of the press, and other persons, who shall subscribe this constitution, and conform to the by-laws of the Branch Association within whose jurisdiction they reside.

ARTICLE III.

The general affairs of the Association shall be managed by an executive committee, holding its first meeting in Toronto; of which committee all members of Parliament subscribing to this constitution, and all presidents of branch associations, shall be members, with such other members of the association as the committee may from time to time elect. The said committee may appoint its own officers, and adopt rules and by-laws, ten being a quorum for that purpose.

ARTICLE IV.

Branch Associations shall be organized in each assembly electoral division, at the most central or convenient town or place, which shall be managed by a president, as many vice-presidents as there are municipalities in the division,

a secretary, a treasurer, and a local committee of not fewer than five persons.

ARTICLE V.

The members residing in any municipality may, under the vice-president of that municipality, organize a sub-committee.

ARTICLE VI.

Meetings of the executive committee of branch associations, and of sub-committees, shall be held pursuant to adjournment, or at the call of the chairman, President, or Vice-President, of which due notice shall be given.

ARTICLE VII.

Meetings for the election of officers, after the first meeting, shall be held annually on some day (of which due notice shall be given) in the first week of December in each year.

ARTICLE VIII.

The funds of each branch association shall be subject to the disposal of the officers and local committee thereof, or a majority of them, for any purpose not inconsistent with the objects of the association.

ARTICLE IX.

The secretary of each branch association shall, as soon as may be after their appointment, communicate to the executive committee the names of the officers and local committees, and their respective post office address, and such other information, from time to time, as he or the President may deem advisable.

On the evening of the last day of the Convention, a meeting of persons designated in article 3, to the number required to form a quorum, was held, and the proposed association duly organized. At a second meeting subsequently held, W. McDougall, Esq., M.P.P., was appointed Secretary of the Executive Committee, and Hon. Donald McDonald, Treasurer.

A committee was appointed to draft an Address to the people on the political affairs of the Province, and in support of the Resolutions adopted by the Convention. A draft was reported to the Executive Committee, at a meeting called to consider it, on the 15th of February inst. A few amendments were made, and the following Address was then unanimously adopted :—

TO THE PEOPLE OF UPPER CANADA.

FELLOW-CITIZENS,—

A Convention of the Liberal party of Upper Canada, in opposition to the present Government, was held at Toronto, on 9th November last, to consider the present unsatisfactory position of public affairs, and to devise such remedial measures for the great abuses that have arisen in the State, as would be acceptable to that large portion of the community whose opinions were reflected by the members of the Convention. Five hundred and seventy gentlemen, from all sections of Upper Canada, took part in the proceedings; and after two days' deliberation, a series of resolutions was almost unanimously adopted, pronouncing in favour of certain changes in the Constitutional relations between Upper and Lower Canada, which would, in the opinion of the Convention, afford a remedy for the worst evils under which the country now labours. The Convention deemed it well that an Address to the whole people of Upper Canada should be prepared and widely circulated throughout the country, stating clearly the great abuses, constitutional and administrative, that have arisen—the remedies, in the opinion of the Convention, proper to be adopted—and the arguments by which those remedies are sustained.

Such is the origin of this document. In addressing it to the whole people of Upper Canada, therefore, we desire not to have it appear otherwise than as a party document—as proceeding from men in earnest opposition to the present Administration, and desirous of ejecting them from office at the earliest possible moment. We address it to men of all parties, because we feel that a point has been reached in the misgovernment of the country, and especially in the wrong and injustice inflicted on this section of it, when it becomes the interest and the duty of all to forget their partizan feelings for the time, and unite their energies in accomplishing an effective remedy of evils and abuses universally admitted and deplored. Reformers are no more interested in the satisfactory settlement of the conditions of the Union than Conservatives; a

few leading men may have a personal interest in maintaining the present state of things—but assuredly the people of all political creeds stand on common ground in regard to it; and it will be worse than folly if we permit party strifes to jeopardize the just settlement of grievances that threaten seriously the prosperity of our country. We ask, then, from every Upper Canadian a candid perusal of this address; we ask him to criticise with all freedom the remedies we have suggested, and the arguments presented in their support—but we claim that he shall do it with the candour of a man who has a common interest with us in finding the best remedy for a great national evil; and we urge upon him that, if he cannot join with us in demanding the remedies we have suggested, he will at least seek to rouse his own political friends in favour of what he may conceive a wiser or better measure of reform. We seek the best remedy—we think the one we have suggested the best—we are prepared with arguments to show that it is the best; but we would gladly meet those who differ from us in a candid discussion of every possible objection to our plan, and of any other remedy which they may suggest.

We believe there are few persons in Upper Canada who have not arrived at the conviction that some great change in the constitutional relations of Upper and Lower Canada is imperatively demanded. Where difference exists it is only as to the shape that change should assume. The members of the present Government have themselves been forced by the influence of public opinion to place officially on record ample admissions on this point. Little more than a year ago, a deputation of three Cabinet Ministers was sent to England to urge on the Imperial Government the pressing necessity of Constitutional changes—and in an official letter to the Colonial Minister, dated 23rd October, 1858, and signed by Mr. George E. Cartier, the present Premier, Mr. John Ross, President of the Council, and Mr. A. T. Galt, Inspector General, the following passages occur:—

“It is our duty to state that very grave difficulties now present themselves in conducting the government of Canada in such a manner as to show due regard to the wishes of its numerous population. The union of Lower with Upper Canada

"was based upon perfect equality being preserved between these Provinces—a condition the more necessary from the differences in their respective language, law and religion; and although there is now a large English population in Lower Canada, still these differences exist to an extent which prevents any perfect and complete assimilation of the views of the two Sections. At the time of the Union Act, Lower Canada possessed a much larger population than Upper Canada, but this produced no difficulty in the government of the United Province under that Act. Since that period, however, the progress of population has been more rapid in the Western Section, and claims are now made on behalf of its inhabitants for giving them representation in the Legislature in proportion to their numbers—which claims, involving it is believed a most serious interference with the principles upon which the Union was based, have been and are strenuously resisted by Lower Canada. The result is shown by an agitation fraught with great danger to the peaceful and harmonious working of our Constitutional system, and consequently detrimental to the progress of the Province. The necessity of providing a remedy for a state of things that is yearly becoming worse and of allaying feelings that are being daily aggravated by the contention of political parties, has impressed the Advisers of Her Majesty's Representative in Canada, with the importance of seeking for such a mode of dealing with these difficulties as may for ever remove them. * * * The undersigned are convinced that Her Majesty's Government will be fully alive to the grave nature of the circumstances referred to, which are stated by them under the full responsibility of their position as Advisers of the Crown in Canada. They are satisfied that the time has arrived for a constitutional discussion of all means whereby the evils of internal dissension may be avoided in such an important dependency of the Empire, as Canada."

Messrs. Cartier, Galt and Ross by no means overstated the gravity of the difficulties or the serious consequences that must ensue unless they are immediately dealt with in a just and liberal spirit. There is but one feeling among the people of Upper Canada—that at whatever sacrifice, the present system of Government must be so changed as to prevent hereafter the injustice and abuses that have grown up under its operation. Nor can this be wondered at by any one who will examine the political and financial history of Canada since the Union, and especially that of the last few years.

EFFECT OF THE UNION ON THE PROCEEDINGS OF THE LEGISLATURE.

It was no light undertaking, that of uniting under one Government and Legislature, two races having different languages, different religious faith, different local habits and institutions, and far removed from each other by the great stretch of country inhabited. So strongly was this felt by the statesmen of 1791, that it formed the ground on which the Imperial Government of that day resolved to divide the colony into two separate Provinces as Upper and Lower Canada. While the Constitutional Act was before Parliament, William Pitt used the following language:—

"If the Province were not divided there would be only one House of Assembly; and there being two parties, if those parties should be equal or nearly equal in the Assembly, it would be the source of perpetual faction. If one of the parties should be much stronger than the other, the other might justly complain that they were oppressed." In another part of the same speech he said,—"He believed there was such a rooted opposition of interests that if there was a constitution consisting of a House of Assembly in which the parties might be nearly balanced, the consequence, at least for a long series of years, would be, a great degree of animosity and confusion."

Mr. Burke also used this language:—
"An attempt to join people dissimilar in law, language, and manners, appeared to him highly absurd. To join, too, the conquerors and the conquered must give rise to much unpleasant feeling and many invidious distinctions." "He recommended that system of government which tended to promote the good of the individual and the public, in opposition to that which attempted to methodise anarchy."

The difficulty of combining the two populations under one government was thus fully seen and admitted at that early period. The Imperial Government of 1840, however, in the hope of remedying evils that had arisen in Lower Canada, re-united the Provinces by an Act of the Imperial Parliament, which never received the assent of the people of Canada. Nearly twenty years have passed away since that Act of Union, but the two Provinces are almost as widely apart this day as when they were united. The two sections are represented in Parliament as separate countries; the Provincial Cabinet

must contain distinct and equal representation from the two sections; the English and French languages are used in all official documents; on the floor of Parliament the Upper Canadians speak in English, and the Lower Canadians most generally in French—a large portion of the members of either section failing to comprehend what their fellow representatives of the other section say: the judicial systems of the two sections are different; their school systems, their road laws, their real estate laws, their municipal institutions, and their literature are all different. The line of separation between Upper and Lower Canada at this moment is as clearly drawn as before the Union. The whole tone of public sentiment in the two sections is as distinct and different as the public sentiment of England and of old France.

The disastrous effect of these antagonisms is stamped on every act of the Executive Government and Legislature. All the evils anticipated by Mr. Pitt and Mr. Burke have been more than realized. In Canada as in Great Britain, the Executive authority is vested in the Sovereign, but every act of the Representative of the Crown must be assented to by his Constitutional Advisers. Here, as in Great Britain, the Crown calls on some leading member of the Legislature to form an Administration, and under his advice the Cabinet offices are filled up from the members of the two houses of Parliament whose political sentiments are at the moment in the ascendant. The Cabinet so formed must command the confidence of a majority of the people's representatives in Parliament; when they lose that confidence they make way for others—but while they hold it, they advise the Crown on all public affairs, initiate public measures, control the finances and dispense the whole patronage of the united provinces. Under this system, the Administration of the day hold immense power in their hands—and however admirably it may have succeeded in Great Britain, it has undeniably failed to prevent here the most lamentable evils. When an Administration is broken up, and a new one is about to be constructed—French Canadian influence is at once felt in all its potency. The Representatives of Upper Canada are divided as emigrants from different countries—as members of different re-

ligious denominations—as Liberals and Tories—Protectionists and Free Traders—and by all those numerous causes of separation ever to be found where the English tongue is spoken. The Representatives of Lower Canada on the other hand, almost entirely French Canadians or the willing deputies of French Canadian constituencies, are little separated by such influences; but are bound together by the powerful and un-failing tie of a common creed, a common language, and a common nationality. Causes of variance do arise in Lower Canada, as in other countries; public men, greatly in advance of their fellows, occupy prominent places on the public stage; but once raise the cry, "*Notre langue, nos lois, et nos institutions!*" and at once all division is at an end. When a question before Parliament is felt to be an issue between Upper and Lower Canada—for example the obtaining of a grant from the public chest for a purely Lower Canada purpose—the passing of a law demanded by the Church of Rome—or the adoption of some course of policy in accordance with the sympathies of the French Canadian race—that moment the representatives of Lower Canada, with some few rare exceptions, cast their votes as one man. This firm cohesion among the Lower Canada representatives gives them an immense advantage over those of Upper Canada, as well in the formation of a new Government as in its daily proceedings. Secure the French Canadian vote, and the addition of a very small number of Upper Canada members will give the majority of the Assembly. On the other hand, rouse that influence against the Government, and its fate is sealed. Every Administration, since the Union, has felt the full force of this influence. The Cabinet, we shall say, is formed of five gentlemen from each section, as nearly approaching in political sentiment as the case permits. For awhile, matters proceed smoothly enough, but ere long some question arises on which sectional feeling is unmistakably and strongly felt. The parties are ranged five to five; the question must be met; *united advice* upon it must be given to the Crown, or the Cabinet must break up. Which is to yield? The Lower Canadians stand firm in the knowledge that on such a question all Lower Canada will sustain them, and that, whatever happens

to that Government, a new one without their aid is all but impossible. The Upper Canadians have no such confidence; once put, they know not what new combinations may follow; and they picture with alarm as fatal to their party the alliance of the Lower Canada phalanx with their Upper Canada opponents. When such questions arise, therefore—and they have arisen continually to every Government since the Union—the option presented to the Upper Canada section of the Cabinet is simply, Do this unjust thing, conciliate Lower Canada, and keep your offices—or resist this unjust thing, respect your own convictions and your pledges to your constituents, and come out from the Government at all hazards. But often—very often, as this option has been offered to the representatives of Upper Canada in the Cabinet, not once has a man been found with firmness enough to throw up his office and vindicate the rights of Upper Canada. The Lower Canadians carry their point—feel their strength to its full extent and improve upon it. The Upper Canadians are gone from that moment. The question is as well understood in the country as within the Cabinet Chamber; the infidelity of the Upper Canadian Minister is first suspected, and at last ascertained. Old friends denounce the transaction—the erring minister attempts to defend himself by arguments that a few weeks before he would have scorned to advance; he loses his self-respect and all hope of regaining his lost position with his constituents; he determines to cling firmly to his Lower Canada allies, and hold on to office as long as he can, by their help. The Lower Canadians soon put their power to test. New demands are made—concession follows concession—and the public feeling of Upper Canada is outraged by fresh acts of injustice and prodigality. The supporters of Ministers in Parliament get alarmed and begin to waver on test divisions; Ministers use every effort to win them back, and the Crown patronage and the control of the public chest furnish ready and weighty arguments to that end. Everything is now lost sight of but the retention of power. Sections of the Opposition are tampered with—new Ministerial arrangements are ever on the tapis—new offices are created—the public money is squandered on every hand—the national debt increases—new taxes are imposed—and acts of legislation are

perpetrated at every emergency ruinous to public credit and demoralizing to public men. The appliances so successful with the representatives of the people, are soon brought to bear on the people themselves. The magistracy is unblushingly conferred as the price of political tergiversation on persons utterly unfitted for the trust; the public departments are filled with incompetent persons; indulgence to the debtors of the Crown is the reward of political subserviency, and severity the punishment of political independence. Nay, the claim by a ministerial candidate, that by his subserviency to the ministry of the day he can gain some unjust advantage for his constituents is uttered without a blush at the hustings, and sometimes heard without resentment.

Can it be denied that this is a true picture of the scenes we have witnessed for some years past? Will the men themselves who have been the chief actors in those scenes venture to deny its truthfulness? Various considerations in extenuation may be pleaded, but can it be denied that the attempt to govern the two countries under one government and legislature, has produced the most deplorable evils, and has given Lower Canada complete ascendancy over the Western section of the Province? If there are any who yet doubt this, we are persuaded that a candid investigation of the facts and figures we are about to present, will for ever satisfy them.

INJUSTICE TO UPPER CANADA IN PARLIAMENTARY REPRESENTATION.

The first objection to the existing conditions of the Union, is the unjust advantage which the electors of Lower Canada enjoy under it over their fellow electors in Upper Canada. By the provisions of the Union Act, each of the two Provinces was awarded forty-two Representatives in the House of Assembly—which number was afterwards increased to sixty-five each—without any regard to the disparity of population present or future. Thus an arbitrary line drawn in 1791 is maintained to this hour as the separating boundary between Upper and Lower Canada; and by the terms of the Union Act, no matter how great the population may become on one side of the line, or how small comparatively may be that on the other—the number of Representatives in Par-

liament remains the same for both. Upper Canada with a much larger population than Lower Canada has thus no more weight in the administration of public affairs than the Lower Province. The relative numerical strength of the two sections has not been accurately tested since the last census was taken on 12th January, 1852; but a near approximation to the truth may be readily made. The census of Lower Canada was taken in 1836, 1844, 1848, and 1852; and that of Upper Canada in 1842, 1848, and 1852. Distributing the increase in each section, as ascertained at these several periods, equally among the intervening years—the relative populations from the time of the Union to the date of the last census were as follows :

	<i>L.C. Pop.</i>	<i>U.C. Pop.</i>	<i>L.C. Excess.</i>	<i>U.C. Ex.</i>
1842	661,294	486,055	175,239	
1843	676,089	525,594	150,444	
1844	690,782	565,133	125,649	
1845	710,586	604,672	105,914	
1846	730,390	644,211	86,179	
1847	750,194	683,750	66,444	
1848	770,000	723,292	46,708	
1849	800,065	780,470	19,595	
1850	830,130	837,648		7,518
1851	860,195	894,826		34,629
1852	890,261	952,004		64,748

It will be thus seen that during the first ten years of the Union, the population of Lower Canada increased from 661,294 to 890,261—or but 35 per cent. in the ten years—while the population of Upper Canada ran up in the same period, from 486,055 to 952,004—or not less than 96 per cent. Now, if this comparative ratio of increase has held good since the last census was taken, the populations of Upper and Lower Canada respectively stood thus on the 12th January of the following years :—

	<i>L.C. Pop.</i>	<i>U.C. Pop.</i>	<i>L.C. Excess.</i>	<i>U.C. Ex.</i>
1853	921,420	1,043,396		121,976
1854	952,579	1,134,788		182,209
1855	983,738	1,226,130		242,442
1856	1,014,897	1,317,572		302,675
1857	1,046,056	1,408,964		362,908
1858	1,077,215	1,500,356		423,141
1859	1,108,374	1,591,748		483,374
1860	1,139,533	1,683,140		543,607

But we do not claim that the comparative increase of population has been in the same ratio during the last eight years as in the preceding ten years. We have little doubt that the rate of increase in Lower Canada will prove to have been very much the same in both periods; but we do not suppose that Upper Canada has progressed at the rapid rate she exhibited from

1842 to 1852. But were we to add to the ascertained population of each of the two sections on 12th January, 1852, not the ascertained ratio of annual increase in previous years, but merely the same numbers as were proved to have been added to each Province in the years immediately preceding the census—there would still be exhibited a very large preponderance in favour of Upper Canada. The numbers by this mode of calculation would be as follows :—

	<i>L.C. Pop.</i>	<i>U.C. Pop.</i>	<i>L.C. Excess.</i>	<i>U.C. Excess.</i>
1853	920,326	1,009,182		88,856
1854	950,391	1,066,360		199,969
1855	980,456	1,123,538		143,082
1856	1,010,521	1,180,716		170,195
1857	1,040,586	1,237,894		197,308
1858	1,070,651	1,295,072		224,421
1859	1,100,716	1,352,250		251,534
1860	1,130,781	1,409,428		278,647

Of course this mode of calculation would be most unjust to Upper Canada: and we merely give the figures to establish the fact that the Western section vastly preponderates over the Eastern.

We hold it as beyond doubt that the excess of Upper Canada population at this moment is not less than 400,000 souls. Now, when the number of Parliamentary Representatives was increased, the basis was taken of one member to 15,000 souls. On this basis Upper Canada would be entitled at this moment to 27 representatives more than the Lower Province; and this great disparity is rapidly increasing every year. Four hundred thousand people are thus practically disfranchised by the existing system of Parliamentary representation; every three men residing on the lower side of a line drawn in 1791, have equal political influence with every four men residing on the upper side of it—and that not by accident, but purposely, with all the authority of an Imperial Statute. No free people could patiently submit to such injustice—for it not only places the electors of Upper Canada in a position of acknowledged inferiority to their fellow-electors in Lower Canada, but, we shall presently show, it gives power to the minority of the united Provinces, to overrule the majority in all public matters, administrative and legislative.

The injustice which might be done under the Union Act by this arbitrary system of representation, was clearly seen by the English statesmen

who framed the Act—and the responsibility it laid upon them to amend that provision of the statute, was fully acknowledged. While the Union Bill was under discussion in the House of Lords, Lord Ellenborough proposed to strike out the word "equal" in the clause which provided that Upper and Lower Canada shall be represented by "an equal number of representatives." He said—"I make that proposition because I conceive the enactment to be highly unjust. We are taking on ourselves to legislate for both these Provinces at a time when we well know that it is impossible for one of these Provinces to express any opinion at all on the subject to which the Bill relates, and we should do this, in such a way at least, as would win the acquiescence of that Province, were it able to express an opinion," &c. "But I object to this division on another ground. I object to it because while in the first instance it inflicts injustice upon Lower Canada, it will ultimately prove unjust to Upper Canada. If the population of that Province increase, as it assuredly will do by means of extensive emigration, then in a few years its numbers will preponderate, and the weight of representation as compared with numbers, will be in favour of Lower Canada. The Upper Province will feel the injustice of this unequal representation which cannot be remedied unless Parliament again interfere." To this Viscount Melbourne replied, "If the population of Upper Canada hereafter increase in the manner to which the noble lord has alluded, it will be in the power of the Parliament to revise the measure."

Lord Ellenborough quoted the opinion of Lord Durham on the same point, but upon the above suggestion of Lord Melbourne, the amendment was negatived.

In his speech at the second reading of the Bill, Viscount Melbourne said "it is highly probable that before the lapse of ten years, your lordships will be called upon to adopt some new principle for the readjustment of the whole Constitution of the Colony in order to give each Province its fair share of the representation."

That the time has come to demand a fulfilment of this pledge to the people of Upper Canada—who can deny? We feel persuaded that if a formal appeal becomes necessary to the justice of the Imperial Parliament, we will not appeal in vain.

UPPER CANADA PAYS SEVENTY PER CENT. OF THE NATIONAL TAXATION, WHILE LOWER CANADA CONTRIBUTES THIRTY PER CENT. ONLY.

And if the numerical argument thus clearly establishes the injustice done to the western section by the present system of representation,

equally incontestible is the financial argument. By the official returns of Customs Duties collected in the year 1855, it appeared that the total sum collected was \$3,255,278; of this, \$1,787,875 was collected at Upper Canada ports, and \$1,467,403 at Lower Canada ports. It is clear that every article entered in Upper Canada must have been for Upper Canada consumption—and that the whole amount of the collections at such ports was contributed by the people of Western Canada. There is no shipment of foreign goods from Upper Canada to Lower Canada. But very different is it with the goods entered at eastern ports. Not only do Upper Canada importers enter their goods to a large extent at Montreal and Quebec, but a very large proportion of the goods imported and entered by Montreal and Quebec houses, are sold in Upper Canada. It has been stated on the best authority that over three-fourths of the goods sold at wholesale in Montreal are for the Upper Canada market. But let us assume that of the Lower Canada entries, only one-half are destined for the Western Province—and this we are confident is much under the fact—then we arrive at this result, that Upper Canada contributed in 1855, \$2,521,576 in Customs duties to the general revenue, while Lower Canada contributed but \$733,700; or, in other words, that *Western Canada contributed to the National Revenue \$13 75 for every \$4 contributed by the East; or otherwise, that the Lower Canadians contributed but 82 cents per head, while the Upper Canadians contributed \$2 65 per head.*

In 1856, the Customs duties produced \$4,510,128, of which Upper Canada by the same mode of estimation is shown to have contributed \$3,360,036, and Lower Canada only \$1,150,092. In that year Upper Canada paid into the general revenue in Customs duties \$3 for every \$1 paid by Lower Canada.

From the failure of the crops of Upper Canada in 1857 and 1858, and the severe pressure of the financial panic that swept across the continent—the disproportion in the Customs contributions of the two Provinces was not so great in these two years as usual. But notwithstanding the comparative freedom of Lower Canada from monetary pressure, and her good crops in these years, Upper Canada by the same mode of estimation, is shown to have paid in 1857 \$2,800,264 of Customs duties, and Lower Canada only \$1,126,946; and in 1858 \$2,338,108 against \$1,043,236.

But these figures refer merely to the taxes levied on Foreign Imports. In the other branches of revenue, similar disproportion is found. An analysis of the Public Accounts for the five years during which the present Ministry have held office, shows the comparative contributions of the two Provinces in these years to have been nearly as follows:—

	1854.		1855.		1856.		1857.		1858.	
	U. CANADA.	L. CANADA.	U. CANADA.	L. CANADA.	U. CANADA.	L. CANADA.	U. CANADA.	L. CANADA.	U. CANADA.	L. CANADA.
Customs*	\$3,549,985	\$1,350,784	\$733,700	\$1,150,092	\$3,360,036	\$1,150,092	\$2,800,264	\$1,126,946	\$2,838,103	\$1,043,286
Excise†	9,206	12,907	32,434	44,738	39,663	44,738	66,311	61,838	116,843	63,580
Territorial‡	275,286	134,310	143,228	149,741	296,087	149,741	273,304	144,240	256,701	144,963
Public Works§	324,525	109,582	87,906	95,039	364,379	95,039	317,867	91,340	293,369	93,707
Bank Tax||	71,388	35,694	29,945	29,523	59,047	29,523	50,252	23,126	30,138	15,069
Fines and Forfeitures.	17,290	6,858	3,226	5,728	25,638	5,728	16,219	4,933	15,822	4,641
Postage¶	332,242	110,747	114,422	60,375	182,926	60,375	386,044	182,681	453,373	161,324
Law Fees.	77,990	66,523	67,032	61,694	101,924	61,694	123,067	81,666	129,266	69,710
Common School Fund	73,327	122,697	.....	.....	.....	.....	46,401	.....	19,061	.....
Marriage Licenses.	21,752	2,853	.....	.....	26,204	.....	22,412	2,688	22,295	.....
Lunatic Asylum Tax.	45,091	.....	2,488	2,528	50,195	.....	40,632	.....	51,903	.....
Total	\$4,798,082	\$1,830,268	\$1,214,381	\$1,600,058	\$4,602,710	\$1,600,058	\$4,154,793	\$1,661,358	\$3,727,454	\$1,578,579

*Half of the goods entered at Lower Canada ports being estimated as consumed in Upper Canada.
 †Half the auction duty collected at Montreal being held as levied on goods purchased for Upper Canada.
 ‡The revenue from Timber dues being held as contributed equally by the two sections.
 § One-third of the revenue from the St. Lawrence Canals being held as Upper Canadian and two-thirds Lower Canadian ; and the revenue from the Ottawa and Rideau Canals and Slides being equally divided between the two sections.
 ¶ Two-thirds estimated as paid by Upper Canada, and one-third by Lower Canada.
 ¶ Three-fourths of the gross revenue estimated as paid by Upper Canada and one-fourth by Lower Canada.

We believe these calculations to exhibit a very close approximation to the truth, and rather against Upper Canada than in her favour. We have then this result, that in the last five years Upper Canada contributed \$21,226,179 to the general revenue, and Lower Canada only \$7,884,634. Of course there are parties who will contend that this is an over-estimate in favour of Upper Canada—but, fortunately, there is not much discrepancy between our estimate and theirs. Mr. Attorney General Macdonald the Upper Canada leader of the Ministerial party while speaking in Parliament, in the session of 1852-3, against the Seigniorial measure said :—“Two-thirds of the whole taxation of the country is paid by the people of Upper Canada.” Mr. Attorney General Cartier also—the Lower Canada leader of the Ministerial party, and now Premier of the Government—when addressing his constituents of Verchères, in 1855, told them :—“They must not forget that Upper Canada paid two-thirds of the entire revenue of the Province.” Our figures show that seventy per cent. of the whole revenue of the last five years was paid by Upper Canada, and only thirty per cent. by Lower Canada. Our opponents admit sixty-six and two-thirds per cent. was paid by Upper Canada. We think our statement below the fact ; but either estimate is sufficient to show the scandalous injustice done to Upper Canada under the conditions of the existing Union. Is it then to be supposed possible that with 400,000 greater population than Lower Canada, and contributing so disproportionate a share to the general revenue—the people of Upper Canada will consent to the continuance of a system under which they suffer such injustice?

INJUSTICE TO UPPER CANADA IN THE ANNUAL EXPENDITURES.

The Revenues of the Province on the other hand, are expended on a very different scale of apportionment from that on which they are collected. Of course, a large portion of the annual expenditures is for interest on the public debt, maintenance of the civil government and legislature, collection of the revenue, and other services of a general character common to both sections, and as to which no local question can

case. But other expenditures of a purely local character to a vast amount, appear annually in the Public Accounts; and far from Upper Canada receiving a larger share of these in consideration of her greater population and greater contribution to the national Revenue, Lower Canada invariably carries off the larger share.

Administration of Justice.

Take, for instance, the Administration of Justice. Each section has its own separate Judiciary, entirely independent of the other, and with exclusively sectional jurisdiction. But will it be credited that the whole expense of the Lower Canada machinery is paid from the public chest—while a large portion of that of Upper Canada is defrayed by a local tax on the people of Upper Canada! The Jurymen of Lower Canada are paid from the general revenue, but the Jurymen of Upper Canada are paid from direct local taxation. The Judges of Lower Canada are all paid from Provincial funds—but the people of Upper Canada, while contributing seventy per cent. of those funds, have to pay their own County Judges in great part from local taxation. And so with other branches of the same service. The flagrant injustice thus done to Upper Canada will be seen at once by a comparison of the official returns of the sums paid in the last five years to the two sections respectively, from the public chest, towards the administration of justice:—

	Upper Canada.	Lower Canada.
1854	\$173,126	\$347,646
1855	186,573	383,797
1856	204,336	384,651
1857	214,932	409,842
1858	247,475	360,883
	\$1,026,492	\$1,886,819

It thus appears that in the last five years \$2,913,311 was paid from the public chest for the administration of Justice in United Canada, of which the people of Upper Canada contributed \$2,089,817, and those of Lower Canada only \$873,993. In these five years, Upper Canada paid into the public chest, not only all she drew out for the maintenance of Justice, but \$1,012,825 of that which was drawn out by Lower Canada. Besides paying the entire cost of her own Judicial establishments, she actually paid more towards the maintenance of those of Lower Canada than the whole people of that Province. And this, be it observed, not because the expense of administering the law in Upper Canada is less than in Lower Canada—for from her larger population and wider extent of inhabited country, the contrary is the fact—but simply from the grossly unjust practice of taking all the money necessary for this service in Lower Canada from the Provincial chest, and in Upper Canada taking only a portion from the public chest and levying the balance by local tax.

Lunatic Asylum Tax.

Take another instance. There is a Provincial Lunatic Asylum for each of the Provinces. The annual expenditures of both institutions are maintained from the public chest; but while the building for the occupation of the Lower Canada Asylum is provided by Provincial monies, the people of Upper Canada have had to pay by special direct tax for the whole cost of their

building. From 1844 to 1858 inclusive, the people of Upper Canada had extracted from them through this unjust Lunatic Asylum Tax alone, not less than \$481,355; but no such tax was ever imposed on Lower Canada.

Normal School Buildings.

The Normal School of Upper Canada, also, was built with the proceeds of this local Asylum tax. But Lower Canada must needs have three Normal Schools, and the expense of providing all three was expressly declared by Statute to be borne by the Provincial chest! Three Provincial buildings—the Government House of Montreal, the old Chateau of Quebec, and the Montreal High School—have all been made over to the people of Lower Canada without charge, and fitted up with money from the public chest; and Mr. Chauveau, the Superintendent for Lower Canada, in a late report anticipates the erection of special buildings at an early date.

Rebellion Losses Money.

The manner of settling the claims for losses by the outbreaks of 1837, is another marked instance of the injustice systematically done to Upper Canada. The Act passed in 1845, for the settlement of Rebellion Losses in Upper Canada expressly limited the amount to be paid to £40,000, and provided that the money should be paid from local funds of the people of Upper Canada. These local funds were provided by making the Tavern License fees a sectional revenue of the separate Provinces—they having been up to that time a source of general Provincial revenue. An Act was afterwards passed extending the sum to £43,618 8s. 9d., and every penny of the money, principal and interest, was paid by the people of Upper Canada, as the following statement shows:—

SUMS PAID.		
1846—Paid salaries and expenses of Commissioners.....	\$4,507 00	
Paid claims.....	44,000 00	
1847—Paid do.....	40,869 33	
1848—Paid do.....	8,000 00	
Paid interest on £20,000 Debentures.....	4,800 00	
1849—Paid do do do.....	4,800 00	
Paid claims.....	1,600 00	
1850—Paid do.....	600 00	
Paid interest on £20,000 Debentures.....	1,959 84	
Paid principal of Debentures..	80,000 00	
	\$191,475 67	

WHERE THE MONEY CAME FROM.

1845—Receipts from Upper Canada	
Tavern Licenses.....	\$28,209 42
1846— Do Do.....	47,474 93
1847— Do Do.....	37,326 53
1848— Do Do.....	52,705 27
1849— Do Do.....	40,396 74
1850— Do Do.....	29,459 03
	\$235,571 92
Less—Returned to U. C.:—	
Municipalities.....	44,096 24

Amount paid by Upper Canada.....\$191,475 67

When the Tavern Licenses of Upper Canada were thus taken from the general Revenue to be applied in paying the Rebellion Losses of Upper Canada—the Tavern Licenses of Lower Canada

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were, on the plea of justice to her, taken from the general Revenue and applied to "local purposes" of Lower Canada. And care was taken that she at least should have the full benefit of the boon—the money being paid over to the County Treasurers as fast as received. The cash thus actually paid to Lower Canada was as follows:—

In 1846	\$11,080 00
In 1847	28,432 00
In 1848	25,360 00
In 1849	21,040 00
In 1850	10,660 30
	\$96,572 30

Now, mark how very differently these same losses were discharged in Lower Canada. An Act was passed to appoint Commissioners of inquiry, as had been done in Upper Canada; a *maximum* sum as in Upper Canada was fixed, to be divided among the claimants—not £40,000 but £100,000; and, as in Upper Canada, a local fund—the Marriage License fees—was set aside for the repayment of principal and interest. But let us see how these provisions, so strictly enforced in Upper Canada, have been carried out in Lower Canada. Commissioners were duly appointed under the Act—their salaries and contingencies duly paid them from time to time—their award was duly made at the end of some eight years—and the amount awarded was no doubt duly paid over to the claimants; but, strange to say, not one line can be found in the Public Accounts showing the details of that final settlement. All the information as to the matter, furnished by the public records, is to be found in these laconic entries:—

1845—Paid J. G. Barthe, Secretary of Rebellion Commissioners, towards expenses	\$200 00
1846—Paid J. G. Barthe towards do.	3,362 30
1847—Paid do. do. do.	229 07
1849—Paid Jacques Viger do.	8,400 00
1850—Paid do. do. do.	18,864 00
1851—Paid do. do. do.	15,280 00
1852—Paid Wm. Newhouse do.	1,660 67
1853—Paid Commissioners in full to 17th Jan., 1852.....	4,506 00
	\$52,502 04

It is clear, at any rate, that the Rebellion Losses Commissioners of Lower Canada were paid from the public chest \$52,505 for their salaries and expenses. In the official report of the Commissioners, dated 20th May, 1851, it is incidentally stated that of the awards made in favour of claimants, \$39,945 43 had been paid; and in their final report, dated 17th May, 1852, they state that the additional awards formally made, but then unsettled, amounted to \$341,829 35. That this money was all paid from the public chest is beyond doubt, but no statement of it appears in the Public Accounts, further than the following incidental entries:—

1848—Provincial Debentures 9 Vict. cap. 65.....	£8,455 10 11
1857—Provincial Debentures issued under 12 Vict. cap. 58.....	£68,868 10 2

Who got this money, or when it was paid, or whether these sums only were paid, there is no possibility of ascertaining from the published Accounts of the Province. We take it for granted, however, that the awards of the Commission-

ers were fully paid, and that there was taken from the Provincial chest the following sums:—

Award of First Commissioners.....	\$39,945 43
Award of Second do	341,829 35
Expenses of Commissioners	52,502 08

\$488,776 82

Now, let us see what portion of this large sum the people of Lower Canada have repaid:—

1847—Proceeds of Marriage Licenses in Lower Canada, paid over to the Receiver General	\$1,748 72
1848 do do	2,246 98
1849 do do	1,863 78
1850 do do	438 58
1851 do do	146 42
1852 do do	85 58
1853 do do	119 72
1854 do do	Nothing.
1855 do do	do
1856 do do	14,560 67
1857 do do	2,465 20
1858 do do	2,849 90
	\$26,015 46

Total

Thus, while Upper Canada was compelled to pay up every sixpence, principal and interest, of the amount she received for Rebellion Losses, Lower Canada has paid in twelve years the magnificent sum of \$26,015—not one year's interest of the money she received from the public chest!

And this is not the worst of the matter. It was not enough that Upper Canada should only get £43,613 for her rebellion losses, while Lower Canada got £108,386; it was not even sufficient that Upper Canada should be made to pay back every penny of the money she drew, principal and interest—while Lower Canada to this hour has not refunded one year's interest on the money she obtained; but, to add to the utter injustice of the transaction, the pretended application of the Upper Canada Marriage License fees to local charities of Upper Canada was but a flimsy attempt to cover over deeper injustice. In the five years following the passing of the Act (9 Vict. cap. 65), the following sums were paid into the hands of the Government for marriage licenses in Upper Canada:—

In 1846	\$ 5,879 02
1847	8,853 03
1848	8,953 40
1849	9,852 17
1850	12,586 00
	\$46,073 62

And how was this money applied? Why, the following sums were paid to three charitable institutions:—

Kingston Poor.....	\$10,400
Toronto Hospital.....	11,500
Toronto House of Industry.....	8,000
	\$29,900

And the balance was paid to the U.C. Lunatic Asylum.....

15,000
\$44,900

Now, observe the mockery of this operation as to these grants to the Kingston and Toronto Poor. While the people of Upper Canada were permitted as a great boon thus to tax themselves for these local institutions—large sums were being annually appropriated from the public chest to sustain

there was taken
 following sums:—
 \$89,945 48
 841,829 85
 52,502 08

\$493,776 82
 of this large sum
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 to
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 1,853 78
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precisely the same Institutions in Lower Canada. In the years 1846, 1847, 1848, 1849, and 1850, there were paid from the public chest the following sums to the Charitable Institutions of Lower Canada—and, with the exception of the small pittance there stated as received in 1846, not one penny of the Provincial money was expended in these five years for the support of the Sick and Destitute in Upper Canada:—

Quebec Poor.....	\$15,765 57
" other Charities.....	4,400 00
Three Rivers Poor.....	11,029 62
Montreal Poor.....	12,460 87
" Hospital.....	20,000 00
" Grey Nuns.....	12,228 66
" other Charities.....	6,500 00

Less paid U. C. in 1846—
 Toronto Hospital.....\$2,000
 " House of Industry, 1,200
 Kingston Poor.....1,200
 \$4,400 00

Total L. C. Grants..... \$77,984 72

And as to the sum paid to the Upper Canada Lunatic Asylum, the imposition is equally pal- pable. This Asylum is not a local institution, but a provincial institution; and even if it had been, in these same five years (1846 to 1850-inclusive) there was paid from the public chest for the support of the Lower Canada Lunatic Asylum, \$90,334; and for the support of the Upper Canada Asylum, \$73,248—showing an excess of \$17,086 in favour of Lower Canada—or two thousand dollars more than the sum pretended to be applied to a local purpose from the Marriage License fees.

In 1850 the gross injustice of this matter was exposed, and a change was affected to be made. The Marriage License Fees of Upper Canada were no longer to be devoted to charitable uses, but to be "at the disposal of the Provincial Parliament for purposes of public interest in "Upper Canada." Well, nine years have rolled past—the Marriage License Fees have gone regularly every year into the provincial chest—but up to this hour no "purpose of public interest" has been found for its expenditure, nor is any likely to be found while the present system continues. When Lower Canada had to receive money from a precisely similar source, we have seen that it was then and there distributed to County Municipalities; but when Upper Canada has to get money, a pretence is kept up for five years of distributing it—aye, and when exposed, not only is there no thought of restitution for the past, but the same injustice is played on for nine years more. The total amount of which Upper Canada has thus been wronged is as follows:

From 1846 to 1850.....	\$ 46,073 62
1851.....	14,178 40
1852.....	15,987 68
1853.....	17,578 18
1854.....	21,284 46
1855.....	23,375 20
1856.....	25,388 97
1857.....	23,208 06
1858.....	21,898 27
	\$208,920 78

This Lower Canada got \$493,776 from the Provincial chest on the express condition that

it would be repaid from Lower Canada sources but not one penny of the principal has been paid, and hardly a year's interest. Upper Canada on the other hand got \$191,475 from the chest to pay her Rebellion Losses, and she was compelled to pay back every shilling principal and interest. As an offset for allowing Upper Canada to pay her debt with her own Tavern License Fees—Lower Canada became entitled to \$96,572, and she got every penny of it. As an offset for allowing Lower Canada to pretend to pay her debt from Marriage License Fees, Upper Canada became entitled to \$208,920—and after the lapse of 15 years she has not got a shilling off!

The Police.

Very similar injustice is done to Upper Canada in regard to the Police. Under cover of a River Police for the protection of the shipping at Quebec and Montreal, not only are tonnage dues annually levied for the maintenance of the police establishments of these cities, but large sums are annually taken from the public chest for the same service. The port-towns of Upper Canada have all to sustain their own police, their own sick mariners, and their own destitute immigrants, and are perfectly willing to do so for the benefit they derive from the shipping. But the ports of Lower Canada which enjoy an infinitely more profitable traffic from shipping, have all these duties discharged for them from general taxation. Take the police expenditure of 1858 as a sample:—

Paid John Maguire, Superintendent of Police, Quebec, one year's salary.....	\$2,000 00
Do do for pay, &c., of Police.....	11,824 56
Paid C. J. Coursol, Superintendent of Police, Montreal, one year's salary..	2,000 00
Do do for pay, &c., of Police.....	14,447 25
Paid R. B. Johnston, special magis- trate, St. Francis, salary, &c., one year.....	2,047 50
Do do for pay, &c., of Police.....	8,051 30
	\$40,370 61

And here are the amounts paid to Upper Canada—though why these should have been paid it is not easy to see:—

Paid Joseph Wilson—to pay two pen- sioners at Sault Ste. Marie during the winters of 1857 and 1858.....	\$400 00
Paid R. Carney—to pay two pensioners 158 days at \$1.....	306 00
Paid T. A. Corbett, to pay Police at Kingston Gaol.....	854 30
	\$1,560 30

In the last five years (from 1854 to 1858 in-clusive) not less than \$140,000 has been thus drawn by Lower Canada from general sources, which ought properly to have come from local taxation—the same service being entirely de- frayed in Upper Canada from municipal funds.

Landing-piers below Quebec.

A very instructive example of the manner in which public money is squandered in Lower Canada, may be found in the history of the famous Landing-piers below Quebec. In 1849, the Provincial Government adopted the policy of throwing on the various localities throughout the Province, the duty of constructing and

maintaining all local works. Under this arrangement the roads, bridges and harbours owned by Government in Upper Canada, were brought to the hammer in parcels and sold to the highest bidders. Notwithstanding this, the Lower Canadians had influence enough to induce the Government to undertake the erection of a number of piers on the St. Lawrence below Quebec, for purely local accommodation. The Commissioners of Public Works, Messrs. Bourret and Killaly, reported a formal estimate of the cost of the works. In June 1851, Government applied to and obtained from Parliament a vote of \$142,000 for their construction in accordance with the estimate—and in June 1853, Government again sought and obtained a grant of \$24,000 for "the completion of Piers below Quebec." The works went on—and it was disclosed by the Committee of Public Accounts, that on the strength of these two votes of \$166,000, the Government spent, without further consent of Parliament, up to the 18th Dec. 1854, no less a sum than \$598,176! And since that date the cost of these piers for purely local accommodation, and which ought to have been erected if erected, at all, by local funds, has swelled up to \$768,971! By the last report of the Public Works Commissioners, we further learn that the repair of these piers is to be considered a Provincial responsibility, and that "it is desirable that a person should 'be put in charge of each'—of course at the expense of the Province. We need hardly add, that not a shilling of revenue has ever been derived from this enormous outlay.

Tug-boats below Quebec.

The steam-tug service below Quebec is another specimen of the manner in which the public money is thrown away when Lower Canada demands it. Some Lower Canada merchants conceived that it would be of great service to them were Government to provide steamers to tow their vessels up and down the St. Lawrence below Quebec. The scheme was at once taken up and a contract for the service entered into with Mr. Francois Baby. Under that contract, or rather under the original contract, and an amended one for ten years concluded by Government on its own responsibility, Mr. Baby was paid the following sums up to the 31st Dec., 1858:—

In 1854	\$ 27,930 00
1855	45,200 00
1856	45,200 00
1857	53,584 52
1858	66,400 00
Total	\$238,314 52

And how many vessels have taken the benefit of the steamers for which this sum has been expended?

Why, in 1854, Mr. Baby's steamers took in tow FOURTEEN vessels of all kinds! He received from the owners \$2,443, and from Government \$27,930—total \$30,373, or precisely **\$2,169 FOR EACH VESSEL TOWED!**

In 1855, Mr. Baby's steamers took in tow TWENTY-TWO craft of all kinds. He got \$3,900 from the owners, and \$45,200 from Government; he got in all \$49,100, or **\$2,231 FOR EACH VESSEL TOWED!**

For 1856, we have no official return of the number of vessels towed, but in 1857, Mr. Baby's steamers gave assistance to 102 craft of all kinds, for which he received \$14,692 from the owners and \$63,584 from Government—or **\$669 FOR EACH VESSEL TOWED!**

In 1858, the whole number of vessels towed was THIRTY-ONE, for which Mr. Baby was paid \$5,122 from the owners, and \$66,400 from the public chest—or **\$2,307 FOR EVERY VESSEL TOWED!**

And this is not the whole of it. In addition to these enormous sums given to Mr. Baby, the Government lent him to build the vessels, first \$76,000 on the security of the steamers, and afterwards \$45,200, without security, so far as appears from the published records. The cost to the Province of these tug-boats has, therefore, been in—

Annual bonuses	\$238,314 52
Money Lent ..	\$121,200
Less repaid	19,000—
	102,200 00
Total expenditure	\$340,514 52

—a sum which would have gone a long way towards purchasing the whole of the craft taken in tow in the five years!

Quebec Fire Loan.

Another highly instructive example of Lower Canada transactions in the funds of the Province may be found in the history of the Quebec Fire Loan. A Fire occurred in the city of Quebec in the year 1846. The citizens naturally thought it desirable that the houses should be built in a better style than the means of the parties owning the land enabled them to do, and they further conceived that it would be highly advantageous if the Government would lend its aid to the parties in building. It was to be a loan—"merely a loan." Lower Canada influence was strong, and so an Act was passed in 1846 and an amended Act in 1847, empowering the Government to borrow \$400,000 at six per cent. and lend it out to the Quebec landowners for ten years at four per cent. Commissioners were to be appointed to carry out the loans; and repayment of principal and interest was to be secured by bond and mortgage on the lands and houses. Well, Commissioners were duly appointed—the money allotted in July, 1847, and the \$400,000 duly paid over to 554 land owners of the city of Quebec. Twelve years and more have since rolled away, and now let us see how the account stands:—

Lent to Landowners	\$400,000
Paid 12 years' interest at 6 per cent.	288,000
Expenses and salaries of Commissioners ..	8,824
Paid Felix Glackmeyer, Clerk of Fund.	1,536
Paid J. M. Lemoine for investigating	
Mr. Glackmeyer's Books	207
Paid Wm. Bristow for ditto	504
Paid Louis Prevost as Clerk to Fund	
from 18th May, 1850 to 31st Dec., 1858 ..	8,856

\$707,927

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LESS REPAID.

Interest.....	\$5,716	
Principal and interest by Judg- ment distributions.....	6,780	
Principal and interest from In- surance Companies on Houses burnt down.....	2,548	15,044

Total outlay of the Province \$692,883

Thus it appears, that the whole amount received from these 554 good citizens—landowners be it observed—of Quebec, in the space of twelve years, has been the magnificent sum of \$15,044, or not one year's interest on the sum lent to them from the public chest. Nay, even this sum was not received, for Mr. Felix Glackineyer carried off six thousand dollars of it—and one of his sureties, Mr. Louis Prevost, was appointed to his office, from which he has drawn \$8,856, as is naively stated in the Public Accounts, for "looking after the interests of the Crown" in regard to this loan. Mr. Prevost's entire collections so far as the public returns show, appear to have been in his ten years' incumbency \$2,243, for which he has been paid \$8,856!

This is the manner in which the Lower Canada debtors of the Crown are being treated, while the immigrant but lately arrived in Upper Canada, and toiling to clear himself a forest home under all the disadvantages of a new settlement and scanty crops, is harassed and distracted by urgent demands for the instalments due to Government on his lands, and threatened with confiscation if he be a defaulter for a day! Nay, a proposal has even been made by Mr. Prevost that the whole of the back interest due to Government by the 554 landowners of Quebec shall be presented to them, and an extension of other ten years given for the principal! And, beyond a doubt, there will be found Lower Canada members and Upper Canada time-servers sufficient to accomplish it.

Land Grants for L. C. Railways.

It is not only by grants of money from the public chest for local purposes of Lower Canada that injustice is done to Upper Canada. There are but three instances of public lands being given to private Companies, and all of them were Lower Canada schemes:

- The Quebec and Trois Pistoles Railway—one million of acres.
- The Quebec and Lake Huron Railway—four millions of acres.
- The St. Maurice Railway and Navigation Company—one million, five hundred thousand acres.

No possible reason could exist why these Companies should receive what has been refused to every other Company and Association. There were certainly Railroads and Navigation Companies in Upper Canada quite as well entitled to donations of land—if that were to be the national policy—as these Lower Canada schemes; but not one of them has ever received an acre from the public domain.

The Seigniorial Tenure Robbery.

But the worst outrage of all was the robbery of the people of Upper Canada in the mode of

settling the disputes between the Seigniors and Censitaires of Lower Canada. It was unquestionably important that these disputes should be settled; and the abolition of the Seigniorial Tenure may give an impetus to the industrial energies of those portions of Lower Canada in which that Tenure prevailed. But local advantages should be purchased at local expense. The means of procuring them should be first found, or created where the benefit is to be received. And for those who would alone profit by the change, to make use of the power which an unjust system gives them, to take the money of others for such a purpose, is a crime against the rights of the rest of the community.

The origin of the disputes between the Seigniors and Censitaires was briefly this. When Canada belonged to the French, the kings of France gave a number of adventurers blocks of land in Canada on condition that they would take out settlers and occupy the soil. The lands were not given them in free and common socage, but merely in trust on certain conditions. The chief conditions were, that any person might go upon any farm and occupy it on condition of paying an annual rent (generally of about 1*li.* per acre) to the Seignior, and performing certain duties; and that in the event of the tenant's selling his right to any one, the Seignior should have a certain percentage. There were various other conditions, but these were the main ones. Now, so long as the French held Canada, this system worked well enough, as there was a Government Officer to enforce the conditions under which the landlord obtained the land. But when the country passed into the hands of the British in the middle of last century, and French laws ceased to prevail, there were no means of enforcing justice at the hands of the Seigniors. Feeling themselves free from control, the landlords soon began to look upon themselves as the unrostered owners of the soil, and to demand any sum per acre they liked—and the tenant would promise to pay. The tenants grumbled at this, and for many long years they carried on an agitation to obtain justice. But this was no easy matter. The Priests, the Judges, the Lawyers, the Members of Parliament, were very generally either Seigniors themselves, or closely connected with those who were, and it was very hard to get persons of position and influence to take the matter up in earnest.

At last, however, the matter was seriously undertaken, and in the session of 1854-5 a measure passed through Parliament for its settlement. This Act provided that commissioners should be appointed by Government to go upon every farm under the Seigniorial Tenure and value certain Seigniorial rights, and their estimate should be held to be the value thereof. It provided that the question whether the value of certain other Seigniorial rights ought or ought not to be paid to the Seigniors should be referred to the judges of Lower Canada, and if they decided that they ought to be paid, then the amount awarded and the expenses of application should also be met. The value of the claims of the seigniors having been thus ascertained, the Bill provided that the seigniors should be paid the full amount by way of indemnity—that the Tenure should be changed to Freehold, and the Censitaires (or Tenants) secured in their properties as Freeholders. A portion only of this indemnity the Censitaires

were to pay, and the balance was thrown on the people of the Province. The sum thus thrown on the public chest was \$1,434,444—for which Provincial Debentures were ordered to be issued.

No one pretended to allege that this large appropriation of the public funds for a local and sectional purpose was not a direct injustice to the people of Upper Canada; but professedly to meet this objection the Government measure provided—

1st. That the Seigniorial Revenues of the Crown from seigniorial estates still owned by the Crown, should go into the public chest.

2nd. That the Auction duties collected in Lower Canada should go into the public chest.

3rd. That the proceeds of Shop Licenses in Lower Canada should go into the public chest.

4th. That the proceeds of Tavern Licenses in Lower Canada should go into the public chest.

And 5th. That \$600,000 should be applied on some future day to some sectional purpose of Upper Canada.

Now an examination of these items will show that this professed compensation to Upper Canada was no compensation at all. In the first place, the Seigniorial Revenues of the Crown have always gone into the public chest, and are as fully a source of Provincial revenue as the Customs duties or any other portion of the ordinary revenue. Secondly—the Auction duties, although collected in Lower Canada, are in a great measure collected on goods sold to Upper Canada merchants, and therefore these duties are largely paid by Upper Canada and cannot be regarded as a Lower Canada fund. The Shop and Tavern Licenses are sources of local revenue, but ought in all justice to have been applied to the payment of the Rebellion Losses of Lower Canada, as the Licenses of Upper Canada were applied to those of that section of the Province. And, fifthly, the promise of the future application of \$600,000 to some Upper Canada purpose was simply adding insult to injury. The character of this operation was admirably described by Mr. Attorney General Macdonald in the session of 1852-3, when opposing a less objectionable measure than that his own Government introduced and carried in 1854-5. Mr. Macdonald then said:—

“What a miserable proposition was this that was laid down in these resolutions! Two-thirds of the whole taxation of the country is paid by the people of Upper Canada, and here they talk of taking a certain amount out of the Consolidated Fund for the benefit of Lower Canada, and then remunerating Upper Canada by paying her a similar sum out of her own resources! It is as much as saying that Upper Canada may be bribed with her own money.”

Undoubtedly. And Upper Canada was bribed in this very manner with her own money; the very man who thus denounced the fraud, only two short years from the day he uttered these words, administering the bribe with his own hands!

The amount expended under the authority of the Act of 1854-5, exclusive of legislative printing and other expenditures, was as follows, up to the 31st Dec. 1858:—

Paid Judges of L. C. for services, . . .	\$20,000 00
Barristers, for pleading	12,864 00
Clerk of Court	490 00
George Futvoye	1,000 00
Reporting Proceedings	1,508 00
“Disbursements”	309 48

Total Court expenses	\$37,149 88
Six Commissioners' Salaries	59,070 87
Secretaries, Surveyors, and Clerks . .	22,523 72
Copying and Preparing Schedules, . .	33,400 90
Printing, Stationery and Advertising	6,724 88
“Miscellaneous”	7,219 78
Office expenses	6,045 52
Legal Advice	2,210 60
Paid Printing Reports	7,338 12

Total expenses	\$180,882 72
Paid Seigniors on Account	519,835 87

	700,518 29
Cash on hand 31st Dec., 1858	1,089,278 45

Total cost to 31st Dec., 1858 . . . \$1,789,791 74

It will be seen that this sum largely exceeds the amount appropriated under the Statute—but this was managed by crediting the Seigniorial Fund with the whole money accruing under the Act from the day of its passage, and charging the Provincial Government with compound interest from that date—a new and ingenious system of squeezing more money out of the public exchequer.

But this was only the commencement of the Seigniorial Tenure robbery. The Censitaires of Lower Canada loudly complained that they were called upon to pay anything—that they did not obtain freehold titles to their farms free of all charge. Moreover, the expenses of the Commissioners and Judges, and the awards made to the Seigniors far exceeded expectation, and more money was demanded. In the Session of 1859 a fresh scheme was brought before Parliament by Government. By this measure, a large portion of the amount to be paid by the Censitaires under the former Act was taken off their shoulders and saddled on the Provincial revenue; and a number of new Seigniories were most unjustly brought under the operation of the Bill. A vast additional sum was thus added to the national debt. Nay, to cap the climax of the injustice done to Upper Canada, an equal sum was provided to be taken from the public chest and given to those portions of Lower Canada in which the soil was not subject to the Seigniorial Tenure—in proportion to their population at next census as compared with the Seigniorial districts of Lower Canada! It was not enough that Upper Canada must be robbed for the benefit of the Seigniors and Censitaires of Lower Canada; but she must also be robbed to pacify the indignation of the township settlers of Lower Canada, because no share of the plunder had come to them!

There were disputes while the Bill was under discussion as to the gross amount which this iniquitous measure would add to the debt of the Province; but, fortunately, we have now the admission of the Inspector General as to the true amount; and it will be seen that it exceeds the sum asserted by the Opposition in debate. In his official letter for the information of the London Stock Exchange, Mr. Galt wrote thus:

\$30,000 00
12,866 00
490 00
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59,070 57
22,523 72
38,400 90
5,724 38
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"Under the terms of the Act providing for the redemption of the feudal tenure in Lower Canada, a fund was created for the purpose of indemnifying the Seigniors, amounting to about £650,000 sterling. The interest upon which at 6 per cent. is now a charge upon the Consolidated Revenue Fund."

The Act of 1859, therefore, imposed a burden on the Province of £650,000 sterling, or
About
The Act of 1854-5

Total cost of Seigniorial Scheme... \$4,989,791

In passing the measure of 1859, the same idea of "bribing Upper Canada with her own money," so happily described by Mr. Attorney General Macdonald in 1853 while in opposition, was resorted to. A sum equivalent to that granted to the Lower Canada Seigniors, was provided to be appropriated to local purposes of Upper Canada, subject to certain conditions in regard to the Municipal Loan Fund debts. Greater mockery than this plan of compensation could hardly be fancied. Upper Canada pays 70 per cent. of the national burdens; Lower Canada pays 30 per cent. ; Lower Canada gets \$5,000,000 to buy farms for her farmers; and generously promises Upper Canada \$5,000,000 for some sectional purpose on some future day. Well, what is the result even should Upper Canada get the money at some future day? Why, that out of the ten millions borrowed, Upper Canada pays seven millions and Lower Canada but three millions—or otherwise that Upper Canada pays all the money she gets and two millions of the five given to Lower Canada! In the event, however, of Upper Canada getting only promises for her share,—and that has always been the case heretofore—then the farmers of Lower Canada will have their lands purchased for them by \$1,500,000 of their own money and \$3,500,000 from the pockets of the Upper Canada farmers, who are at the very moment being harrassed and threatened beyond endurance, to pay up to Government instalments and interest on the purchase money of their own Forest lands! A more outrageous act of injustice than the Seigniorial Tenure robbery was never perpetrated under the British flag.

We might give many other instances of the gross injustice done to Upper Canada in the expenditure of the annual revenues—but those we have given abundantly illustrate the prevailing system, and must suffice for the present.

ABUSES IN THE WHOLE MANAGEMENT OF PUBLIC AFFAIRS.

But the existing union not only coifers on the Lower Canadians a most unfair proportion of representation in Parliament; not only does it impose on the people of Upper Canada the heavy

burden of the national taxation; not only has it secured many undue advantages to Lower Canada in the expenditure of the annual revenues; but the grossest abuses have sprung up under it in every department of the State. Foremost among those abuses is the almost total absence of restraint by the representatives of the people over the acts of the Executive. No matter how reprehensible any proceeding may be, no matter if all parties condemn it—let the Government but boldly insist, and use liberally the appliances within their reach, and the House of Assembly will endorse it.

Absence of Check over Public Expenditure.

Take for example the expenditure of the public monies—and there is no higher duty entrusted to the Representatives of the people than that of securing that no public funds shall be spent by the Executive until Parliament has voted them. Nevertheless, year after year, we have seen the Government putting their hands into the public chest and squandering large sums in entire confidence that their supporters will vote the money after it has been disbursed. There was thus spent without consent of Parliament, in the year 1853, not less than \$132,873, and in 1854, \$127,651. In the hope of putting a stop to the dangerous practice, the following resolution was proposed in the House of Assembly on the 11th of December, 1854:—

"That it is the undoubted privilege of this House and the highest security for the rights and liberties of the subject, that no expenditure of public monies shall be made by the Executive until the express sanction of Parliament shall have been obtained; that in defiance of this undoubted constitutional safeguard this House hears with alarm that during the year about to expire not only have monies been taken from the public chest to defray the necessary expenses of government, but works and enterprizes involving large liabilities, have been undertaken and carried on with the public money on the sole responsibility of the Executive; and that in the opinion of this House such unauthorized expenditure is unconstitutional, and a dangerous violation of the rights of the people."

This resolution was voted down on a division of 48 to 26. The natural result followed—next year Ministers spent, without authority of Parliament, not less than \$408,063! Again the attempt was made to condemn it; it was moved that "this House strongly condemns the conduct of the Executive in expending [the above sum] without the authority of law." Every member of the house privately condemned it; but the Ministry had to be sustained, and the motion was thrown out by 54 to 25. The discussion, however, had some effect; and, in 1857, ministers only ventured to extract from the chest \$167,265. A third attempt was made to have a stop put to the high-handed practice. It was moved on 26th May, 1857, "That this House cannot too strongly condemn the practice of expending large sums of the public money

"without any Legislative sanction." It was thrown out at once—28 to 11. The sure result followed. Next year the unauthorized expenditure rose to \$267,779. No formal motion of condemnation was made in Parliament—and so the Accounts of 1858 showed that nearly half a million of dollars had actually been taken from the chest by Ministers and spent as they thought proper! It was then moved that "This House deeply regrets to find that in defiance of repeated remonstrances, the sum of \$466,108 was taken from the public chest during the year 1858, and expended on various public services on the sole responsibility of the Executive, and without the sanction of the representatives of the people." Thrown out—82 to 42. Thirty Upper Canada members, however, voted for the motion and twenty-one against it. Nothing could be more destructive to good government than handing over to the ministry of the day thus recklessly the power to dip at pleasure into the public chest. It has engendered every species of abuse. Since the present Government came into power, they have thus spent one million five hundred thousand dollars, without the authority of Parliament—and the House of Assembly has not had independence enough to condemn it.

Sales of Debentures.

Another notable example of the absence of restraint over the Acts of the Executive may be found in regard to the sale of Provincial Debentures. No rule, no restriction is laid down,—the time, mode, and terms of sale, are left unreservedly in the hands of the Finance Minister. As a natural result, it was disclosed by the Public Accounts Committee of the Assembly in 1858, that, in the previous year, Provincial Debentures to the amount of \$2,500,000 had been sold in London at 99½ on time, when the cash price on the London Stock Exchange on the very day of sale was 105 @ 107. The transaction excited much public indignation; but, when the Finance Minister the following session sought authority to convert the whole debt of the Province, every attempt to place a check on his proceedings was utterly futile. A part of this new scheme was to give in exchange five per cent. Provincial Stock or Debentures, payable in England, for six per cent. Municipal Loan Fund Debentures, payable in Canada, and for which the Provincial chest was not liable. The current value of Provincial five per cent. securities, payable in England, was about par—the current value of Loan Fund Sixes, payable in Canada, was from five to eight per cent. below *par*. It was therefore moved—

"That no Provincial securities shall be exchanged for Consolidated Loan Fund Debentures by Government until tenders shall have been invited by public advertisement, from the holders of Consolidated Loan Fund Debentures; and that the most favourable tenders shall be accepted, if such tenders in the opinion of Government are advantageous to the Province."

This motion was voted down 59 to 36—twenty-eight Upper Canadians, however, supporting it, and twenty-one voting against it. It was then moved that the maximum amount of the new Stock to be given in exchange for the old should be set forth in the Bill. This too, was voted

down, and the Finance Minister was left with unchecked power to buy, sell, or exchange as he thought best. The scheme has been brought out on the London Stock Exchange, apparently on terms most disadvantageous to Canada—the European newspapers resound with laudations of the favourable nature of the proposition for capitalists—but the people of Canada who are to bear the burden of the operation, and their representatives, are in utter ignorance to this hour of the terms and conditions on which it is founded. As to the propriety of the immense transaction from a Canadian point of view, there is no guarantee whatever, beyond the judgment and integrity of one man—the Minister of Finance. If he sells at 99½ what was worth 105 to 107 in the market, there is no better redress than there was in 1858.

\$96,405 paid without Authority of Parliament.

A transaction which came to light at the opening of last session also illustrates well the confidence with which the Ministry of the day reckon on Parliamentary subserviency. As every one is aware, the Clergy Reserve question was brought to an end in the session of 1854-5 by an Act which gave to each clergyman then receiving the benefit of the Fund a sum of money in full settlement of all claims. But there were certain clergymen of the church of England who though accepting their commutation money and granting the Statutory receipt—claimed what they called "arrears of salary." These claims arose chiefly in this way. The parties came to Canada many years ago as Missionaries under the authority of the Society for the Propagation of the Gospel in foreign parts, and in receipt of salaries from that society amounting to £200 sterling each. The Society, as part of its income, received a grant of £16,000 *stg.*, per annum from the Imperial Parliament; but in 1834 Parliament refused longer to sustain the Society's missionaries out of the Imperial exchequer, and abolished the grant. Thereupon the Society communicated to the missionaries its inability to continue the payment of their salaries. Subsequently, an arrangement was effected by which the Imperial Government agreed to pay to the missionaries, out of the Clergy Reserve Fund of Upper Canada, 85 per cent. of their former salaries—in other words, £170 sterling per annum, instead of £200 sterling; the Society being absolved from further liability in the premises. The clergymen, instead of being servants of the Society, accepted the position of pensioners upon the Clergy Reserve Fund. They did not accept the reduced salary without complaining. On the contrary, they "remonstrated," but without effect. Only by favour, indeed, were they entitled to anything from the public chest. The arrangement we have stated was a settlement, absolute and final—the Government, on one hand, pensioning upon the Clergy Reserves those who had no claim beyond that which arose from the alleged hardship of their situation, and the clergymen, on the other, accepting a reduced salary rather than rely altogether upon the voluntary support of their congregations.

In 1857, the claims of these clergymen for arrears pay of £30 *stg.* per annum, being the difference between what the Society promised them and what they compounded with the Govern-

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ment for, came before the Canadian Parliament along with the petitions of other clergymen who arrived at a later date, in expectation of receiving £200 stg., but who only received £100 a-year, and now claimed the full sum. When the matter was brought before Parliament it was treated as out of all reason. An *ex parte* committee, however, was granted to hear the case of the petitioners, and it reported that the petitioners had established the facts they had alleged—which might very well be without entitling them to their demand. Notice was given of a motion for the adoption of the report by the House, but it fell to the ground. The session of 1858 also passed away and nothing was heard of it; but on the opening of the session of 1859 it was disclosed that without any authority whatever, the Government—only five days before the assembling of Parliament—had taken from the public chest the sum of \$96,405 and distributed it among these claimants. We refer to this matter chiefly to show the entire impunity with which the Government, under the existing system, may spend enormous sums of the public monies without the assent of Parliament being sought or obtained; but it is an aggravation of the transaction, that not only had most of the clergymen in question received their full compensation under the Reserve Bill, but many of them hold valuable tracts of public land as rectory glebes. The following table shows the state of each case:—

	Commutation Money.	Glebe Lands. 400 acres.	Alleged Arrears.
1. A. N. Bethune	\$25,023	400	\$2,580
2. R. Blakey	7,148	450	2,580
3. F. Evans	9,224	402	2,580
4. E. J. Boswell	8,819	400	2,580
5. M. Burnham	9,754	420	2,580
6. Thos. Green	8,819	400	2,580
7. S. Givens	10,341	400	2,580
8. W. Leeming	6,420	400	2,580
9. H. Patton	10,068	450	2,580
10. R. Rolph	7,950	400	2,580
11. John Grier	7,032	400	2,580
12. W. Macauley . . . . .	..	..	2,580
13. M. Harris	4,589	400	2,340
14. John Anderson . . . . .	..	..	1,920
15. Geo. Archbold . . . . .	..	..	900
16. Samuel Armour . . . . .	..	..	2,400
17. Job Deacon . . . . .	..	..	7,040
18. George Grant . . . . .	..	..	1,860
19. J. G. B. Lindsay, . . . . .	..	..	1,500
20. John Stoughton . . . . .	..	..	360
21. Thos. Campbell . . . . .	..	..	300
22. Dr. McMurray	6,229	400	6,020
23. Jon. Shortt	6,136	436	6,020
24. Richard Flood	4,589	400	6,020
25. C. C. Brough	4,076	404	6,020
26. T. B. Fuller	6,229	400	6,020
27. Jas. Padfield	5,614	..	6,020
28. Wm. Bettridge	4,204	..	6,020
29. J. G. Geddes	6,268	400	6,020
30. J. Magrath's heirs, . . . . .	..	..	1,665
31. Hannibal Mulkins (about) . . . . .	..	..	2,000
	\$159,036		\$96,405

A motion in condemnation of this high handed act of the Executive was moved in Parliament, on the 25th of April, 1859, with the usual result. It expressed "surprise and regret" that the Administration should have paid this large sum "on the very eve of the assembling of Parliament without the assent of this House being previously obtained." Twenty-six Upper Ca-

nada members voted for the motion, and only seventeen against it; but I ver Canada votes speedily crushed it.

Buying Debentures.

There are continually in the hands of Government large sums of money to be invested in public securities, for special public purposes. On 1st January, 1859, there was over four millions of dollars thus in the hands of Government—with the full power to buy and sell according to the judgment of the Finance Minister. In 1858, it came to light that the Government had bought for one of these special Funds from one of their most strenuous supporters in Parliament, Dr. Clarke, of Guelph, \$80,000 of Hamilton City Debentures at 97½, though they were then worth only 80 in the market—by which operation this representative of the people cleared \$14,000 without advancing a shilling. The Governor General's Secretary was called before the Committee to explain how the purchases for the Indian Fund were managed, when he gave the following evidence:—

"*Ques. 362.* Does this return include all the debentures purchased for the Indian Department within the dates named?—Yes, so far as I am aware. Up to October, 1856, the Receiver General made the purchases for the Indian Department, on instructions from that office. After that period the purchases were made directly by the Indian Office. In the first place an advertisement was put in the papers, inviting competition for them, and they have since been purchased as offered.

"*Ques. 363.* Can you state the reason why the selection of investment for the Indian Department was taken out of the hands of the Receiver General and assumed by the Indian Department?—Because, looking the matter over, I found we were always charged with the Municipal Loan Fund Debentures at par, when they were at a discount, and I thought it was advisable for the Indian Trust Fund to get the benefit of the discount.

"*Ques. 364.* Have you not by the change, and by the course you have pursued of advertising for purchasers, effected a large saving to the Indian Fund?—I think the average saving has been about five per cent.

"*Ques. 365.* By an official return it appears that the sum to the credit of the Indian Department at this moment is \$990,765 92; have you any doubt that had the policy you have followed been taken throughout, a very large sum would have been saved to the Fund?—That is my belief."

Millions of money have been invested in this manner, without the slightest check; and, notwithstanding the exposure of the danger resulting from it, no reform has been effected.

Omnibus Bills.

Nothing, perhaps, has exercised a more demoralizing effect on the public affairs of Canada than the various proceedings connected with the Grand Trunk Railway. It was a grave error—worse than an error, to allow members of the Administration to sit at the Directors' Board of that Company as the paid officers of the Contractors. Five members of the Government in 1855, were thus each paid on an average \$131 58 for every time they attended a Board meeting. The Government became so identified with the Railway Company, that the fate of the one depended on the other—and there was apparently no stretch of power, and no resort, however questionable, which would not have been adopted to meet the unjust demands of the Company. We were indebted to the Grand Trunk for the introduction into our country of that most

unblushing of all kinds of corruption—an "Omnibus Bill." The Company had borrowed from Government Provincial Debentures to the amount of \$18,000,000, in security for which the Province held a first mortgage on the road and all its appurtenances. This enormous loan had proved insufficient to secure the completion of the works; the money of the Company was all spent and its credit gone—and more aid must be had from the Canadian chest. The Company had a strong party in the House, consisting of directors, contractors, &c., but not enough to carry the measure, and it became necessary to "conciliate" a number of other interests. The Government accordingly brought in a Bill to relieve the Grand Trunk from paying any interest for five years on the Provincial loan, but to take Grand Trunk Stock, then selling at fifty per cent. discount, in payment; it also provided that the lien held by the Province on the road should be surrendered, that the Provincial debt should rank after all the bonded debt of the Company, and that the Company should borrow \$10,000,000 on the London Stock Exchange, to be secured by a mortgage on the road similar to that the Province had surrendered. But the manner in which this ten million loan was to be expended was the most startling feature of the scheme. \$2,250,000 was to be expended on the western extension of the road, to give it a terminus on the American border. This secured so many western votes. \$4,000,000 was conditioned to be expended on the Victoria Bridge at Montreal. This was to conciliate the Montreal influence. And thus far, no doubt, the Grand Trunk Company was benefited. But mark the other conditions that were saddled on the Company. \$2,625,000 was conditioned to be spent in continuing the road from St. Thomas to Rivière du Loup—a line which admittedly cannot be made to pay running expenses, which can hardly be kept open in winter, and which was not demanded, except by the ministerial necessity of conciliating members from below Quebec. But bad as this was, the remainder was worse. \$625,000 was conditioned to be expended on a branch line from Three Rivers to Arthabaska—a petty branch road which will cost to build over a million of dollars, and never yield back a sixpence on the investment. This was to conciliate the Three Rivers interest. Lastly came \$500,000 as sops for the Port Hope and Lindsay, the Cobourg and Peterboro, and the Prescott and Bytown Roads, to be scrambled for among them. These roads, be it observed, being already built and entirely independent of the Grand Trunk. To complete the general demoralization, another Bill was introduced and advanced *pari passu* with this, granting 4,000,000 of acres from the public domain towards the construction of a railroad along the North Shore of the St. Lawrence, though the Grand Trunk was just completed along the South Shore, and was not paying running expenses. Both bills were duly carried, and the Ministry thereby saved for the session; but the utter profligacy of the whole transaction—the unblushing manner in which the Ministry purchased and the members sold their votes, gave a blow to public morality that will be felt for years to come.

And there was a sequel to the scandalous transaction. This Omnibus Bill was found insufficient to relieve the Company from its difficulties—and a new Grand Trunk Bill was intro-

duced in the following Session (1857) worse than the last. A new North Shore Railway Bill was immediately demanded, when Mr. Attorney-General Macdonald openly in the House of Assembly accused his colleague Mr. Cauchon, Commissioner of Crown Lands, of attempting to extort a "bribe" of 1,500,000 acres for that work beyond the four millions already granted. Mr. Cauchon thereupon resigned his seat in the Cabinet, and startling charges of corruption and treachery were openly bandied in the Assembly between the honourable gentlemen. The moment Mr. Macdonald got his colleague ejected, however, the "bribe" of a million and a half of acres was duly made over from the public domain to the North Shore Railroad!

Quebec Election Fraud.

Perhaps no public transaction displays in stronger light the lamentable point at which public matters have arrived in Canada than the facts connected with the Quebec Election. For two years past three gentlemen have sat in Parliament for that city—and one of them has ruled the country as a member of the Administration—in defiance of the established fact that there were recorded on the poll-book at their election by fraud and violence, not fewer than 15,000 admittedly fictitious votes—five thousand of them, however, having been struck out by those who perpetrated the fraud as superfluous for their purpose. The poll-books bore the fraud unblushingly on their face—the whole number of electors in the City of Quebec was known not to exceed 5,000—and yet the Ministerial party gravely maintained that the members thrust into the House by this outrage must hold their seats until a formal scrutiny of the votes had been gone into! Any one acquainted with legal proceedings will understand the mockery of asking you to scrutinize the votes of fifteen thousand persons, with perhaps two or three witnesses to examine in each case! The entire Parliament would have been gone ere the work was well commenced, and the revenues of the Province would hardly have met the enormous expense. A motion was made to declare the whole return fraudulent on its face, and the seats of the members vacant—but it was summarily voted down—32 to 80. A milder course was also tried; the appointment of a Committee to examine the documents, and report the best mode of "securing the proper representation of the people in this House, and the prompt punishment of any one who may have been a party to the gross electoral fraud which appears to have been perpetrated." Thrown out—73 to 48—thirty-three Upper Canadians voting for it, and twenty-eight against it. And thus, have these three gentlemen been administering the affairs of Canada for two years, and the perpetrators of the outrage have gone unwhipt of justice. Of course, the matter has been undergoing investigation, meanwhile, before a committee of four Ministerialists—Messrs. W. F. Powell, Dionne, Fergusson and Dufresne, and it is likely to remain before them until a dissolution of Parliament puts an end to the disgraceful farce. The demoralizing effect of a member of the Government being kept in Par-

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vauntingly unpunished because a member of the
Government was the beneficiary—can hardly be
over-estimated.

Heavy Taxation on Necessities of Life.

It has been justly cause of loud complaint,
that while Upper Canada consumes a vast pro-
portion of the merchandise imported into the
Province, the Lower Canadians impose the
duties upon them, and that without the slightest
regard to the feelings or interest of the West,
—nay, sometimes impose the duties in such a
manner as specially to benefit their own section
at the expense of Upper Canada. The Tariff of
last Session is a notable instance of this. Not
only were the duties increased on articles of
necessity, on raw material, on books and on
other articles in direct opposition to the earnest
desires of the people of Western Canada—but
they were imposed with the direct intention of
forcing the Upper Canada trade by New York
and Boston, into the hands of Montreal and
Quebec. Some of the amendments that were
sought to be made in the Bill, show the obnox-
ious points. It was proposed largely to increase
the duties on tea, sugar, and molasses, and this
amendment was moved to meet that point:—

"The principles of the proposed Tariff are subversive of
"the best interests of Canada, as increasing the Taxes
"upon necessities, and lowering them upon luxuries, in
"the mistaken view that this will produce more revenue.
"—That the sliding scale proposed for the articles of Tea,
"Coffee, Sugar, and Molasses, will be injurious to the trade
"and to the community, and that to obtain that fixity and
"stability so much required in commercial matters. Cus-
"toms Duties on Tea, Coffee, Raw Sugar, and Molasses,
"should be placed in the meantime at *ad valorem* duties
"equivalent to the Specific Rates which are at present
"payable, and should ultimately be removed altogether,
"so as to enable the industrial classes of Canada to enjoy
"these articles of first necessity, at as low a price as
"their competitors South of the Frontier Line. That the
"Customs Duties on Brandy, Wines, and other Spirituous
"Liquors, ought not to be reduced as proposed, but ought
"to be fixed at an *ad valorem* duty equivalent to the
"present duties on these articles."

Thirty-three Upper Canadians voted for this
amendment, and only twenty-three against it—
but it was thrown out notwithstanding by Lower
Canada votes.

The duty on Loaf Sugar was proposed to be
raised to 40 per cent., and Raw Sugar and Mo-
lasses to 30 per cent., with promise of reductions
in future years. An amendment was accordingly
proposed to fix the duty on the former at 25
and the latter at 15. Lost 60 to 44. Thirty-
two Upper Canadians voting for the motion, and
eighteen against it.

The duty on bar, rod, hoop, nail, zinc, boiler-
plate, and rolled-plate iron, which had been
raised only six months before from 2½ to 5, was
now proposed to be raised to 10 per cent. A
motion was made to strike out this new propo-
sition, as most injurious to the mechanical in-
dustry of the Province, and leave the duty at 5
per cent. The strongest feeling was entertained
on this matter throughout Upper Canada, and
twenty-four of the Western members voted for the
amendment to fifteen against it—but it was re-
jected notwithstanding by Lower Canada votes.

And so with the duty on books. It had been
heretofore the boast of Canada that education
and literature received no check, from her Cus-
toms officers; but now a postal tax was to be

levied on newspapers a duty of twenty per
cent. on types, of fifteen per cent. on printing
paper, and of ten per cent. on books! Efforts
were made to resist these propositions, but with-
out success. A formal motion was made against
the book-tax, and 29 to 21 Upper Canadians
voted for it—but the Lower Canada phalanx
voted it down.

Differential Duties in favour of Montreal.

But the most grievous part of the Tariff was
the change of the whole of the specific into *ad
valorem* duties leviable on the value at the place of
purchase. Upper Canadians have been in the
habit of buying their groceries, wines, spirits,
and East and West India produce at Montreal,
Boston, or New York, as they could best supply
themselves; and as the duties were levied on the
weight of the article, the charge was the same
wherever purchased. The effect of the new propo-
sition was that the Montreal and Quebec Import-
ers would pay duty on their merchandise on the
value of the article in China, Cuba or other
point of growth, while the Upper Canada mer-
chant must either buy from him or pay duty on
the enhanced value of the article when it reaches
New York or Boston. The utmost indignation
at this highhanded attempt to make the trade
of Upper Canada forcibly subservient to Lower
Canada was excited throughout the West; the
Boards of Trade petitioned strongly against it—
deputations waited on the Government and
denounced the scheme—but utterly without
avail. All Lower Canada was united in demand-
ing it, and the gentlemen from Upper Canada
who held their offices in favour of Mr. Cartier
and his friends, were quite ready to sacrifice
their own section of the country to keep their
places. So monstrous an act of sectional injus-
tice would be of itself sufficient to rouse hostility
against a constitutional system under which it
could be practised.

The Hudson's Bay Question.

The conduct of the Government in reference
to the North-West Territories, clearly shows how
the highest interests of the country may be
trifled with—if not betrayed—under the existing
constitution. Their evident unwillingness to take
any action towards securing the trade of the West
to Canada, and the conduct of the messenger
whom they at last despatched to England, raised
no slight suspicion that Ministers were hostile to
any extension of the Canadian border in a westerly
direction. But suspicion was changed to aston-
ishment and indignation when it came to light
that while the people of the West were earnestly
discussing how the reign of the Hudson's Bay
Company on this continent could be broken up—the
Government of Canada had actually
been negotiating, and had promised to
convey to that very Company the mouths
of the six most important Rivers flowing
from the north into Lakes Superior and Hur-
on, besides stations at two other points, equally
valuable. These select spots are within the ac-

knowledgeable boundary of Upper Canada, and command the trade and commerce of the whole northern interior. All of them have valuable fisheries attached—and yet the Government bargained to sell the whole to the Hudson's Bay Company for the sum of FIFTY POUNDS! The aggregate quantity of lands to be conveyed was over 60,000 acres, so that the Company was to pay LESS THAN HALF A CENT PER ACRE FOR THEIR PURCHASE!

The bargain was closed, the patents were prepared and ready for delivery—but fortunately the scandalous transaction reached the Opposition press, and the thing was denounced in time to stop its consummation. But this whole transaction remains involved in mystery. What could have induced any Government to make such a sale? The hardy Canadian who starts on his journey of exploration through the regions of Superior and Huron, has to pay \$100 down to Government to enable him to enjoy the privilege of selecting a mining location; and after he has selected one, he must pay \$1.50 per acre further for a little block of 400 acres. Yes, three and a half times more for 400 acres than the Hudson's Bay Company were to pay for fifty thousand acres! What then was the cause of this strange transaction? On the 30th June, 1858, an effort was made to force an explanation. A motion was made in the house of assembly for a committee to "inquire and report as to all the facts." Will it be believed that all inquiry was refused and the motion thrown out by Lower Canada votes? The last mail from Red River brought us an extract of a letter from a reliable friend of Canada in England, which may throw some light on the transaction. It is as follows:—

"Mr. Cartier, the Canadian Prime Minister, was over here last autumn, and seems to have satisfied Sir E. Bulwer of the hopelessness of annexation. He told him very frankly that, as the head of the Lower Canadian part, any proposal of the kind would meet with his determined opposition—as it would be putting a political extinguisher upon the party and the Province he represented; and, if carried out, would lead to a dissolution of the Union."

Can it be possible that while avowing a desire to secure the North Western traffic for Canada, Lower Canada influence has been secretly striving to place every difficulty in the way of success—lest the influx of an energetic race of Anglo-Saxon pioneers into those vast regions with the right to representation in the union should give a totally new shape to the balance of power? And will the people of Upper Canada submit to have their boundaries "cabin'd, cribb'd, confin'd" for such a reason as this? Is the growing traffic of the Saskatchewan and Red River to be thrown into the hands of the Americans simply because Mr. Cartier and his friends object to Upper Canada enjoying it? We little understand the public sentiment of Upper Canada, if such a state of things will be longer endured with patience.

The York Roads.

The conduct of the government in regard to certain great Turnpike Roads of Upper Canada, built by the Province, but sold to private

Companies—is a marked instance of the maladministration which everywhere prevails. These Roads were sold by auction, in October, 1850, to the highest bidder, and among others, a company, of which the proprietor of the *Leader* newspaper and two or three friends, under the title of the York Road Company, purchased the three great Turnpikes in the county of York, leading west, north, and east from the city of Toronto. The price he agreed to pay was \$300,400 payable in twenty yearly instalments, with interest at 5 per cent. The roads have been ten years in the Company's hands—it has been drawing an immense revenue from them, though kept in very poor condition, but for years the Company seems to have entirely omitted to pay up either principal or interest. By the latest official return, the amount due on the York Roads was as follows:—

Seven Instalments	\$106,140
Interest to 15th Oct., 1858.	117,659
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	\$222,699
Cash paid	109,828
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Arrears on 15th Oct., 1858	\$114,871
Instalment and Interest due, 15th October, 1859.	34,649
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Arrears due 15th Oct., 1859	\$149,020
Instalments yet to mature	180,240
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Total Debt	\$329,260

It will be seen, therefore, that the York Road Company is in default to Government for no less an amount than \$149,020, and that its liability is at this day \$28,860 greater than when they came into its possession. It is impossible not to conclude that this immense sum has been permitted to remain uncollected as the price of the *Leader's* support to the Administration of the day, and that the violent assaults of that Journal on the opponents of the Government are the consideration given from week to week for delay in the collection of these arrears.

And so long as the York Road Company is permitted to delay payment, so long must all the other road-buyers be allowed the same indulgence. Mr. William Miller, another political friend of the Government, was permitted to be in arrear on the 15th of October, 1858, \$48,274, for the Dundas and Waterloo Roads. The Hamilton and Port Dover Road Company owed at the same date \$12,675; and the Hamilton and Brantford owed \$48,030. Again and again has the attention of government been called to these scandalous transactions—but the unblushing advocacy in the very capital of Upper Canada of Lower Canada views and Lower Canada robberies by the *Leader* newspaper, shields him and those in the same position from any serious attempt to make them disgorge. It is by such means, and such alone, that the scandals of the last few years have found apologists in the press of Upper Canada.

The Queen's Printership.

Perhaps the most scandalous job "continuously and systematically" perpetrated under the government, is that under the title of the Queen's Printership. We select it out of many examples,

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cause the annual saving to the country would
have been so large, that under no free Govern-
ment other than that of Canada could the thing
have been tolerated so long. Since the Union,
Mr. Stewart Derbshire and Mr. George Des-
barats have had the monopoly of printing the
Royal Gazette, and the Provincial Statutes,
and they also supply the Departments
with stationery. The prices paid these
gentlemen throughout this whole period,
have been almost fabulous—and notwithstand-
ing annual exposures of the job, they have
always managed to prevent reform. They
themselves, confess to having received from the
Gazette alone in 1858, no less a sum than \$25,162
—although persons have offered to publish the
paper in better style than at present, for \$9,000
a year. They received in 1858, for printing the
Statutes, \$29,539—and what their profits upon
that one job were, may be estimated from this,
that while the Printer of the Legislative Assem-
bly has contracted for the whole composition of
the House at 28 cents per thousand *ems*, Messrs.
Desbarats and Derbshire receive 50 cents per
thousand *ems*; While the House Printer contracts
for press-work at 15 cents per token, Messrs.
Desbarats and Derbshire get \$1 25 per token;
and were the binding of the Statutes done
by contract, there would be a saving on that
item alone, of \$3,680 per annum. At the least
calculation, were the work now done under this
monopoly offered to tender, there would be an
annual saving to the country of \$25,000. And
yet with this fact before them, ay, admitted by
a Joint Committee of both Houses of Parliament
—every attempt at reform has been summarily
voted down. Last session it was moved that the
"printing and binding of the laws be given out
"by public tender." Lost, 62 to 42—thirty-three
Upper Canadians voting for the motion, and
eighteen against it. It was also moved that the
"printing of the Official *Gazette* be given
"out to public tender." Lost, 57 to 42—thirty-
three Upper Canadians voting for it, and seven-
teen against it. Lower Canada sustained the
job.

The Montreal Pilot overcharges \$8,786.

The manner in which Government obtains
apologists in the press is well exemplified by
the case of the *Montreal Pilot*. This journal,
which is chiefly remarkable for its vehement
abuse of all who oppose the Government,
has been sustained for years by Govern-
ment patronage. Its proprietor, Mr. Rollo
Campbell has for some years printed the *Journals*
of the Assembly, and here are some extracts
from the report of the Committee on Printing
for the year 1858, on his account:—"Your
Committee cannot in this instance speak of a
contract, for it does not appear that a contract
was ever entered into with Mr. Campbell, nor
can your Committee even find the tender
which was accepted. In making their calcu-
lations they had to be guided by the reported
prices, and upon these prices they base their
report." And after explaining a number of
"overcharges," "inaccuracies" and "errors,"
the Committee conclude:—"By these statements it

"will be seen that the amount overcharged is \$8,786!"
And yet these accounts had been regularly au-
dited, certified, and the cash paid over to Mr.
Campbell!

Rev. Dr. Ryerson's Casual Advantages.

But nothing could exhibit in more startling
light the low position that has been reached in
the management of public affairs, than the dis-
closures made in 1858 by the Committee of Pub-
lic Accounts with reference to the reverend super-
intendent of public education for Upper Canada,
Dr. Ryerson. This gentleman was appointed to
the Superintendency of Education in 1844, as a
reward for entering the public arena in defence
of the high-handed proceedings of the three
men who under Sir Charles Metcalf ruled the
Province for ten months in defiance of the Con-
stitution. He was appointed at a salary of
\$1,500 per annum—but he in fact received the
following sums:—

In 1845.....	\$1,500
In 1846.....	1,590
In 1847.....	1,680
In 1848.....	1,680
In 1849.....	1,680

By a Statute passed in 1850, Dr. Ryerson's sal-
ary was fixed at \$2,000—which he received for
the second half of that year, making

In 1850.....	\$1,840
In 1851.....	2,000
In 1852.....	2,000
In 1853.....	2,000
In 1854.....	2,000

On the 21st May, 1855, Bishop Charbonnel's
Secotarian School Bill, of which Dr. Ryerson has
admitted, that had it passed, as proposed, "our
whole School system would now be broken
"up,"—came down to the Assembly from the
Upper House, where it had been introduced and
carried by a Lower Canadian. The Legislature
was then sitting in Quebec,—and not one whis-
per of this Bill had been heard in Upper Canada
until this sudden attempt to force it through
Parliament. The indignation throughout Upper
Canada was intense when the facts were tele-
graphed to the public press; but on the 22nd
May, Mr. Attorney General Macdonald forced
the measure through a first reading. On that
VERY DAY, in direct defiance of Statute, an Order in
Council was passed, raising Dr. Ryerson's salary from
\$2,000 to \$3,000!

There is no want of charity in concluding that
this illegal act was perpetrated on that par-
ticular day for the express purpose of closing
Dr. Ryerson's mouth. The reverend gentleman
therefore received—

In 1855.....	\$3,000
In 1856.....	3,000
In 1857.....	3,000

Notwithstanding these liberal allowances, it
was disclosed by the Public Accounts Com-
mittee of 1858, that Dr. Ryerson had for some
years been systematically drawing from the
public chest large sums of the public money,
long before they were needed—putting the
money on special deposit at the Bank of Upper
Canada, and secretly pocketing the inter-
est he had bargained to receive! It was disclo-

and that in this way the reverend gentleman had possessed himself of the following sums:—

In 1851.....	\$ 249 30
In 1852.....	148 66
In 1853.....	611 38
In 1854.....	1,324 53
In 1855.....	3,175 30
Total.....	\$5,504 16

—and to what extent it might have gone had the thing not accidentally been discovered, it is not easy to say; for as the appropriations were made from month to month with impunity, the balances accumulated with progressive regularity. In the words of the Auditor General: "The tendency of such a system is forcibly illustrated by the gradual growth of the balances in the Superintendent's hands from 1851, when the practice was first begun, till the end of 1855. The balance on which he received interest in the first half of 1851 appears to have been \$6,312, exclusive of that belonging to the Building Fund; and it constantly increased, till in the last half of 1855 it had reached \$112,940!"

When these facts were brought to light, Dr. Ryerson averred that he appropriated this interest with the sanction of Mr. Hincks. When urged to write Mr. Hincks for proof of this, he failed to adopt that course; and when brought before the Committee of Public Accounts and cross-examined, Mr. Hincks's sanction simply came to this: "On mentioning (to Mr. Hincks) that an allowance was made me on deposits—I think I mentioned that of the first half amounting to some £22—he smiled and seemed to think it was a small matter, and that I was entitled to any advantage of the kind." And on the strength of Mr. Hincks's smile Dr. Ryerson went on to pocket from year to year \$5,504 of the public money.

There was another remarkable incident of this examination. Dr. Ryerson was asked if he had deposited any public monies in any other bank than the Bank of Upper Canada; and he replied that he had deposited \$8,000 in the Bank of Montreal, "but," said he, "I derived no benefit from this arrangement." Mr. Milroy, cashier of the Bank of Montreal, was immediately sent for by the Committee, when he stated that Dr. Ryerson had been paid by the bank \$117 as interest on this very deposit named by the reverend gentleman and others, from 3rd September 1856, to 31st March, 1857.

Now mark the sequel of this transaction. The Government were forced to call on Dr. Ryerson to repay this money. Dr. Ryerson demurred, urged, entreated—but finding all of no avail, he made up, as an offset, a list of claims against the Government, founded on various pretences, extending over a period of fifteen years? He claimed:—

1st. That his salary from 1844 to 1850 should have been \$2,000, while he only received an average of \$1,626. Amount claimed, \$1,360.

2nd. That the expenses of his tour to Europe, in 1845, should be paid him. Alleged amount, \$3,200.

3rd. That Dr. McNab acted in his place during his absence on the said tour in Europe, that he paid him \$880 for his services, and this should now be repaid to him.

4th. That the Board of Education met in his (Dr. Ryerson's) house for six months from July, 1846—and he was entitled to some consideration therefor.

5th. That since 1851, large additional duties had been thrown upon the Superintendent of Education, that were not contemplated when he was appointed.

Now as regards the first item, it would have been an answer sufficient for the Government to give that Dr. Ryerson took his money quarterly from 1844 to 1850 and signed full acquittances; that he made an attempt to establish such a claim at the time, but was refused by Government; and that nothing had been heard of it for eight or ten years, until it was brought forward in 1856 for a special purpose.

The groundlessness of the second item will be understood by every one who can recall to memory the public proceedings of 1844. The fact is that Dr. Ryerson was sent to Europe for a year that the indignation in Upper Canada at his conduct might subside ere he entered on the duties of his office—and Sir Charles Metcalfe paid the cost of the tour in gratitude for Dr. Ryerson's services as his partisan and eulogist. Dr. Ryerson in a letter dated 22nd October, 1844, said:—

"When His Excellency learned in August that I desired not merely to go to England with a view of promoting the interest of Victoria College, but to travel on the Continent and to investigate the Educational systems of the most enlightened nations of Europe, and that I did not wish to undertake the duties of the Educational Office (which I learned at that time, for the first, was about to become vacant) he was pleased not only to approve of my views, but considered such a tour of enquiry of such importance to the educational interests of the Province, that he not only expressed a willingness to countenance it by the sanction of his name, but with his characteristic princely liberality spontaneously offered to render any other assistance necessary to promote to the greatest possible extent, investigations and enquiries so obviously calculated to advance the best interests of Canada."

And that it was a condition of his going to Europe, that this "princely liberality" should save the Province from any such application as this being preferred at the end of fourteen years by Dr. Ryerson, his own official Report of 1846 abundantly proves. The Rev. gentleman there says:—

"I applied and obtained leave, WITHOUT any EXPENSE TO THE PROVINCE, to visit the principal countries of Europe," &c.

And yet twelve years after, Dr. Ryerson demanded and Government granted payment of the alleged expense of this very visit!

The other claims of Dr. Ryerson are on a par with these, and utterly unworthy of consideration; but Ministers, notwithstanding, put their hands in the public chest and paid Dr. Ryerson almost the entire amount of his demand. He got:—

First item paid in full.....	\$1,360
In part of the second item.....	1,575
The third item in full.....	880
The fourth item in full.....	200
The fifth item in full.....	1,200

Total..... \$5,215

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—And as this did not quite cover the amount of the interest to be repaid, another Order in Council was passed making a second permanent increase of Dr. Ryerson's salary of \$1,000 a year in direct defiance of the Statute fixing his salary at \$2,000 a year! The Rev. gentleman therefore received :—

Salary for 1858.....	\$4,000
Back salary for 1857.....	1,000
Old claims.....	5,215
Total.....	\$10,215

An attempt was made in the Assembly to condemn this transaction, but with the usual result. It was moved, "That this House deeply regrets to find that the Executive Government during the year 1858, of its own responsibility and in direct defiance of Statute, increased the salaries of the Superintendents of Education to four thousand dollars per annum, back-dating the said increase from the 1st January, 1857, and paying the same from the public chest without sanction of Parliament." Lost—yeas 40, nays 58—thirty Upper Canadians voting for it, and only sixteen against it. Lower Canada votes justified the deed.

We make no comment on this transaction. From first to last it is replete with evidence of the humiliating depth to which the management of the public affairs of our country has descended.

The Double Shuffle.

The proceedings known to the world as the "Double Shuffle," furnish another disgraceful example of the pass to which the Government of our country has been brought. We speak not now of the concocted resignation of the Cartier-Macdonald Administration in August, 1858—of the hollow tender of office to Mr. Brown—of the motion of want of confidence within an hour of the Brown-Dorion Government being sworn in, and before its members had even the opportunity of appearing before their constituents for re-election or of defining their policy to Parliament. It is to what followed we mean now to refer. As the result of that vote, the Brown-Dorion Ministry advised a dissolution of Parliament. His Excellency refused to grant a dissolution—although the offer of office without this power, was utter mockery. The members of the Government in consequence tendered their resignations, which were at once accepted; but having been six days in office, they had all to go back to their constituencies for re-election; and though strongly opposed they were all re-elected. The farce having been played out—the leading men of the Opposition having been tricked out of their seats in Parliament—and Mr. Galt having been "sent for" without result—the road was clear to bring back the old Ministers. But a difficulty stood in the way. Mr. John A. Macdonald, Mr. Cartier and their colleagues were no longer Ministers. Their Cabinet was defunct; they had all resigned their offices. The members of the Brown-Dorion Government had been fully installed, and held office for six days; and whoever succeeded to the seats vacated by them, must be held as "accepting an office of emolument under the Crown," and must consequently go back to the people for re-election. Here was a difficulty for men thoroughly unpopular in the country. If they went to their

constituents not one half of them could be re-elected. Some way must be found of escaping the ordeal. And a way was found. An Act had been passed in the session of 1854-5, "further to secure the independence of Parliament," in which provision was made for the exchange of their offices by two Cabinet Ministers without re-election, when such a change should be found advantageous. The words of the Statute are these :—

"Whenever any person holding the office of Receiver General, Inspector-General, &c., and being at the same time a member of the Legislative Assembly, or an elected member of the Legislative Council, shall resign his office, and within one month after his resignation accept any other of the said offices, he shall not thereby vacate his seat in the said Assembly or Council."

The marginal note to this clause is, "Certain officers may vacate one office and accept another within a certain time, without vacating their seats." It had never been conceived for a moment that this clause went beyond the mere exchange of offices by two members of an existing Administration; but, in the desperation of the case, it was determined by Sir Edmund Head and his advisers, that it should be made the pretext for the entire defunct Macdonald-Cartier Cabinet coming back to office without re-election. Accordingly, to carry out the scheme with legal precision, each gentleman was first sworn into a different office from that he had previously held, and immediately after sworn out of it and into his old post! At five minutes before twelve o'clock at night each member of the Administration stood up, and the Governor General, holding the Bible in his hand, administered a solemn oath to him before high Heaven—each of them swearing before the Almighty, that he would fulfil the duties of an office he had not the slightest intention of ever entering upon. And then when the hour of midnight struck, up they stood again before this precious representative of British Sovereignty and swore again new oaths before God, and changed back to their old places! Was a more blasphemous act ever perpetrated—a false appeal to Heaven made the means of defrauding the people of Canada of a high constitutional right! Our constitutional system in this country has been but an experiment—the problem had to be solved whether British constitutional government could be worked efficiently in Canada; but we hesitate not to say that the Governor General and his Ministers, by that act, did more than all else to bring the existing system into contempt.

Qui Tam actions were afterwards commenced, by a private citizen of Toronto, against three members of the Government, to recover the penalty of £500 for sitting and voting in Parliament contrary to the Statute. Counsel for plaintiff showed that the whole thing was a fraudulent shuffle—that the Act was never intended to apply to the entire change of an Administration—and that if it had, there was no real change of office in this case, but a dishonest pretence of change for a few moments to enable Ministers to deprive the electors of their constitutional right. The Judges decided, however, that without approving of the act or supposing that the Legislature meant to legalise such a proceeding, the letter of the law covered what had been done.

The Municipal Loan Fund.

The history of the Municipal Loan Fund conveys a very clear view of the state of matters under the existing system of government. There are some five hundred and fifty Municipal Corporations in Upper Canada. They have all the right of borrowing money for local purposes, provided they make provision at the time of borrowing by the imposition of a direct tax sufficient to meet the annual interest, and an annual payment of five per cent. towards discharging the principal. These securities were thus perfectly safe—and it was cause of much regret that they were often sacrificed at ruinous rates, from their true value being unknown in the money market. A measure was in consequence introduced in the session of 1852-3, authorizing the Government to create a Municipal Loan Fund, into which the several municipalities desiring to borrow, should pay eight per cent. annually for thirty years—the principal and interest to be then extinguished. On the security of this fund, and on it alone, Government was to issue Municipal Loan Fund Debentures, setting forth clearly the conditions on which they were issued. To make sure that no municipality would exceed the bounds of discretion, Government was to decide on the legality and expediency of every loan applied for.

At first, this scheme worked admirably. The value of Municipal Debentures rose, and no evil was apprehended. But after a while, the number of applicants became very great—the speculation fever ran over the country—and Ministers being hard pressed for Upper Canada supporters, used their power over the Municipal Fund to soothe the restive members and influence votes in contested elections. Enormous sums were thus lent to particular constituencies—sums far beyond their ability to repay and for objects from which a return could not reasonably be hoped for. Alarm was taken, and the Fund was closed—but not before \$7,300,000 had been negotiated through its means. Then it was discovered that the Town of Cobourg, containing at last census 3,871 souls, had received from the fund the enormous sum of \$500,000; that the town of Niagara, containing at last census 3,340 souls, had received \$280,000; that the town of Brantford, with 3,877 souls had received \$500,000; that the town of Brockville, with 3,236 souls, had received \$400,000; and that the town of Port Hope, containing 2,476 souls, had received the enormous sum of \$860,000, or about \$350 for every man, woman and child in the place! These five small towns, with an aggregate population of 16,800, succeeded in extracting from the Government the vast sum of \$2,540,000, or more than one-third of the whole Fund!

The following tables show the municipalities that borrowed, with their respective populations:

COUNTIES.—	Pop.	25,418	\$80,000
Essex	16,817	32,000	
Grey	12,845	16,000	
Hastings	31,977	157,600	
Huron and Bruce	22,035	808,000	
Lambton	10,815	16,000	
Lanark & Renfrew	36,732	800,000	
Lincoln	23,868	48,000	
Northumberland & Durham	61,961	480,000	
Oxford	22,638	20,000	
Perth	15,545	288,000	
			\$2,225,600
	290,651		

TOWNSHIPS.—	Pop.	2,787	\$40,000
Brantford	6,410	50,000	
Canboro	1,151	8,000	
Elizabethtown ..	5,208	154,000	
Hope	2,476	60,000	
Moulton and Sherbrooke	2,318	20,000	
Middleton	1,721	5,000	
Norwich	5,239	200,000	
Ops	2,512	80,000	
Stanley	2,094	10,000	
Wainfleet	1,841	20,000	
Windham	2,900	100,000	
Woodhouse	2,894	80,000	

827,000

39,471

TOWNS.—	Pop.	1,007	\$12,000
Belleville	4,569	20,000	
Brantford	3,877	500,000	
Brockville	2,236	400,000	
Chatham	1,070	100,000	
Chippawa	1,193	26,000	
Cobourg	3,871	500,000	
Cornwall	1,642	2,000	
Dundas	3,517	52,000	
Goderich	1,329	100,000	
Guelph	1,860	80,000	
London	7,035	375,400	
Niagara	3,340	280,000	
Ottawa	7,760	209,000	
Paris	1,890	40,000	
Peterboro	2,191	100,000	
Port Hope	2,476	860,000	
Prescott	2,156	100,000	
St. Catharines ..	4,368	190,000	
Simcoe	1,452	100,000	
Stratford	1,500	100,000	
Woodstock	2,112	100,000	

4,247,400

64,455

\$7,300,000

Now, it will be observed that out of the forty-two Counties in Upper Canada, only fourteen received any money from the Loan Fund. These fourteen favoured counties contain an aggregate population of 290,651—and they received \$2,225,600 directly, and \$2,140,000 through township and town municipalities, or in all \$4,365,000. The balance of the fund, or \$2,935,000 was borrowed by 25 towns and townships, containing an aggregate population of only 76,147 souls! Thus the whole fund of \$7,300,000 was swallowed up by an aggregate population of 366,798—and the remaining portion of the people of Upper Canada, comprising a population of 585,206, got not one penny.

There would have been little hardship in this to those who got no money from the Fund, had those who got it been compelled to pay back. But far from having been made to pay back—they have been encouraged to repudiate; and the municipalities that did not borrow from the Fund, have had to pay their own debts in full and a large share of their defaulting neighbours' debts besides. The Government, instead of resisting the growing tendency towards repudiation, last Session capped the climax of the whole business when pressed for Upper Canada votes to get their Lower Canada Seigniorial robbery Bill through Parliament. They coupled with it a general repudiation scheme, not for the municipalities unable to pay—but for the whole of the debts due to the Loan

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Fund—although by far the greater part of the municipalities were perfectly able to meet their obligations. The whole of the borrowing municipalities were allowed to get off from their bargains by paying in annually to the Receiver General a sum equal to one shilling per pound on the assessed annual value of the taxable property within their several municipalities. And this without any regard to the amounts of the several debts, or the unequal effect it would have on the several municipalities. One or two facts will show the effect of the scheme. Brantford, that borrowed \$500,000, has to pay but \$9,148 per annum, while Lincoln that borrowed less than a tenth of the amount has to pay \$5,803. Cobourg that borrowed \$500,000 has to pay but \$7069, while Elgin that borrowed but \$80,000 must pay \$9,610 per annum. Niagara that borrowed \$280,000 has but \$2,721 to pay, while Hastings that borrowed only half the amount, has \$16,049 to pay. And so on throughout the whole. Nothing could be more hurtful. The municipalities that borrowed moderately are compelled, to pay promptly, and those that borrowed wildly are to be rewarded for their recklessness. And it is to be feared we have not yet seen the end of the matter. It is not easy to stay the spirit of repudiation once it gets abroad—and if the Government of Canada is to be longer maintained by playing off one section against the other, by balancing jobs in one section with jobs in the other—it is to be feared that bad as was this last composition with the defaulters, we shall probably yet hear again of the Municipal Loan Fund.

It was an instructive illustration of the working of the Legislative union, that after the evils of the Municipal Loan Fund of Upper Canada had been discovered—after it was ascertained that lobbying, and repudiation, and heavy loss to the Province, had resulted from the mode of its administration by the Government—after it was resolved to abolish the Fund as an admitted evil—it was notwithstanding deemed absolutely necessary to open another similar Fund for Lower Canada, and allow the municipalities of the East to get into debt to the Government for a precisely similar amount as the municipalities of the West! And how little profit was derived from the experience of the past, may be learned from this, that the last transaction negotiated through this Lower Canada Fund, was lending \$1,200,000 to the City of Quebec—or one-sixth of the whole Fund—though that city at last census contained but 42,052 souls, or not a twentieth of the population of Lower Canada. Nor did the scheme on which this vast sum was to be expended improve the character of the transaction. The money was borrowed to construct a railway along the North Shore of the St. Lawrence, though the South Shore is already occupied by the Grand Trunk from Montreal to Quebec and many miles below. What prospect there is of any return from a second road may be learned from this fact, that but one passenger train daily can be sustained from Quebec upwards, and one train three days in the week if the snow permits, does all the work below Quebec! The published statements of the

Grand Trunk do not show the traffic returns on the several sections of that road; but a statement was published in 1857 of the receipts on the several sections of the road for the first nineteen weeks after the line was opened from Stratford to St. Thomas. That statement showed the comparative earnings to have been as follows:—

Montreal and Island Pond . . .	\$59	90	per mile.
Toronto and Stratford	59	47	" "
Portland and Island Pond	64	87	" "
Toronto and Montreal	50	23	" "
Quebec and Richmond	19	05	" "
Quebec and St. Thomas	2	77	" "

Not great temptation here, one would say, to build a second line either below or above Quebec—but such is the scheme towards which the Government of Canada have devoted 5,500,000 acres of land, and \$1,200,000 from the Municipal Loan Fund!

We might cite numerous other examples of the lamentable results of the existing system on the general affairs of the Province; but we think there is enough. Could anything add to the force of the examples of the system we have recited, it would be some extracts from the Ministerial journals, showing the abandoned tone in which they venture to boast of the corrupt practices on which the whole governmental fabric now rests. The re-election of the Solicitor General of Lower Canada is at this moment going on in the County of Terrebonne—and the organs of the Government have not only boasted that large sums will be spent in securing votes, but the chief feature of the contest have been the hopes held out to the electors that, if returned, Mr. Morin may entirely release the County from a debt of \$120,000 it owes to the Municipal Loan Fund—and put in navigable order a local stream from the funds of the Province. And such appeals are now no novel feature in our election contests. There was a time when such a suggestion would have sealed the fate of any candidate for election in Upper Canada who dared to utter it; but it is no longer so. Nay, we have arrived at a point when the direct application of corrupt influences to members elect is unblushingly avowed by the Ministerial journals, as the Ministerial policy for averting the result of a complete defeat at the polls! When the fact was ascertained, that the Government had been defeated in Upper Canada at the last general election, not even the friends of the Administration conceived that they would venture to enter on a new Parliament

with only a sectional majority, and undertake systematically to rule Upper Canada by Lower Canada votes—and great was the alarm in consequence. But the Government organ shed new light on the case. "Our object," said the *Leader*, "is to disabuse those who suppose that an apparent victory for the Opposition in Upper Canada constituencies is to bring about a 'revolution,' &c. 'Your Clear Grit is the most subservient wretch in the State. Hold a petty office before his eyes, and he is down on his marrow-bones before you in an instant. It is fortunate for British connection that our Governments have generally (at least of late years) been thoroughly cognizant of this philosophical fact. Let our timorous readers, then, take courage. The worst that can befall us is the payment of a small sum for a few stray Clear Grits.' The ministry did not succeed in buying up one tried member of the Opposition—but the fact is as unquestionable as it is deplorable that they did succeed in seducing to their support several members-elect, who had denounced their proceedings at the polls and were returned in direct opposition to them. Whether it was by the appliances suggested by the *Leader*, the public may never know; but this is certain, that one member who was charged at the hustings with entering Parliament to secure a large money claim against the Government, and who replied that the charge was utterly groundless, and that he 'would sell all the claims he had against it for a dollar'—has received from the public chest in the two short sessions he has occupied a seat, first in cash \$125,759; second in cash, \$14,694; and he is striving now to obtain over thirty thousand dollars further as the balance alleged to be due on the very claims he denied at the hustings to exist, and offered to dispose of to any one for a dollar!"

LOWER CANADA RULES UPPER CANADA EVEN IN LOCAL MATTERS.

Not only do we complain that the influence of the Union on the general conduct of public affairs is utterly unsatisfactory—but we farther allege, that it enables Lower Canada politicians to rule the people of Upper Canada to an extent and in a manner which no high spirited people ought to tolerate. In the first place, the Lower Canadians are enabled not only to select their

own public men for the highest positions of State, but they place in the Cabinet and maintain there as the representatives of Upper Canada men who have not the confidence of the people of Upper Canada, and who have been repeatedly condemned by a majority of the Upper Canada members. Let us place this fact beyond doubt. On the 20th of May, 1856, a direct vote of want of confidence was moved in the following terms:—

"That the course of the administration with reference to the question of the Seat of Government and other important public questions has disappointed the just expectation of the great majority of the people of this Province."

This motion was lost on a division of 70 to 47; but thirty-three Upper Canadians voted for it, and only twenty-seven against it. The Ministry thereupon resigned—on the express ground that they were condemned by a majority of the representatives of Upper Canada. The Premier in his official explanation to Parliament used these words:—

"Immediately after the vote was taken on the motion of want of confidence the Government perceived that they were in a minority of six, so far as regards the Upper Canada representatives." * * * The Postmaster General (Spence) stated that being in a minority of votes in Upper Canada, he felt it his duty under such circumstances to resign the office he held. The Hon. Mr. Morrison also felt that he must follow the example that was set by his senior the Postmaster General." Attorney General Macdonald expressed his conviction "that having been left in a minority of six in Upper Canada, the Government of the country could not be carried on with that degree of vigour necessary considering the great questions before the country," and tendered his resignation. Mr. Cayley concurred "in the propriety of the course taken by our Upper Canada Colleagues."

A new shuffle of the Cabinet offices was made—Sir Allan MacNab and Mr. Drummond went out, and Messrs. Vankoughnet and Terrill came in. Sir Allan was no longer Premier, but a Lower Canadian (Col. Taché) filled his place. The announcement of this new Cabinet was at once met in Parliament by a direct vote of want of confidence:—

"That an humble address be presented to his Excellency the Governor General, expressing the regret of this House, that the recent changes in the administration are not such as to secure to the constitutional advisers of his Excellency the confidence of this House and of the country."

This motion was only lost by four votes—58 to 54,—and the Upper Canada vote stood thirty-five for the motion to twenty against it. The Upper Canada vote against Ministers had increased from six to fifteen. Notwithstanding this, Ministers by the help of Lower Canada votes determined to hold on to office and bid defiance to Upper Canada. In the debates which

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followed, however, Mr. John A. Macdonald was compelled to make the admission that "no Administration could hope successfully to govern this country by a majority of one section and a minority of the other,"—and he placed on record the following resolution as his matured view on this point:—

"Resolved—That while the principle of the "Double Majority is not recognized by the Constitution, it is the opinion of this House that "any continuous and systematic government of "one section of the Province in opposition to the "expressed wishes of that section, would be "fraught with danger to the well-being of the "Province."

It is now over two years since the Government appealed to the country to obtain if possible new strength in Upper Canada; they were ignominiously defeated at the polls—but they have continued ever since to rule the Province, in utter defiance of Upper Canada opinion. The Government employed every means to secure success; and the most reckless devices were resorted to for that end—but in vain. When the House broke up, thirty-seven members from Upper Canada were supporting the Administration; of these, five did not seek re-election, two sought nomination but failed, seventeen were rejected at the polls, and but thirteen succeeded in obtaining re-election! Three of the five Ministers of the Crown were among the defeated—namely, Mr. Inspector-General Cayley, Mr. Receiver-General Morrison, and Mr. Postmaster-General Spence—an event unparalleled in Parliamentary history. In marked contrast to this, every member of the Opposition who sought re-election was triumphantly returned.

Nor have Ministers been left in ignorance of the views of the Representatives of the people. On 15th July, 1858, it was moved:—"That an "humble Address be presented to His Excellency the Governor General, setting forth that "His Excellency's Advisers in the Provincial "Cabinet do not possess the confidence of the "Representatives of the people of Upper Canada "in this House; and respectfully entreating His "Excellency that until he shall be enabled to "summon to his Council men in whose judgment and political principles the Upper Canadian Members of the House can rely, His Excellency will be graciously pleased to withhold "the exercise of his undoubted prerogative in all "appointments to places of trust and emolument, "which are now vacant or may become vacant in "Upper Canada, until such time as he can receive "advice concerning the same from Members "of an Administration which shall faithfully "represent the well understood wishes and interests of both sections of the Province." This motion was supported by 26 Upper Canadians to 17 against it.

On the 28th April, 1859, this same motion was repeated, when 30 Upper Canada members voted for it and 22 against it. The yeas were Messrs.

Aikins,	Foley,	Munro,
Bell,	Gould,	Notman,
Biggar,	Harcourt,	Patrick,
Brown,	Hogan,	Powell, Walker,
Buchanan,	Howland,	Ross, James,
Burwell,	McDonald,	J. S. Rymal,
Cameron, M.	Mattice,	Shortt,
Clark,	McDougall,	Stirton,
Connor,	McKellar,	White,
Finlayson,	Mowat,	Wright.

To these would have been added, had they been present, Messrs. Cook, D. A. McDonald, Walbridge, Merritt, Dorland, Hartman, and probably Gowan—making in all 37. Had all the other members gone with the Government, —and that is not probable—they could have had but 27 votes; and this fact is not to be overlooked that the thirty seven oppositionists represent constituencies which had at last census a gross population of 560,000, while those supporting the Government represent only 390,000. The Government of the country then has been carried on for over two years in "continuous and systematic" defiance of the feelings and wishes of Upper Canada as expressed by her representatives.

Sectarianism Forced into the U. C. School System.

But further—the whole legislation of the last few years has been a record of attempts to force on Upper Canada, in Upper Canada matters, Lower Canada views? Who, for instance, commenced the Sectarian School agitation? When the Bill of 1849 had swept away all Sectarianism from the national system, without a word of complaint from any portion of the people interested—who forced on the Sectarian clause of 1850, the Sectarian School bill of 1851, and of 1853, and of 1855, and of 1856? Who, and the members from Lower Canada? It was not enough that we must witness patiently the miserable results of Sectarian education in the Lower Province—it was not enough that tens of thousands of pounds annually must be paid from the earnings of the people of Upper Canada for the support of sectarian education in Lower Canada—but our own institutions in Upper Canada must be out and shaped to the views of our Lower Canada masters!

Jury Reform in U. C. Denied by L. C. Votes.

The Jury Bill of last session was another instance. It sought to provide that unanimity on the part of the Jury should not be necessary to the settlement of civil causes, in Upper Canada. Thirty-two Upper Canadians, on the first division voted for that measure, and twenty-one against it—and on the second division twenty for it and eleven against it. But it was thrown out by Lower Canada votes—although this is the system in Lower Canada!

Public Work Appeals in U. C. Denied, by L. C. Votes.

When the Public Works Bill was before Parliament last Session, it was proposed and carried that when differences arose between the Board of Works and any Contractor, the matter should be arbitrarily settled by one or more Commissioners appointed by Government, without any regard to the wishes of the claimant. Against the decision of the Commissioner or Commissioners so appointed, it was provided that in Lower Canada there should be an appeal to the Courts of Law—but will it be believed that as to all Upper Canada claimants no appeal whatever was to be allowed?

The following amendment was accordingly moved to the Bill:—

"That parties in Upper Canada having claims "for losses or damages accruing from the Pub- "lic Works of the Province, shall have the same "right of appeal to the Law Courts against any "decision of the Government arbitrators as the "Bill confers on parties in Lower Canada."

Now will it be credited that this amendment was thrown out—and thrown out by Lower Canada votes? Thirty Upper Canadians voted for it and twenty against it—but thirty-two Lower Canadians voted against it and only fourteen for it.

Surrogate Reform denied in U. C. by L. C. votes.

When the Surrogate Court Bill was before Parliament in the Session of 1858—it was moved that the Bill be amended—

“By giving the proposed jurisdiction of the “Surrogate Courts to the County Courts directly, “and by abolishing as unnecessary, inconvenient, “and cumbrous, the distinction which the Bill “proposes to maintain between County and Surrogate Courts.”

This proposal, too, was voted down by Lower Canada votes, although sustained by thirty-three of the representatives of Upper Canada to twenty-one against it.

The Abolition of Imprisonment for Debt in U. C. Rejected by L. C. Votes.

When the Government Bill for “abolishing “arrest in civil actions in certain cases,” was before Parliament in 1858, it was moved to amend it, by “providing for the total abolition of imprisonment for debt in Upper Canada.” The motion was supported by twenty-five Upper Canadians to twenty-one against it; but it was voted down notwithstanding by Lower Canadian votes.

Useless Registry Offices forced on U. C. by L. C. Votes.

A Bill was introduced in 1858 by Government to enable the Executive at any moment to establish additional Registry Offices in Cities, Unions of Counties and Ridings in Upper Canada. It was moved in amendment that no such new office should be established unless demanded by the Municipal Council of the locality. Twenty-three Upper Canadians voted for the motion—and seventeen against it—but the amendment was thrown out by Lower Canadian votes.

Extra Polling Places denied in U. C., by L. C. Votes.

Very great inconvenience has arisen in Upper Canada, and serious election frauds have resulted from the fact that there is no power of increasing the number of polling places, where one is found insufficient for recording all the votes within the space of time allowed by statute. Accordingly it was moved on the 14th April, 1859, to amend the Registration Bill, then before Parliament, by making provision for additional polling-places in Upper Canada when absolutely required. The proposition was sustained by 29 Upper Canadian members to 17 against it—but it was voted down by the Lower Canada phalanx; and thousands of votes may be unrecorded in consequence at the coming general election.

The Choice of a County Town in U. C. refused to the People by L. C. Votes.

Even in the matter of fixing our County Towns, the Lower Canadians dictate to the people of Upper Canada. On the 8th of June, 1857, a Bill was introduced to authorize the rate-payers of the County of Lincoln to select a proper site for their County Town. Twenty-four Upper Canadians supported the Bill, and only eleven opposed it—but it was thrown out summarily by Lower Canadian votes.

U. C. Road Inquiry refused by L. C. Votes.

Even a proposal to appoint a committee of inquiry into the position of certain turnpike roads in Upper Canada, sold by Government to certain parties, was rejected by Lower Canada votes, on the 14th July, 1858—though 80 Upper Canadians demanded the inquiry, and 22 opposed it.

Restraint of U. C. Municipal Debts rejected by L. C. Votes.

On the 9th July, 1858, a motion to restrict County Councils in Upper Canada from creating any debt over \$20,000 without the assent of the people, was thrown out by Lower Canadian votes, though sustained by 27 to 21 of the Upper Canada members.

Temperance Associations in U. C. Refused Incorporation by L. C. Votes.

The Good Templars Bill—a Temperance Association, entirely unconnected with politics or any other end than the moral reformation of the people—was thrown out on the 25th of Feb., 1859, by Lower Canada votes, though sustained by a majority of Upper Canadians.

Conveyances by Women in U. C. endangered by L. C. Votes.

On the 22nd March, 1859, Mr. Sherwood moved the second reading of a Bill to “enable “married women to convey their real estate “within Upper Canada.” This was an *ex post facto* measure, and, as introduced, was utterly destitute of those restrictions—limitations which were absolutely necessary to prevent the Bill from doing an immense amount of injustice. The Upper Canadians protested loudly against the measure, and thirty against to nineteen for recorded their names on the division—but the bill was carried, notwithstanding. Fortunately, the Opposition succeeded in stripping it of its worst features.

U. C. Divorcements opposed by L. C. Votes.

On the McLean Divorce Bill—all the parties being Upper Canadians, and the case one of undeniably adultery—a fierce fight was waged by the members of Lower Canada. There were but two Upper Canadians against the Bill, and all the rest in its favour; but every Parliamentary resort to reject it was invoked, and it only escaped defeat by the narrowest chance.

Nay, on a motion to appoint a committee to frame a Bill creating a legal tribunal in Upper Canada similar to that of Great Britain for cases of divorce, with power to decree the dissolution of marriage—the motion was summarily disposed of, though sustained by 80 Upper Canadians against 23 opposing it.

The Date of dividing Counties in U. C. fixed by L. C. Votes.

While a Bill to separate the County of Durham from the County of Northumberland was before the House last session, it was proposed to change the date prescribed for a certain proceeding under the Bill from the 15th June to the first Monday in February; and, though 25 to 16 of the Upper Canadians desired the change to be made, Lower Canada votes settled this purely local matter, and the motion was thrown out, 57 to 39.

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Mill-Dams in U. C. regulated by L. C. Votes.

A Bill respecting mills and mill dams in Upper Canada, entirely affecting Upper Canada, was thrown out by Lower Canada votes, although sustained by 25 Upper Canadians to 14 against it; and although the Lower Canadians had a few sessions before secured for their own section of the Province the advantages of a law founded on the same principles and having in view the same objects!

The Mode of selecting Jurors in U. C. fixed by L. C. Votes.

On 7th May, 1858, a Government measure *inter alia* affecting injuriously the mode of selecting jurors in Upper Canada was moved to a second reading. An earnest exposure of the evils of the Bill followed, and 27 to 24 of the Upper Canada members voted against it; but the Lower Canadian phalanx voted it through, notwithstanding, and fastened the measure on the people of Upper Canada.

The Sale of U. C. Offices justified by L. C. Votes.

Not only do Lower Canadians put in power and keep in power gentlemen who do not possess the confidence of the people of Upper Canada; but they permit them to make merchandise of the most honourable local offices in the gift of the Crown, and aid them in retarding redress when the corruption is exposed. It was proved before a Committee of the House of Assembly that Lawrence W. Mercer opened negotiations with Henry Van Allan Rapalje, Sheriff of the County of Norfolk, for the purchase of his office and agreed upon terms; that Mr. Mercer applied to Government for the office in the event of Mr. Rapalje's resignation, and obtained a favourable reply; that Mr. Mercer thereupon paid to Mr. Rapalje \$2,000 and conveyed to him real estate to the value of \$20,000 as security for the payment to him (Rapalje) of \$1,200 a year during his natural life; that according to agreement Rapalje thereupon resigned on the 28th January, 1858, and on the 2nd February, Mercer was appointed in his place.

This gross act of corruption, striking at the very root of good government was proved beyond denial before a committee, and the report of the committee was followed up by a motion in the House for an address to the Governor General setting forth the facts, and "representing that "in the opinion of this House said transaction "is corrupt and criminal, and it permitted to be "consummated with impunity, would lead to "results in the highest degree demoralizing, "and praying His Excellency to revoke the com- "mission of the said L. W. Mercer as Sheriff of "Norfolk."

The advocates of this motion were met by the cry, "if the charge is criminal go to the Law Courts for redress." "No," was their reply, "whether criminal or not at law, it is scandalous to public morality: the fact is proved—it ought to be punished in the most direct and speedy manner. The crown appointed him, the crown can dismiss him at pleasure, and it ought to be done at once." The Ministry, however, appealed to their Lower Canada allies, and though the motion was sustained by 28 Upper Canadians against 20, it was thrown out, and Mr. Mercer was held in his office in spite of the

protestations of Upper Canada, by Lower Canadian votes!

Fortunately, the matter was carried before the Law Courts, the whole transaction declared illegal, and Mr. Mercer removed from office.

Lower Canada keeps in Parliament for two years an U. C. Representative who was returned by 341 fictitious votes, fraudulently recorded.

And precisely so was it in the Fellowes case. This person was returned to Parliament at the general election of 1857, as the representative of the county of Russell, by an apparent majority over Mr. Loux of fourteen votes. But on the assembling of Parliament a petition was presented setting forth that Mr. Fellowes' majority of 14 had been obtained by fraud and collusion in the township of Cambridge, by which 341 fictitious names had been fraudulently inscribed in the poll-book in favour of Mr. Fellowes—and praying that Mr. Fellowes might be unseated and his place conferred on Mr. Loux. When this petition was read, Mr. Fellowes took some trifling objection to it on the ground of want of form, and moved, seconded by Mr. Burton, "That the petition be not received." Mr. Sherwood, who had charge of the petition, thereupon craved one day's delay that he might look into the objection. But not one hour's delay would the House grant, though the complaint in the petition was of a fraudulent conspiracy to thrust a man into Parliament who had no right to be there. The motion for delay was thrown out, 51 to 50—Mr. Fellowes giving the casting vote in his own favour; and Mr. Fellowes' motion, to put Mr. Loux permanently out of Court, was then carried by 58 to 54. We are happy to say that 88 Upper Canadians voted for the day's delay, and only 19 against it; and that 36 voted to receive Mr. Loux's petition, and 21 against it. It was Lower Canadian votes, therefore, that kept Mr. Fellowes in his seat for two years as an Upper Canadian member voting on all the affairs of the Province. And well did he repay them—for his vote stood ready at their service day and night, for any job that had to be put through. And mark what followed. An inquiry into the matter at the Bar of the House was instituted and the dark conspiracy disclosed. The facts were proved beyond all dispute—fraud and perjury had clearly been practised, and within the knowledge of the person benefiting by it. A motion was in consequence made, setting forth the facts as proved, and declaring the seat held by Mr. Fellowes to be vacant. Will it be believed that this motion was thrown out—not by Upper, but by Lower, Canada votes—thirty-six Upper Canadians voting for it, and only 15 against it. And yet on that very same evidence, a British Jury at the Bytown Assizes of last fall, truer to the honour of their country than the high Court of Parliament, found the member returned, and the Deputy Returning Officer, and the Poll Clerk, and the agent of the member, guilty of the crime, —and they are now expiating their offence in the common goal of Toronto. Is it any wonder that the people of Upper Canada complain of their alliance with Lower Canada!

Such a state of things utterly upsets every idea of constitutional rule. The highest praise of the British constitution is that the will of the majority of the people must prevail in the govern-

ment of the country; but in Upper Canada the will of the minority prevails—and that by the most hateful of all means, *foreign aid*. Men are kept in the high offices of state who have been condemned by the representatives of the people; the local patronage is dispensed on the advice of those who were rejected by the Electors at the hustings; the whole machinery of the executive is brought to bear for the party purposes of a faction, who admit themselves in a position where they can have no hope successfully to govern the country." Nothing could be more irritating to a high-spirited people than such a state of things; and even were there no practical injuries and injustice resulting from it—lamentable indeed would it be, were any portion of the people of Upper Canada content that Upper Canada should be thus ruled by a minority of her representatives, kept in office by Lower Canada votes, and kept there as the price of their subserviency to Lower Canada.

DEMORALIZING EFFECT ON THE PUBLIC MEN OF UPPER CANADA.

But there is one result of the existing system which is, perhaps, worse than any we have yet stated. We refer to the utter moral degradation which it entails on the politicians of Upper Canada. In other countries, men acquire public positions and retain them for a lifetime by their consistent adherence to their principles and the views of their constituents. But here the path to high position is by the reverse of all this. Men go into public life in Upper Canada high in hope that they will be of service to their country, anxious to do only that which is right, and determined that no personal consideration shall prevent their promises at the hustings from being faithfully performed. But they are not long in the Assembly before they discern that there are two parties in Parliament—one divided, and therefore weak; the other compact, and therefore strong. They find that the strong party hold views on all matters political, commercial, and religious, entirely different from the views of the great mass of the people of Upper Canada, and that this party have the keys of office in their hands. The option presented to them is, maintain your principles, claim justice for Upper Canada, and remain powerless in opposition; or, forsake your principles, become obedient to Lower Canada, and "the path of ambition" is open to you. The "path of ambition," indeed!—to be clothed in the trappings of office so long as you do the bidding of a Lower Canada master, and when you have served his purpose—despised and rejected by your Upper Canadian

countrymen—to be tossed aside for life into some petty local office! That is the career under the existing system of a successful Upper Canadian politician—in the common acceptation of success. The path to power in Upper Canada is not, as in other countries, the path of firmness, of candour, and of honour—the very views and qualities which gained the aspirant popular favour with his constituents, condemn him in the Senate; and if he hopes for office, he must begin by recanting all his most cherished convictions. Were it any wonder if the best men of Upper Canada declined to enter public life with such a prospect? Were it strange, under such circumstances, if the least scrupulous should rise the highest in the State? Is it surprising that Parliament after Parliament, the electors of Upper Canada have sent men to the Assembly specially elected to combat the evils and injustice they complain of, and have had as often to deplore broken promises and blasted expectations? Nay, is it any wonder that our Parliamentary records bear witness to acts of mal-administration and corruption disgraceful to our country?

We have shown some of the acts of injustice to Upper Canada that the Lower Canadians have been enabled to carry through Parliament—and while we discharge them not from censure for their share in these transactions, how infinitely greater is the guilt of Upper Canadian Representatives who voted for such measures! We have the same number of members as Lower Canada—and not one of the scandalous proceedings we have detailed could have been consummated without the assenting votes of Upper Canadians. Think you there is one representative of Upper Canada in the Legislature who does not regard the Seigniorial tenure Act as an outrage and robbery of Upper Canada? Think you that any one of the members who voted for the Bill of last session—the crowning iniquity of the affair—does not feel that his vote was a crime against Upper Canada? They were—

- | | |
|-------------------|---------------|
| Messrs. Benjamin, | McMicken, |
| Burton, | Morrison, |
| Carling, | Playfair, |
| Cayley, | Robinson, |
| Fellowes, | Roblin, |
| Macbeth, | Sherwood, |
| J. A. Macdonald, | Sidney Smith, |
| A. P. McDonald, | Talbot, and |
| McCann, | Tett. |
| Macleod, | |

We are not left in doubt on this point, for Mr. Attorney General Macdonald, when out of office, placed on record a motion showing his true feeling on the Seigniorial question, and he was supported upon it by all his political friends. This was his motion:—

Resolved, That it is inexpedient and unjust to the people of Upper Canada to charge the consolidated revenue of the whole Province with the payment of any portion of the said interest

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"nity; and that such indemnity should be paid by that section of the Province immediately benefited by the proposed measure."

These were the views of Mr. Attorney General Macdonald and all his friends, when out of office, while resisting a Bill that gave but partial aid to the Seigneurial fund; but, when his own Government had to meet the demand, he threw almost the entire burden of the indemnity on Upper Canada! Were his views changed? Not a whit—it was the price of office.

And, as to the question of representation by population in the Assembly, is there any difference of opinion among Upper Canadians? Think you there is one man who deems it right that he and his fellow-countrymen of Upper Canada—400,000 more numerous as they are than the people of Lower Canada, and contributing seventy per cent. of the national taxation—should have no greater number of representatives than Lower Canada? Not one. And yet how often has the demand for this great reform been voted down by Upper Canada votes? How destructive of all right feeling on the part of a public man must be a position of such subserviency that he has to vote—nay, to speak—in favour of keeping his own section of the Province in a position of degrading inferiority! Whatever their position induces them to say, there is no doubt as to their true convictions—for, while in opposition, nearly all the leading public men of Upper Canada have, at one time or other, voted for representation by population.

Again, can it be believed that any member from Upper Canada thought it just that a Lunatic Asylum tax should be levied on the people of Upper Canada and none on the people of Lower Canada? No one can believe it—and yet year after year a motion to abolish it was voted down. Here is a sample—of 25th June, 1856:—Moved and seconded "That it is expedient to discontinue forthwith the Lunatic Asylum tax now levied in Upper Canada, and that the expense of extending the Lunatic Asylum Buildings be defrayed from the public chest."

Upper Canada, <i>Yess</i>	26	
Upper Canada, <i>Nays</i>		20
Lower Canada, <i>Yess</i>	0	
Lower Canada, <i>Nays</i>		45
	26	65

So the Lunatic Asylum tax was kept on for that year by the votes of Messrs. Bowes, Cayley, Chisholm, Church, Clarke, Conger, Larwill, Angus Morrison, J. A. Macdonald, McCann, J. C. Morrison, Macbeth, Rankin, Robinson, Roblin, Henry Smith, Spence, Stevenson, Supple, and Yelding. These twenty votes would have carried the motion—but the simple fact was the Ministry might have been endangered had these gentlemen voted to do justice.

Can it be supposed that any Upper Canadian thinks it right that the people of Upper Canada should pay their jurymen from local taxation, and that the jurymen of Lower Canada should

be paid from the public chest? And yet, this gross injustice is maintained to this hour by Upper Canada votes. On 25th May, 1856, the Government moved a series of resolutions from which this is an extract:—"Resolved, that a sum not exceeding five shillings be paid by the Sheriffs of the respective districts to each and every person who shall serve as a petit juror before any court in Lower Canada, for every day he shall be necessarily absent from his usual place of abode." It was moved in amendment to strike out these words, and to insert that "the jurors of Lower Canada shall be paid in the same way as those of Upper Canada, from local taxation." But the motion was thrown out:—

Upper Canada, <i>Yess</i>	14	
Upper Canada, <i>Nays</i>		9
Lower Canada, <i>Yess</i>	0	
Lower Canada, <i>Nays</i>		45
	14	54

Think you these nine gentlemen, Messrs. Fellowes, J. A. Macdonald, Sir A. N. McNab, McCann, James Ross of Belleville, Shaw, Henry Smith, Robert Spence, and Yelding, did not perfectly understand the utter injustice of this matter? Nobody better—but had they done otherwise, their French alliance would have been in danger.

Is it forgotten that Quebec—the extreme end of Lower Canada,—was actually fixed upon as the permanent Seat of Government; and that by Upper Canada votes? Nay, that the money to erect the buildings at Quebec was actually voted by the House of Assembly! Can it be believed that Messrs. Cayley, Clarke, Larwill, J. A. Macdonald, J. C. Morrison, Henry Smith, and Spence who voted for the grant—thought Quebec a fit place for the permanent seat of legislation? On the contrary, nearly all of them had voted against Quebec when it was an "open question"—but they were real, even for that rather than risk the loss of office for their party. And when the selection of a permanent seat was, as a party manoeuvre, referred to the Queen, and Ottawa was named as the future capital—can it be supposed that any Upper Canadian in his conscience approved of dragging the government and legislature for two years to Quebec, at an enormous cost before finally settling down at Ottawa?—And yet twenty-two Upper Canadians were found to vote for that monstrous proposition.

We might pass in this way over numberless acts of humiliation by Upper Canadian representatives—and the response would be the same—it was the price of office. The undeniable fact is, that hardly a division is ever recorded in the House of Assembly on the pure merits of the motion under discussion; the real issue is, How will this affect the Administration? What will Lower Canada say if we vote against it? This is the price of the support of certain members, and it must be put through!

A scene which occurred in the House of Assembly in the session of 1857, well illustrates the humiliating position in which the Representatives of Upper Canada are frequently placed

McMicken,
 Morrison,
 Playfair,
 Robinson,
 Roblin,
 Sherwood,
 Sidney Smith,
 Talbot, and
 Tett.

... on this point, for Mr.
 ... ld, when out of office,
 ... on showing his true
 ... question, and he was
 ... his political friends.

... expedient and unjust to
 ... to charge the cost
 ... whole Province with
 ... of the said officials

under the existing system. On 23th May, 1857, a Bill was moved to a second reading in the Assembly, which provided:—

" I. That no Post Office in this Province shall be opened for the transaction of business on Sunday; nor shall any letter, paper, packet or other mailed matter, be delivered from any office on Sunday.

" II. That no Mail shall be made up at or despatched from any Post Office on Sunday.

" III. That the Locks on all the Canals in this Province shall be closed from Saturday at midnight until Sunday at midnight."

An unprecedented number of petitions had been presented in favour of this measure—and the members of the Administration from Upper Canada were placed by it in a most embarrassing position. Their Lower Canada colleagues were strongly against it—but the people of Upper Canada were earnestly in favour of it, and a direct vote against the measure placed on record in the Journals was by all means to be avoided.

When the mover of the Bill closed his opening remarks, Postmaster General Spence took the floor; he first praised the Bill and then attacked it, and finally concluded by stating, that if the member in charge of the measure would consent to refer it to a Special Committee, the Government would not object to its passing the second reading.

A French Canadian member protested against any such compromise—the Bill must be thrown out at once. He moved the six months' hoist. This motion was put and lost—the members of Government nearly all voting against it.

The question was now put, would the mover of the Bill consent to a Select Committee. Mr. Brown refused, because the Bill had been framed by a Select Committee that sat for weeks taking evidence—and the effect would simply be to kill the measure. A division was therefore taken, and the Bill was read a second time by a majority of eight—all the members of Government voting for it, at which the French Canadians were intensely indignant. Mr. Brown now moved that the Bill be read at length. Mr. Spence asked what that was for? Mr. Brown said to have the Bill sent to a third reading to-morrow. Mr. Spence demanded if Mr. Brown did not mean to send the Bill first to a Committee of the Whole? Mr. Brown said no—that the yeas and nays were not recorded in Committee of the Whole, and to send the Bill there would be simply to have it killed secretly, by those who would not venture to do it openly. The Bill was read at full length.

Mr. Brown now moved that the Bill be read a third time to-morrow. Mr. Spence moved, in amendment, that it be sent to a Special Committee. But here the French Canadians came to the rescue, and manfully declared they would not allow the Upper Canadian section of the Government to kill the Bill secretly. Let it be done above-board or not at all. A most exciting debate followed—in which Messrs. Attorney General Macdonald, Attorney General Cartier, and others poured out the vials of their wrath on the promoters of the Bill—though they had just voted for it. A division was then taken on Mr. Spence's amendment, when it was lost, 36 to 22. A second motion was then made to refer the Bill to a Committee of the Whole—for which all

the members of Government voted—but that, too, was lost, 33 to 24. The question was now on the order for a third reading of the Bill to-morrow, which was carried, 30 to 27.

The discussion was resumed on the 1st June, when, after numerous attempts to kill the Bill were foiled, it was finally thrown out on a division of 53 to 53, by the casting vote of the Speaker. Only three Upper Canadians—Messrs. Clarke, Larwill, and Rankin—voted against the Bill; and only four Lower Canadians—Messrs. Bellingham, Egan, Sanborn, and Terrill—voted for it.

Could anything be conceived more injurious to the public men of any country, or more destructive of their influence with the people they govern, than such miserable exhibitions as that of a Government seeking to destroy a measure in secret which they have not the courage to kill openly?—and how numberless have been the scenes such as this witnessed in the House of Assembly in the last five years! How often have not Upper Canada representatives been seen hurriedly escaping from the Chamber when the division bell was summoning the members to vote on proposals that they felt in their consciences were wrong, but had not the firmness to oppose at the risk of their Lower Canada alliance? Were we to take the election addresses and speeches of the Ministerial members from Upper Canada and compare each paragraph with their votes as afterwards recorded in the Journals, what a picture would be presented!

And mark the effect on Upper Canada politicians. Of twenty-four Upper Canadian public men who have acted as Executive Councilors in the last eleven years—three are dead, six have been forced into private life, six have been shelved, five are now in office—three of these having held it little more than a year—and only four others yet remain in public life. Of the twelve gentlemen who composed the present Coalition Government at its first formation five years ago, only two now remain in it! No fewer than twenty-six persons have entered the present Government in these five years; ten only remain, and sixteen have been thrown overboard as the exigencies of the Government from time to time demanded. In what country on earth can such an exhaustion of public men be paralleled? No one can lament the fate of these gentlemen; they have but received the just reward of their conduct—but is it possible to believe that under a better system such things would have been done by any set of men!

THE NATIONAL FINANCES ON THE BRINK OF SERIOUS EMBARRASSMENT.

But there is one view of the results of the existing union that of itself renders imperatively necessary a complete and immediate change if we would avert, while there is yet time, national

voted—but that, question was now of the Bill to 27. on the 1st June, to kill the Bill thrown out on a voting vote of the Canadians—Messrs. —voted against the Canadians—Messrs. and Terrill—voted

qu. We have shown the wanton manner in which the public money has been squandered in many instances—we have yet to show the result of all this extravagance on the Provincial exchequer. One cannot examine the money votes of the House of Assembly during the five years that the present set of men have been in office without amazement at the utter recklessness and folly that seem to have actuated Government and the members who supported them. Year after year, has the lavishness of the expenditures gone on increasing in a steadily progressive ratio, until the ordinary annual disbursements rose in that brief space from \$4,143,629 in 1853 to \$9,201,943 in 1858! Three times in these five years were the Customs duties largely increased—but the expenditures, notwithstanding, exceeded the revenue: by the enormous amount of \$9,311,026, which had to be met by borrowed money! The National Debt in these same five years, rose from \$29,922,748 to over sixty millions! The annual interest on the national debt increased to such an amount that in 1858 it swallowed up nearly sixty per cent. of the whole gross revenue of the Province from every source—or seventy-five per cent. of the whole revenue, less expenses of collection!

Such astounding folly could only have been perpetrated by a Legislature representing two distinct peoples—one of which voted the expenditures, and the other paid them. Well do the Lower Canadians understand their position. "Nous avons l'avantage," exclaimed a leading Lower Canada member of the Legislature from his place in the House of Assembly—"profitons-en!" Every attempt to put a check on the career of extravagance has been summarily voted down by Lower Canadian votes. When a Bill was introduced in the session of 1858 largely to increase the Customs duties, the following motion was made:—

"That in the present depressed condition of commercial affairs, it is in the opinion of this House, totally inexpedient to increase the taxation of the people as proposed in the said Bill; but that the deficiency in the revenue should be met by a stringent measure of retrenchment applied to every branch of the public service." The motion was lost, 69 to 35—but twenty-nine Upper Canadians voted for it, and twenty-five against it.

Six months later, another large increase of the Customs duties was proposed, and again an effort was made to stay the general extravagance. It was moved on the 22nd March, 1859:—

"That the Customs duties were largely increased in 1856, and again in 1858, and that in the opinion of this House it is inexpedient to increase the duties for a third time within three years, as proposed in the said Bill, until a Committee has inquired and reported whether the estimated deficiency in the Pro-

vincial Revenue for the year 1859, cannot be met by a stringent measure of retrenchment applied to every branch of the public service."

This motion, too, was summarily rejected, by 67 to 32. To borrow more money and increase the taxes—is the only policy tolerated under the present system of government—and it will always be so while Lower Canada imposes the taxes and Upper Canada pays them.

We had prepared a return of all the office-holders under the Provincial Government, showing how many offices existed when the party now ruling the country came into power in 1854, and how many new ones have since been created, and the manner in which the salaries have been increased. The space it would have occupied prevents our publishing it here—but the following abstract of the comparative expenditures in 1853 and 1858, respectively, will show the enormous rapidity with which the cost of every branch of the public service has progressed:—

	1853.	1858.
Interest on the public debt	\$1,201,535	\$3,090,899
Charges of management	4,727	56,738
Discount .....	.....	80,942
Exchange	6,709	10,812
Civil Government	144,415	394,735
Administration of Justice	356,536	608,359
Police	19,231	41,931
Provincial Penitentiary	28,000	53,400
Reformatory Prisons ..	.....	8,200
Legislative Council.	46,532	108,044
Legislative Assembly ..	218,417	576,408
Education	465,905	529,955
Literary & Scie. Inst'ns.	21,177	33,860
Hospitals and Charities ..	58,920	194,958
Geological Survey	5,946	19,566
Militia	12,219	162,351
Arts, Agri. & Statistics ..	.....	24,616
Agricultural Societies ..	68,647	111,082
Emigration & quarantine ..	42,489	49,982
Pensions	46,572	45,389
Indian Annuities	31,020	31,020
Public Works & Build'gs ..	367,213	758,655
Roads and Bridges	10,372	163,261
Ocean Steamers & River Tugs	16,400	217,555
Light Houses	69,510	116,615
Fisheries	2,580	15,628
Seigniorial Tenure Redemption .....	.....	298,351
Culling Timber	44,970	50,198
Railway and Steamboat Inspection .....	.....	14,778
Collection of Customs and Excise revenue	175,163	358,153
Collection of Public Works revenue ..	181,449	270,572
Collection of Territorial revenue	185,794	221,316
Collection of other funds ..	9,733	29,188
Maintenance of Postal Department	361,448	565,636
	\$4,143,629	\$9,201,943

Nothing could justify such an increase of expenditure in so short a space. It will be seen that in one department alone—that of Customs and Excise—the cost of collection rose in the five years from \$175,163 to \$358,153—although in the former year the customs revenue was

**FINANCES ON THE
US EMBARRASS-**

of the results of the ex- renders imperatively immediate change if there is yet time, national

\$4,228,754, and in the latter year only \$8,506,517. Thus the cost of collection in 1853 was but four per cent. on the amount collected, while the cost in 1856, was ten per cent. We may be told that there are many items of new expenditure in 1856, for objects that were advanced to the Province. But this forms no justification for the expenditure if it was unproductive and beyond the ability of the Province even for the time being.

And be it remarked, that not only were the ordinary annual expenditures far beyond the revenues—but an enormous debt was all this while accumulating for aids to railroads and other extraordinary disbursements. The following table shows the rate at which the public debt has increased since the Union:—

Public debt at the Union.....	\$5,982,413
Funded debt on 31st Dec., 1842....	6,249,672
Ditto on 31st Jan., 1844....	9,362,224
Ditto on 31st Jan., 1843....	13,823,660
Ditto on 31st Jan., 1848....	15,907,648
Ditto on 31st Jan., 1850....	18,987,336
Ditto on 31st Jan., 1851....	18,782,560
Ditto on 31st Jan., 1852....	20,481,468
Ditto on 31st Jan., 1853....	26,046,052
Ditto on 31st Jan., 1854....	29,922,748
Ditto on 31st Jan., 1855....	38,851,832
Ditto on 31st Jan., 1856....	45,865,212
Ditto on 1st Jan., 1857....	48,757,616
Ditto on 1st Jan., 1858....	52,334,908
Ditto on 1st Jan., 1859....	54,301,840

To this must be added for balances due to Special Funds; to the London agents of the Province; and for the fresh debt authorized by the Seigniorial Tenure and other Acts of 1859, about eight millions of dollars—less four millions invested in the Imperial Sinking Fund. The debt at this moment is above sixty millions of dollars.

For this enormous debt, nearly all we have to show are public works, which do not pay the expenses of maintenance—the Great Western Railway debt of \$2,810,500—and whatever may be recovered from the municipalities that have borrowed money from the Municipal Loan Fund. We have therefore to look exclusively to our ordinary sources of revenue for the means of paying the interest of this vast debt, of reducing the principal, and maintaining the machinery of Government.

These sources of Revenue have produced annually in the past five years the following sums:—

In 1854.....	\$6,628,350
In 1855.....	5,157,521
In 1856.....	6,202,768
In 1857.....	5,816,151
In 1858.....	5,306,038

The Customs duties furnish the great part of the revenue. Let us then examine what hope there is of drawing largely increased revenues from that source. The following is the return of the goods annually imported into Canada in the last nine years:—

	Free Goods.	Raw Materials.	All other dutiable Goods.	Total Imports.
1850.....	\$1,178,533	\$1,567,386	\$14,238,149	\$16,982,068
1851.....	1,810,685	2,076,504	17,547,601	21,434,790
1852.....	1,247,941	2,411,169	16,623,472	20,286,492
1853.....	1,775,911	1,187,580	25,017,945	31,981,433
1854.....	2,611,743	7,817,150	29,598,892	40,026,822
1855.....	910,385,535	2,251,186	23,149,448	26,066,169
1856.....	11,921,767	2,871,639	28,715,981	43,509,387
1857.....	12,407,904	3,019,008	24,008,639	39,435,551
1858.....	5,572,614	2,652,119	18,052,794	29,077,527

The American Reciprocity Act came into operation this year.

Now, can the Custom's duties be forced higher than they are? For ten years past they have been undergoing a regular process of advancement. In 1849 we had Mr. Hincks' Bill, by which the duty on manufactured goods was raised from 10 to 12½ per cent.; in 1854 we had another change of the Tariff; in 1854 we had still another change, and in the same year the Reciprocity Act; in 1856 we had Mr. Cayley's Bill to raise the duty on manufactured goods from 12½ to 15 per cent.; in 1858 we had his Bill to raise it from 15 to 20; and, though six months had hardly passed, we had in 1859 Mr. Galt's Bill to raise the duty on articles of domestic consumption to an average probably of over twenty-two per cent. Nothing can stand against such reckless folly as this. The merchant who sends an order to Europe can have no security what will be the duty when his goods arrive. From a return of the importations in the last five years, we find that the duty on the following chief articles of consumption by the masses of the people, averaged the following rates of duty on their declared values:—

	1855.	1856.	1857.	1858.	Galt's Tariff.
Coffee.....	8½ per c.	8½	10	10	15
Molasses.....	11	11	11	18	30
Sugar, refined, 32	28	25	26½	40	40
Do. other.....	27	20	17½	21	30
Tea.....	11½	11½	11½	12½	15
Boots & Shoes, 12	14½	20	21	25	25
Harness.....	17	20	21	25	25
Cotton Goods, 12	13½	15	15	20	20
Iron Goods.....	12	18½	15	16	20
Silk Goods.....	12	13½	15	17	20
Wool Goods, 12	14	15	18	20	20

It is needless for us to point out the depressing effect on the industry of the country of these large and constant additions to the duties on merchandise. The injury to the importer from these constant changes is almost as great as the injury to the farmer and mechanic, from the increased cost of all the articles they consume. Nor is it necessary to our purpose to show that with so extended a frontier, the maintenance of such high imposts must induce smuggling to a large extent. But what we do earnestly desire to impress on the attention of every one is the fact, that the very highest point has been reached at which Customs' duties can be levied—and that unless an immediate and entire stoppage is put to the extravagant system of conducting public affairs, national bankruptcy will certainly be upon us, and that shortly. The men who have controlled the business of the country for some years seem to think—if they think at all—that the resources of Canada are unbanded and may be safely drawn upon at pleasure. But nothing could be more fallacious. We have not the manufacturing capabilities and the cheap capital of European countries; we have not even the varied resources of the American Republic—her cotton fields, her sugar plantations, and her gold fields. Our two great sources of wealth are the corn fields of our farmers, and the timber of our forests. Nearly our whole dependence for meeting our foreign creditor rests on these two branches of industry. We may rear splendid cities and thriving towns—we may build railroads and live luxuriously—but the entire fabric must rest, after all, on the labour of the farmer, and the lumberer. Now, it is not to be denied, that in Canada neither farming nor lumbering is a

duties be forced higher in years past they have in process of advancement Mr. Hincks' Bill, by manufactured goods was 10 per cent.; in 1853 we had 15 per cent.; in 1854 we had 15 per cent. in the same year the 1856 we had Mr. Cayley's on manufactured goods 10 per cent.; in 1858 we had his 10 per cent. to 20; and, though six per cent. had in 1859 Mr. Galt's on articles of domestic manufacture probably of over 10 per cent. nothing can stand against this. The merchant who can have no security when his goods arrive. Importations in the last year the duty on the following commodities by the masses the following rates of values:—

	Galt's	Thurf.
1856.	10	15
1857.	10	15
1858.	10	15
1859.	10	15
1860.	10	15
1861.	10	15
1862.	10	15
1863.	10	15
1864.	10	15
1865.	10	15
1866.	10	15
1867.	10	15
1868.	10	15
1869.	10	15
1870.	10	15

point out the depression of the country of these conditions to the duties on importation from almost as great as the mechanical, from the articles they consent to our purpose extended a frontier, high imposts must in every extent. But what we press on the attention of the very highest point of the Customs' duties can be less an immediate and the extravagant system of us, national bankruptcy us, and that shortly controlled the business of years seem to think—if the resources of Canada be safely drawn upon at could be more fallacious manufacturing capital of European countries the varied resources of—her cotton fields, her gold fields. Our health are the corn fields the timber of our forests. (dependence) for meeting of these two branches of our splendid cities and build railways and live native fabric, must rest of the farmer and the not to be denied, that in nor lumbering is a

source of great wealth. We can prosper well with close economy—we must certainly be ruined by extravagance. The ability of Canada to import foreign goods, and pay Custom's duties upon them, can only be safely estimated by an examination of her exportations in past years. We cannot long import if we do not pay—and our exportations are our only means of paying. The following table shows the whole exportations of Canada since 1851:—

Year	AGRICULTURAL PRODUCTS.	TIMBER.	SHIPS.	FISH.	MINERALS.	TOTAL EXPORTS.
1851	\$ 5,744,897	\$ 6,068,516	\$ 1,666,200	\$ 249,296	\$ 86,755	\$ 13,810,604
1852	7,347,448	6,578,389	1,050,400	297,949	38,576	15,307,607
1853	11,450,174	9,421,020	2,480,750	340,008	109,366	23,801,803
1854	10,180,940	9,981,367	2,208,250	349,711	298,922	23,019,180
1855	16,435,244	7,947,920	1,219,544	459,320	125,822	28,188,460
1856	20,192,065	10,019,888	1,213,078	456,547	165,644	32,047,017
1857	18,066,211	11,780,387	1,388,444	640,118	286,469	27,006,624
1858	12,248,128	9,447,727	742,640	718,296	314,928	23,472,809
1859	\$ 36,065,037	\$ 71,180,189	\$ 11,965,866	\$ 3,311,686	\$ 1,421,377	\$ 139,953,344

The average annual exports, therefore, of the last eight years, have been—

Agricultural products.....	\$12,333,129
Timber.....	8,898,769
Ships.....	1,495,683
Fish.....	428,442
Minerals.....	177,692

Total annual exports... \$23,331,678

Let us contrast these exportations with the importations for the same years:—

Year	Importations.	Exportations.
1851	\$21,434,790	\$13,810,604
1852	20,296,492	15,307,607
1853	31,981,436	23,801,803
1854	40,523,825	23,019,180
1855	36,086,169	28,188,460
1856	43,534,387	32,047,017
1857	39,428,584	27,006,624
1858	29,978,527	23,472,809

The large balances against us in these years were covered by immense sales of the stock and bonds of railway and other public companies, and by the sale of large amounts of Provincial Debentures. But with railway investments at an end—with the sale of debentures stopped—and with largely increased interest to remit public and private indebtedness, is there any ground for anticipation that our exportations for years to come will pay the foreign creditor and largely increased importations?

The more closely the financial position of the Province is examined, the more clearly we think will it appear that the only hope of averting the most serious pecuniary embarrassment is, by applying firmly and at once a sweeping measure of retrenchment to every branch of the public service, and by stopping absolutely all further borrowing of money. But can any one believe that such a policy could be steadily pursued under the existing system of government?

SHOULD THE UNION, THEN, TO BE MAINTAINED?

We have finished our illustrations of the Legislative Union of Upper and Lower Canada as it has been carried on for years past; and they are merely illustrations—for we might readily have stated numberless other transactions equally censurable with those we have recited. But is there not enough to prove, that, whatever might have been the results of the Union had a different policy been adopted in the administration of public affairs, from the date of its consummation—all hope of good government under it, in its present form, is at an end? Had the line of demarcation between the old Provinces been swept away at the time of the Union, and the representation based on population—had the legislation been framed for one united people—had a gradual assimilation of the Laws and Institutions of the two sections been steadily kept in view—had all connexion between Church and State been firmly ignored, and all grants to sectarian purposes steadily refused—and had a sound secular education been provided for the youth in all parts of the Province; might we not have now witnessed very different results from the union of the Canadas? But though there are many who in striving for years past to resist the progress of misgovernment, have earnestly contended for retracing our steps, and adopting, late as it was, such a policy as this—is there one of them who now believes that the moment when this could be done has not passed forever? Do not the proceedings of the last few years—the fierce sectional jealousies—the general demoralisation—the accumulation of the public debt—the prospect of pecuniary embarrassment—all warn us that there is no hope of reform

under the existing system, and that delay is fraught with danger? We are persuaded the time has come when neither Lower Canadian nor Upper Canadian who loves his country can desire the existing connection to be maintained one day longer than is necessary to provide a wise arrangement for the future—and that the following resolution adopted unanimously by the Convention will be heartily endorsed by the country:—

“1. Resolved,—That the existing Legislative Union of Upper and Lower Canada has failed to realize the anticipations of its promoters, has resulted in a heavy debt, burdensome taxation, great political abuses, and universal dissatisfaction throughout Upper Canada; and it is the matured conviction of this assembly from the antagonisms developed through difference of origin, local interests, and other causes, that the Union in its present form can no longer be continued with advantage to the people.”

It has been said that to break up the union as now established, would be a “retrograde movement” and “unstatesmanlike.” The evils endured by the people of Upper Canada are too great, we apprehend, and too directly felt, for any portion of the community to be deterred from the consideration of their removal by such arguments as these. But other countries have found themselves very much in the same position we occupy to-day; they demanded like remedies to those we wish to obtain; and they are now rejoicing over the happy fruits of their success. The union of Holland and Belgium presents a striking analogy to the case of Canada. In 1815 Holland and Belgium were united in a constitutional government, under a Prince of the House of Orange. The kingdom of the united Netherlands was constituted “to raise a powerful bulwark on the frontiers of France.” Its independence was guaranteed by the treaties of Vienna; to violate its integrity was to disturb the European “balance of power;” yet in 1830, the discontent of the people of Belgium, under their union with Holland, assumed the form of open revolt; the troops of King William were driven across the frontiers, and a Provisional Government proclaimed the independence of Belgium, and summoned a national Congress “to consolidate it forever.” The five great Powers met in conference at London; the King of the Netherlands and the representatives of the Belgian Provisional Government appeared before them. The King appealed to the treaties of 1815, to the justice of his government, &c., and contended that the Conference could not entertain the proposition of dismemberment; that it could only consider the question of “the restoration of legal order in a part of his dominions,” and not “to make any inroad upon the independence of the old united provinces of the Netherlands.” The five Powers, however, took a different view of the question and the interests involved in its settlement. They recognized the right of the Belgian people to reconstruct their government, and they recognized the fact that the peace of Europe would be endangered by attempting to coerce a union in one legislature, and under one government, of two peoples, dissimilar in national character, professing different religions, speaking different languages, and having, in many respects, diverse interests. Therefore, they decided, after the requisite number of protocols and protests had been issued, that Bel-

gium should be separated from Holland, and erected into an independent kingdom. The Belgians were allowed to frame their own constitution, and choose their own ruler. They elected Prince Leopold of Saxe-Cobourg, and he having sworn to govern according to the constitution, was recognized, and his rights as an independent sovereign guaranteed by the five powers. Holland objected to the final bases of separation, and though she had, during the negotiations, marched her armies into Belgium, and was only prevented from recovering her lost dominion by the intervention of a French force, the great powers were so satisfied of the inexpediency of a union of the two countries, maintained by arms alone, that they compelled Holland to accept the terms of separation agreed upon in London.

It will be interesting to notice some of the grievances of which the Belgians complained, and to mark their similarity to those which are now causing the people of Upper Canada to seek for a similar remedy. The *Annual Register* for 1830, introduces its history of the events of that year in the Netherlands, by observing, that, “when Belgium was joined to Holland in 1815, to form the kingdom of the United Netherlands, the union was one of convenience on the part of those by whom it was negotiated, to raise a powerful bulwark on the frontiers of France. It was not attended by any mutual affection or congeniality of habits, in those who were thus joined together. Holland was divided from Belgium, or the Southern Provinces, by difference of national character, difference of religion, difference in some measure, even in language. The Belgians considered themselves as oppressed, because they had been forced into an union which they never sought, and they found, or thought they found, that the terms of that union were unequal.” Among other things the Belgians complained, “that Dutchmen were allowed a monopoly of the general administration; that even from Belgian offices, Belgians were practically excluded; that they were taxed for Dutch debts, and for objects exclusively Dutch, that their religion and the institutions for education were discouraged,” &c. &c.

Who can fail to see in the history of the Canadian Union; in the difference of character, religion and language of the people of the two Provinces; in the unequal terms of the act of union; in the domination of French influence in the administration; in the Seigneurial Tenure and other unjust sectional grants; in the repeated attempts to destroy the School system of Upper Canada, parallel, singularly striking, for each of these Belgian grievances? But the identity of the situation becomes more remarkable as we proceed. The provisional government in its speech at the opening of the National Congress detailed the reasons which had led the Belgians to seek a separation from Holland. Among them were these:—“an enormous debt and expenditure;” “taxes overwhelming by their amount and still more odious by the manner in which they were apportioned, being paid almost wholly on the indigent classes;” “laws always voted by the Dutch for Holland only, and against Belgium, represented so unequally in the States general,” &c., &c. We have only to change a word or two in these specifications to

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express the principal complaints of Upper Canada against the existing union with Lower Canada. In the case of the United Netherlands, as in that of United Canada, the antipathies of race, religion and language, were aggravated by an element of injustice in the constitution. The population of Belgium was 3,411,082, while that of Holland was only 2,071,181, yet they were represented equally in the united legislature. "The equality of numbers," says the *Encyclopaedia Britannica*, "between the Dutch and Belgians made it difficult to come to a settlement on such subjects as affected the interests of the two countries in a different or opposite way." But there was an argument in favour of equal representation in that case, which not only does not hold this, but tells with irritating effect in the opposite direction. "One of the grievances was," says the same authority, "that in the legislative body the number of deputies was as great from the northern as from the southern division of the kingdom, although the number of inhabitants in the latter was so much greater. The foundation of this settlement of the relative numbers was based upon the principle of giving legislative power according to the rate of revenue to be extracted from each division, rather than according to the number of the population. The proportion of revenue raised in Holland was nearly equal to that raised in Belgium. The rate of revenue per head in Holland was sixteen florins, and in Belgium ten florins." Apply this principle to Canada, give us legislative power not according to population, but "according to the amount of revenue extracted from each division," and what would be the result? A legislature in which Upper Canada would have two or three representatives for every one from Lower Canada. In the Netherlands case, one party could appeal to the population principle in support of its claim; the other could say that the taxation principle was against that claim. Here, both principles combine to demonstrate the unparalleled injustice which is inflicted upon Upper Canada by a constitution which unites her on equal terms with a not only smaller, but a poorer community. But there is yet another point of resemblance between the case of United Canada, and that of the United Netherlands; a navigable river—the Scheldt—had its source in one country and its outlet in the other. The right of the Belgians to the free navigation of this river, which was essential to their commercial and manufacturing interests was recognized by the five powers, and formed one of the bases of separation. It is perhaps needless to add that the result of that separation has justified the most ardent hopes of its advocates. A liberal constitution was adopted; freedom of the press, of education, of religious worship, was secured; commerce and manufactures received new life; agriculture and the arts flourished, and the Belgians are now the freest, the most prosperous, and, perhaps, the most contented people on the continent of Europe.

Here, then, we have the example of a legislative union between two distinct peoples or nationalities, whose position, geographically, socially and politically, exhibits many points of resemblance to our own. We see that, after 15 years' experience, that union was violently repudiated by one of the parties. It had already been condemned by majorities in both branches of the united legislature; and it was finally abandoned as a failure by all those at whose instance it had been formed.

THE UNION WAS NEVER SANCTIONED BY THE PEOPLE OF UPPER CANADA.

We have asserted in a previous part of this address, that the people of Upper Canada were never consenting parties to the Union of 1840; but that it was determined on as an Act of Imperial policy and carried as such. Let us examine the record on this point.

In March 1837, both branches of the Legislature of Upper Canada, addressed the King on the subject of the Union. They expressed to His Majesty their "apprehension that a mistaken view of the condition and interests of the people of Upper and Lower Canada may prompt some persons inconsiderately, to press upon your Majesty's government the measure of uniting these Provinces as a remedy for existing evils." They had observed that suggestions of that kind had been "publicly offered both in England and Lower Canada." They did not wonder that their fellow subjects in Lower Canada should be "willing to risk the experiment," but they "earnestly trust, nevertheless, that His Majesty would graciously condescend to consider that the political condition of 400,000 of His Majesty's subjects cannot be otherwise than most materially affected by so important a change in their government." They declared their opinion that such a change would "expose them to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this country," and gave the following as reasons for that opinion:—

"The Province we believe to be quite as large as can be effectually and conveniently ruled by one Executive government. United with Lower Canada it would form a territory of which the settled parts from east to west would cover an extent of 1,100 miles, which for nearly half the year can only be traversed by land. The opposite territory of the United States, along the same extent of frontier being divided into six States, having each an independent government."

They then observe that the people of Upper Canada are of British descent, speak the same language, have the same laws, &c., and pray His Majesty "not to suffer a doubtful experiment to be hazarded" which may prove "injurious to themselves and their posterity." This address was signed by John B. Robinson, Speaker of the Council, and Archibald McLean, Speaker of the Assembly. It was answered on the 21st April, 1837, by Lord Stanley, who was commanded by His Majesty "to observe that the project of Union between the two Provinces, has not been contemplated by His Majesty, as fit to be recommended for the sanction of Parliament." Thus stood the matter previous to the rebellion. After that event the project was again mooted. The British party of Lower Canada petitioned our Legislature for a Union, which they declared would give Upper Canada "a more equal proportion of the general revenue a free outlet to the ocean" &c., and promote the objects the petitioners had in view, viz:—"the complete Anglicization of the Province." A committee of the Legislative Council, and also a committee of the Assembly, drew up in the session of 1838, long reports upon the affairs of the Province which

were transmitted to England. The Union project was again condemned by both. The Council said that "if the peace and safety" of Lower Canada "can be no otherwise assured," then, "Upper Canada should consent to that measure," but they observe:—

"If the recent events, in Lower Canada, which cannot be too much deplored, seem to present some arguments in favour of a legislative union, they appear to suggest others of a contrary tendency, which it would not be safe to treat lightly." "To have but one legislature, with two executive governments, would be in some respects inconvenient; and to have but one government to rule so extensive a country, would not, as we apprehend, be found satisfactory or prudent."

They go on to hint at other more weighty reasons, which incline them "strongly to the conviction that the social happiness of the people and their internal peace" are more secure under their separate governments. They expressed a favourable opinion of a federal union of all the British North American colonies, under which "each colony might retain its own legislature for purposes purely local in their object, and all questions which could affect their relation to Great Britain or to each other might be settled in the united legislature."

The report of the Committee of the Assembly, of which Mr. W. W. Sherwood was chairman, took similar ground. While preferring firstly, a union of all the provinces, retaining the "local assemblies" with powers limited to the adoption of laws for their "local and domestic government;" or, secondly, the annexation of the Island of Montreal to Upper Canada, they state that "they would at once declare their unqualified dissent" to a union with Lower Canada, were it not for the "political embarrassment" of their fellow-subjects of British origin. But they declare that "upon no other terms can the measure be sanctioned by this Province" than the securing of "British ascendancy in both branches of the legislature;" the "introduction of the laws of England;" the "use of the English language in all legislative and judicial proceedings;" and as a "*sine qua non*, on the part of this Province, that the place selected for the Seat of Government should be within its limits."

In the session of 1839 the Legislative Council adopted a resolution declaring that they "still adhered to the sentiments, opinions, and remedies set forth in their report" of the previous year on the subject of the Union. The Assembly adopted two sets of resolutions on the same subject, enumerating *thirteen* conditions, without which they declared they "were distinctly opposed to that measure." Among these were two, which had for their object still further to secure the ascendancy of the British population, viz:—the annexation of a part of Lower Canada, to wit, the counties of Gaspé, Bonaventure, and Rimouski to New Brunswick; and limiting the number of members for the balance of Lower Canada to 50, while the number for Upper Canada will remain "as at present," viz, 65. But a change was effected during the same year in the expressed opinions of certain members of both Houses, chiefly those holding offices under the Crown. Mr. Poulet Thompson came to Upper Canada in November, 1839, as Governor General, determined to carry the project of Union at all hazards. He brought

with him a Despatch from the Colonial office, informing the office-holders of the colony that they held their offices "not during good behaviour," but only until "motives of public policy may suggest the expediency" of their removal. The Governor General took care to have this despatch published in the *Canada Gazette* before the Union question was brought on "for the information," to quote his own words, "of all parties concerned." "This publication," His Excellency naively remarks in his account of the transaction, "appears to have been attended with good effects!" Resolutions in favour of a Union were adopted, leaving it for the wisdom of the Home Government to secure British ascendancy, &c., and only recommending "in the fullest confidence" the prohibition of the French language, the establishment of the seat of Government in Upper Canada, &c.

Whether this kind of doubtful assent, procured by such means, from a legislature which had by its own vote proloved its existence beyond the constitutional term, could then, or can now, be regarded as expressing the views of the people of Upper Canada on so important a question, may, we think, be reasonably doubted. Sir Francis Bond Head, then in England, stated the case with his usual felicity, as follows:

"To use their own homely expression, 'it was easy to see which way the wind blew;' and as the approaching storm was evidently inevitable, many sound and sensible men who had all their lives been distinguished for their admiration of British institutions, as soon as they were told that Mr. Thompson had declared that 'Sir Robert Peel was in favour of the Union,' did not hesitate openly to avow that common prudence and a sense of self-preservation had united in inducing them to shelter themselves in time from its desolating effect."

Mr. Hagarman, then Attorney General of Upper Canada, had declared his determined hostility to the Union. "So strongly," said he, "do I feel the fatal consequences of this measure, that were I permitted to approach my Gracious Sovereign, I would on my bended knees implore Her Majesty to withhold her assent from it." Yet, the significant hint on the subject of removals from office enabled Mr. Hagarman to see the question in a new light, and he recorded his vote in its favour. These sudden conversions did not escape the notice of many members of the Imperial Parliament. Mr. Packington, who has since held the office of Colonial Secretary, opposed the Union on the ground that it had not received the sanction of either Province. In reference to the inconsistent action of the Parliament of Upper Canada, he declared his opinion that "Mr. Poulet Thompson had availed himself of the means which his position as Governor General gave him to obtain a forced consent from the Legislature of Upper Canada," and cited the speeches of Messrs. Hagarman and Sullivan on one side, and their votes on the other to justify that opinion.

Mr. Hume said:—"The people of Lower Canada have not been consulted on this question, and therefore the Bill is not likely to produce the harmony which is desired; and I do not attach any weight to the opinion of the Parliament of Upper Canada, because they most unconstitutionally continued their period of sitting."

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to escape the notice of Imperial Parliament. Sand held the office of Attorney General of the Union on the subject of the sanction of the Government to the inconsti- tutionality of Upper Canada, that "Mr. Poulett himself of the means the Governor General gave consent from the Legisla- tion cited the speeches of Sullivan on one side, and other to justify that

people of Lower Ca- nada consulted on this ques- tion. The Bill is not likely to be such as is desired; and I am of the opinion of the Government, because they continued their period

Another member, Sir G. Sinclair, said:—"I did hope that such a communication (the despatch respecting offices) would be noticed with indignant reprobation by Governor Thompson, who in this country had ever been a friend to the ballot and a declared enemy to undue influence." The vote in favour of a Union had been achieved, he said, by "the ingenious expedients of improper influence and intimidation."

In the House of Lords, the measure was ob- jected to very strongly. The Earl of Gosford, who was Governor General when the first out- break occurred in Lower Canada, declared that "by far the greater majority of the two Canadas are opposed to the Union." He presented two petitions against it, "emanating from the Centre body of the Catholic clergy of the dis- trict of Montreal, and from 40,000 respectable inhabitants of the District of Quebec, both English and French."

The Duke of Wellington denied that "the unbiassed opinion of the Legislature of Upper Canada" had been obtained. "When the Governor," he said, "went down to the Leg- islation with the proposition ready cut and dried, he first told them that, under the new arrangements, those who did not support that measure would go out of office."

Lord Brougham said, "That despatch directly and immediately tended to produce a change in the sentiments of the body which before had dissented and protested against this meas- ure. But is the consent of the people of the Province to be inferred from a consent under such circumstances? Certainly not."

Other facts might be stated, other documents and speeches quoted. To show that the consent neither of the people of Upper Canada nor of the people of Lower Canada was obtained to the present Legislative Union; that it was the sug- gestion of the "British party" in Lower Can- ada, for purposes which it has utterly failed to accomplish.

WOULD THE ADOPTION OF THE DOUBLE MAJORITY BE A SUFFICIENT REMEDY?

But the question now arises, what constitu- tional changes would secure relief from the evils and abuses that have arisen under the present system?

It has been suggested that the Legislative Union might be maintained as at present, and yet a remedy be found for the evils under which we labour, by the adoption, as a constitutional rule, that the members of the Administration from either section should retire from office on a vote of want of confidence by a majority of the Representatives from their own section; and that no Bill affecting the local matters of either Upper or Lower Canada should become law unless sanctioned by a majority of the Representa- tives from the section to be affected by it.

Doubtless the adoption of such a rule would prevent many of the most mortifying daily

transactions now complained of by Upper Can- ada; but would it touch the heart of the disease? Would it change the unjust system of representa- tion? Would it equalize the burden of taxation? Would it put an end to the wasteful extrava- gance of the present system? Would it remove the jarrings of race and creed? Not one of these things would it accomplish. It would change the men, so far as the Representatives of Upper Canada were concerned—and that would undoubt- edly be a very great relief to the country—but what security is there that any set of men under the demoralizing influences and embarrassments of the system to which they would certainly be exposed, might not yield to some extent before the pressure as their predecessors had done be- fore them?

And mark one practical effect of the Double Majority principle. The Opposition at present comprises a majority of the Representatives of Upper Canada, and a minority of Lower Canada. The Ministry are sustained by a majority from Lower Canada, and a minority of Upper Canada. Were then this rule applied, on the opening of Parliament, Messrs. J. A. Macdonald, Vankoughnet, Sherwood, Smith, and Ross, must at once retire from the Government—and the leaders of the Upper Canada Opposition take their places in the Cabinet, associated with representatives from Lower Canada, of whose principles, measures and policy, they entirely disapprove, and in opposition to that section of Lower Canadians who most nearly approach their political views, and in whose ability and integrity they place entire confidence. True, this difficulty for the time being would most probably have been removed had the Governor General allowed the Brown-Dorion Administration to adopt the Constitutional mode of bringing into harmony the representatives of the two sections of the Province, by placing their policy before the country and appealing to the electors. But we apprehend that appeal would have been based on matured constitutional changes for meeting the difficulties of the Union and provid- ing permanent remedies for the evils we now deplore. We have no doubt that that appeal would have been successful in Lower as well as Upper Canada; we have no doubt it would be successful if made now; but the differences are so wide between the masses of the two sections, and the motives of strife and jealousy so numerous, that it is hardly possible to conceive a period would not come, under the Double Ma- jority rule, in which the majority of one section would either be compelled to associate them- selves in a Cabinet with the public men of the other section in whom they had least confi- dence, or government would become impossible. We are satisfied that the resolution on this

point adopted by the Convention must be heartily approved by all reflecting persons. It was as follows:—

“ 2. *Resolved*.—That highly desirable as it would be, while the existing Union is maintained, that local legislation should not be forced on one section of the Province against the wishes of a majority of the representatives of that section—yet this Assembly is of opinion that the plan of government known as the ‘Double Majority’ would be no permanent remedy for existing evils.”

WOULD RESTRAINTS ON THE POWERS OF THE EXECUTIVE AND LEGISLATURE BE A SUFFICIENT REMEDY ?

There is a large body of intelligent persons who are of the opinion that were the powers of the Legislature and Executive restrained within defined limits—and no increase of the debt permitted without a direct vote of the people—our chief ills would be remedied, without any change of the Legislative Union. There can be no doubt that such constitutional restraints would correct many of the financial abuses that have sprung up, and that any plan unaccompanied by stern safeguards on the expenditure of the public money and on the increase of the public debt, would be entirely unsatisfactory. But were we to admit that the financial abuses would be removed by this remedy—would not all the other difficulties and embarrassments of the Union remain? Would not the strifes of race and creed still exist? Would not the demoralising effect be still felt of forcing two bodies of men, representing countries totally different in thought and feeling, to rule over and legislate for both countries on one system? Would not the injustice in the representation still remain? Would not the divisions in Upper Canada and the cohesion among Lower Canadians still maintain the latter as the dominant power in the State, and enable them to dispense the patronage and control the local affairs of Upper Canada?

But setting aside this view of the proposition, let us examine it in another light. The parties who advocate this remedy chiefly incline towards it because, as they allege, it necessitates so little change. But have they well considered the full extent of the changes it would render imperative? How are these constitutional restraints to be secured? We are told—by Act of Parliament; but are not Statutes broken every month by Ministers with impunity, and the breach sanctioned by the partisan majority of the Legislature? But, it is said, severe penal clauses may be provided to punish any breach of the law. True, but who shall enforce them in defiance of a majority of the Legislature? And could not the power that made the law unmake it at any time? Is it not evident that to secure control over the public finances, nothing will answer short of a written Constitution adopted by the people, and only revocable with their assent?—which must carry with it other changes. And if this great reform has to be undertaken, whatever may be necessary to render it effective, were it not wise to extend the measure so as to meet as fully as practicable all the other evils and abuses from which we

suffer so much? We all admit that this remedy is absolutely imperative—but no one we think who has read the facts presented in this address, can fail to acknowledge that something else must accompany it. The Resolution of the Convention on this point was as follows:—

3. *Resolved*.—“ That, necessary as it is that strict constitutional restraints on the power of the Legislature and Executive in regard to the borrowing and expenditure of money and other matters, should form a part of any satisfactory change of the existing Constitutional system—yet the imposition of such restraints would not alone remedy the evils under which the country now labours.”

WOULD A FEDERATION OF ALL THE BRITISH NORTH AMERICAN PROVINCES BE A SUFFICIENT REMEDY ?

A Federative Union of all the British North American Provinces is advocated by very many persons as a complete remedy for all Canadian difficulties. Among those holding this opinion are many prominent and influential citizens of Upper Canada; but we believe that a vast proportion of the members of the Convention and those they represent in the country, are opposed to it. The advantage of building up a great and united nation to occupy the whole of British North America is strongly pressed by the advocates of this measure; but the dangers of a new alliance with other Provinces with whom we have hardly any intercourse, are as strongly urged by its opponents from an Upper Canada point of view. The Convention came to the conclusion that it was needless to embarrass the proceedings by raising the question of a general Federation, as the evils complained of by Upper Canada demand an immediate remedy, while a union of the whole Provinces—even if acceptable to Canada—could not be attained without long negotiations with the Imperial authorities and the Colonial Governments, and after formal appeals, with doubtful success, to the several peoples proposed to be united. As it was obvious, moreover, that no union of all the Provinces would be entertained by any party, except on the basis of the federative principle, as distinguished from the legislative; it would seem natural, even in the view of the advocates of a general Federation, that the first step was to secure a settlement of the differences between Upper and Lower Canada, and such a change in their Constitutional relations as would place them in a position to negotiate the conditions of a general Federation—should this step be hereafter deemed desirable by the people of Canada. The Convention, therefore adopted on this point, the following resolution:—

4. *Resolved*.—“ That without entering on the discussion of other objections, this assembly is of opinion that the delay which must occur in obtaining the sanction of the Lower Provinces to a Federal Union of all the British North American Colonies, places that measure beyond consideration as a remedy for present evils.”

THE TRUE REMEDY!

What then is the remedy best adapted to deliver the Province from the disastrous position it now occupies? We answer—

—**Dissolve the existing legislative Union.**

—**Divide Canada into two or more Provinces with local Executives and Legislatures having entire control over every public interest—except those, and those only, that are necessarily common to all parts of the Province. Let no public debt be incurred by these Legislatures until the sanction of the people has been obtained by direct vote.**

—**Establish some Central Authority over all, with power to administer such matters, and such only, as are necessarily common to the whole Province. Let the functions of this central authority be clearly laid down—let its powers be strictly confined to discharging specified duties. Prohibit it from incurring any new debt, or levying more taxation than is required to meet the interest of existing obligations, discharge its own specified duties, and gradually pay off the national debt.**

—**Secure these rights by a written Constitution, ratified by the people, and incapable of alteration except by their formal sanction.**

The details of these Constitutional changes, the Convention did not deem it necessary to lay down minutely, inasmuch as various views are entertained in regard to many points of detail which would equally accomplish the ends sought by the Convention; and as, moreover, all the articles of the Constitution must form the subject of much public discussion, and be formally submitted to the people for approval before being adopted.

A very strong feeling was entertained in the Convention, in favour of a dissolution of the Union, pure and simple—and powerful arguments were advanced by many speakers in favour of that measure. But after full discussion of both proposals, and of the obstacles to be encountered in their accomplishment—the following resolutions were all but unanimously adopted:—

“ 5. *Resolved*.—That in the opinion of this assembly, the best practicable remedy for the evils now encountered in the government of Canada is to be found in the formation of two or more local Governments, to which shall be committed the control of all matters of a local or sectional character, and some joint authority charged with such matters as are necessarily common to both sections of the Province.”

“ 6. *Resolved*.—That while the details of the changes proposed in the last resolution are necessarily subject for future arrangement, yet this assembly deems it imperative to declare that no government would be satisfactory to the people of Upper Canada which is not based on the principle of Representation by Population.”

The advantages to be derived from this plan must be apparent to every intelligent person. It is clearly necessary that the common use of the internal navigation from Lake Superior to the mouth of the St. Lawrence should be secured to both sections—or Upper Canada might be deprived of an outlet to the ocean, and Lower Canada might be cut off from the interior, except under conditions laid down by a rival province. The large public debt, too, is a common obligation for the equal and punctual discharge of which, each province is deeply concerned in holding some guarantee. Neither can the intimate and profitable commercial intercourse which exists between Upper and Lower Canada, and especially between the eastern section of Upper Canada and the city of Montreal, be omitted in considering the future relations of the two countries. How deeply injurious would it be to both sections, were a *cordon* of customs officers to be ever watching the boundaries of the two Provinces—were our railway trains and steamers to be stopped midway at the lines, and a war of hostile tariffs, perhaps, waged between the countries! The constitutional system to be desired, then, for the highest advantage of both Provinces, is one which while providing for the harmonious administration of those matters in which we are inseparably connected—will put an end to the demoralization and prodigality which the rivalries of race, creed, and sectionalism have so plentifully produced under the Legislative Union.

And is not the plan of the Convention well adapted to secure these ends? We complain of the existing union, that it enables Lower Canada to select from among the politicians of Upper Canada the men who sit in the Administration as the representatives of Upper Canada; it will put an end to that. We complain that the existing union places the distribution of the public patronage of Upper Canada in the hands of the candidates who have been rejected by the electors; it will put an end to that. We complain that Upper Canada is now compelled to pay seventy per cent. of taxation levied for purposes that ought to be borne by local assessment; it will put an end to that. We complain that the annual expenditures are distributed most unjustly to Upper Canada; it will put an end to that. It is complained that by the jarring of race and sectionalism, ruinous extravagance and prodigality have brought the Province to the verge of ruin; it will put an end to that. It is complained that the attempt to rule two countries, widely apart in thought and feeling, in all matters local and general, under one Government and Legislature—has made of

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for the price of recreancy to principle and has demoralized the publicmen of Upper Canada; it will put an end to that. The plan of the Convention simply stops the attempt, in the words of Edmund Burke, "to methodize anarchy;" it leaves each section to manage its own local affairs as it thinks best—and it provides the machinery necessary for administering harmoniously those interests that are inseparably connected. Moreover, it prepares the way for extending a Federal government over the whole British American Territories, if the day ever arrives when the people demand it.

It has been alleged against this plan of the Convention, that the governmental machinery necessary under it, would be more expensive than the present system. Were this correct—the stoppage of extravagance and jobbing in the expenditure would abundantly make up for it. But the allegation, we apprehend, is entirely incorrect. The scale of expenditure under the existing system far exceeds what would be tolerated in either Lower or Upper Canada, were each Province legislating for itself and bearing the burden of its own acts. Moreover, there is now almost as complete a double system of administration as there would be under such a constitution as we demand. In all local matters, the institutions of Upper and Lower Canada are now as distinct and independent, as if the Provinces had never been united; and in general matters—in the Law offices, the Secretary's office, the department of Crown Lands, the Militia department, the Board of Works, &c.—there are, separate staffs of officers maintained for each section of the Province. We are persuaded that the new constitution would secure a large annual saving in the mere machinery of Government, and a vast saving in every branch of the general expenditures.

There is no reason why this plan should not be acceptable to the people of Lower Canada as well as of Upper Canada. It seeks no advantage for one section over the other; it asks only that equal justice may be meted out to both, and that each may enjoy entire control over its own local affairs. It must be remembered that there have always been among the representatives of Lower Canada in the Legislature, men who have condemned the abuses and injustice of the existing system, and who have deplored its hurtful effects on the highest interests of their own section of the Province. Nor ought this to be forgotten, that though the public chest has been so often unfairly drawn upon for Lower Canadian purposes—the expenditure of the money has frequently excited the indignation of Lower Canada by the profligate manner of its application. The address recently issued to the people of Lower Canada shows that there are Lower Canadian statesmen who from the highest point of view advocate such a change of constitution as that proposed by the Convention, in the interest of Lower Canada. Even the least considerate can hardly fail to perceive that the day cannot be long postponed when the injustice of the present system will rouse such a degree of indignation and excitement in Upper Canada as no Government of Lower Canadians, sustained by a minority of Upper Canada, will be able to control. This consideration also must have weight in Lower Canada, that if redress is refused by our own Parliament, an appeal will be made to the Imperial Legislature to re-

deem its pledge, and rectify the Constitution imposed by itself upon the colony, and that that appeal will not be made in vain.

We have in the history of the American Republic, ample evidence that the most secure basis for the maintenance of harmony when remote sections of country and diversified interests are united under one Government, is to secure to each of the united sections the entire control of its own local affairs. We see here a people of diverse origin, but so interfused that they may be regarded as homogeneous, united for common and national purposes under one Government, but separated into distinct and independent sovereignties, each asserting and enjoying the right of exclusive jurisdiction in all questions of government not expressly delegated to the federal authority. An experience of eighty-three years, marked by vicissitudes of war and peace, of political agitation, and commercial revulsion, has served to corroborate the wisdom and foresight in this respect of those who framed the federal constitution. The doctrine that "political sovereignty is capable of partition, according to the character of its subjects, so that powers of one class may be imparted to a federal, and powers of another class remain in a state constitution," has been tested, and its advantages, as applied to the government of free communities on this continent, have been sufficiently established. A great, a portentous evil—slavery—corrupts the national character, disturbs all the motions of government—State as well as Federal—and threatens seriously to destroy the Constitution. The observant spectator cannot fail to see, however, that there is a resistant force—a conservative element—that must be first overcome. That force is found in the local independencies of the several States. The reflections on this subject of an able American statesman are so just that they may well be cited for our instruction:—"It is not," said he, "by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can do so much better than a distant authority. Every State again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor. Were we directed from Washington when to sow and when to reap, we should soon want bread. It is by this partition of cares, descending in gradation, from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all."

But it has been said that a measure to divide the country into two or more Provinces, would weaken British influence, and would not receive the sanction of the Imperial authorities. It may be remarked that such suggestions come from those who show very little regard in their public conduct for British feeling or British principles. We are satisfied that any measure for the better government of Canada, demanded by the people of Canada, would be readily sanctioned by the Home Government. But as regards the Constitu-

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ness, changes advocated in this address—we have beforehand the approval of many of the leading statesmen of Great Britain. The Union Bill, as originally introduced into the Imperial Parliament, contained the main features of the plan we now urge—and but for reasons which will presently appear, that Bill would have become law and the Canadian Union have been organised under its provisions.

In 1837 both Houses of the Imperial Parliament adopted the following resolution:—

"That great inconvenience has been sustained by His Majesty's subjects inhabiting the Provinces of Lower Canada and Upper Canada, from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said Provinces, and divers other questions wherein the said Provinces have a common interest; and it is expedient that the Legislatures of the said Provinces respectively be authorized to make provision for the joint regulation and adjustment of such their common interests."

In 1838 the Imperial Government sent the Earl of Durham to Canada as Lord High Commissioner, and after quoting the above resolution, instructed him as follows:—

"It is clear that some plan must be devised to meet the just demands of Upper Canada. It will be for your lordship, in conjunction with the Committee, to consider if this should not be done by constituting some joint legislative authority, which should preside over all questions of common interest to the two Provinces, and which might be appealed to in extraordinary cases to arbitrate between contending parties in either; preserving, however, to each Province its distinct Legislature, with authority in all matters of an exclusively domestic concern. If this should be your opinion, you will have further time to consider what should be the nature and limits of such authority, and all the particulars which ought to be comprehended in any scheme for its establishment."

Lord Durham, after reviewing with great skill and impartiality the political condition of Canada, prescribed as a remedy a Union of the two Provinces, on the following terms:—

The Bill should contain provisions by which any or all of the other North American colonies may, on the application of the Legislature, be with the consent of the two Canadas, or their united Legislature, admitted into the Union on such terms as may be agreed on between them. As the mere amalgamation of the houses of Assembly of the two Provinces would not be advisable, or give at all a due representation to each, a parliamentary commission should be appointed, for the purpose of forming the electoral divisions and determining the number of members to be returned on the principle of giving representation, as near as may be, in proportion to population. I am averse to every plan that has been proposed for giving an equal number of members to the two Provinces in order to attain the temporary end of outnumbering the French; because I think

"the same object will be obtained without any violation of the principles of representation, and without any such appearance of injustice in the scheme as would set public opinion both in England and America, strongly against it; and because when emigration shall have increased the English population in the Upper Province, the adoption of such a principle would operate to defeat the very purpose it is intended to serve. It appears to me that any such electoral arrangement, founded on the present provincial divisions, would tend to defeat the purposes of union, and perpetuate the idea of dissimilitude. The same Commission should form a plan of local government by elective bodies, subordinate to the general legislature, and exercising a complete control over such local affairs as do not come within the province of general legislation. The plan so framed should be made an act of the Imperial Parliament, so as to prevent the general legislature from encroaching on the powers of the local bodies. A general executive on an improved principle should be established, together with a Supreme Court of Appeal for all the North American Colonies."

In 1839 Lord John Russell introduced his first Union Bill. We have, unfortunately, no copy of that Bill, but the following extract from his speech on that occasion will show that the principle of independent local legislation, affirmed by the Imperial Parliament, in 1837, laid down in the instructions to Lord Durham, in 1838, and emphatically endorsed and recommended by him after a full inquiry into the whole subject, was embodied in the measure submitted to the Imperial Parliament in 1839. His Lordship said:—

"The Bill provides for the establishment of a central district at Montreal and its neighbourhood, in which the government shall be carried on, and where the Assembly shall meet. The other parts of Upper and of Lower Canada are each to be divided into two districts. It is proposed that these districts should be formed for the purpose of becoming municipal districts, for the imposition of taxes and rates, for all local purposes." "With regard to the franchise, the right of election is to be the same for the municipal and the general election."

Up to this point, then, there is a clear indication that in the minds of the Imperial authorities the principle of local government for "all local purposes," and joint government "over all questions of common interest" should lie at the basis of any new Canadian Constitution. It is true that between 1837 and 1839, the scheme of Government for working out this principle was somewhat changed. The first idea was that each province should retain its "distinct legislature," but with diminished powers—questions of commerce, trade, customs' duties, navigation, and the like, of "common interest," being transferred to "some joint legislative authority." But the same influence that finally prevailed, was then at work; and we accordingly

It may be observed, however, that the local bodies were to rest on the general legislature; that they were to be independent and sovereign within their own spheres; that the general legislature was to be prevented by an Imperial Act—by the terms of the Constitution—from encroaching on the powers of the local bodies.

But the Act which finally passed the Imperial Parliament, ignoring the principle of local legislation for local purposes entirely. It gave to the general legislature complete control over all matters, local and general, sectional and common. It had reference, as Lord Durham remarks of Imperial policy generally, "to the state of parties in England instead of the wants and circumstances of the colony." Men of influence in Upper, and especially in Lower Canada, demanded the complete subjugation of the French, their sympathizers in England echoed the cry, and the substituted Bill was framed and passed to accomplish that object more effectually. This was plainly avowed at the time. In his speech on introducing it, Lord John Russell, after declaring that the Assembly of Lower Canada used the weapons of Hampden in support of the principles of Stratford, that they were "entirely exclusive, extremely hostile to all improvement, to the general extension of British enterprise," &c., &c., explained the aims and object of the measure in these words: "For these evils—for this evil spirit—there seems to be no better remedy, no more obvious or safer mode of proceeding in order to put down this system of monopoly and exclusion, than to admit the inhabitants of both countries to send members to one legislature, the French race to be represented by persons of their own opinion, but depriving them of that prerogative of which they have made so ill a use."

Hence the equal representation of the two Provinces without regard to population; and hence the abandonment of the great principle of local government by local bodies, marked out in the instructions to Lord Durham, recommended by him in his report, and even embodied in the Union Act as first submitted to Parliament.

The main object of the Bill has proved an entire failure. Not only are the French Canadians in full possession of the prerogative they formerly enjoyed in Lower Canada, but by means of the existing system of Government they have extended their influence over the Upper Province. The debates of the time show clearly that the measure was felt by many of the leading men of the House of Commons, to be but an experiment; and we are satisfied that an examination of the results will induce them to revert to their first better thought of

to offer for the... The deep... Upper Canadian... will secure, an... every fact and... upon it. We have but one our address abroad, and that failed to do justice... defence. While... abuses of which... sought to avoid... any overstatement... deductions from... that nothing has been... strictly correct. We... criticize with all... them as claim to be... their weapons against our... and not against the... whether the time has... Canadians should...

With the great mass of the... Canada, we well know that... we have presented... that have long been... them to keep in mind... for redress of their... with them and with... of the contest. The... selves heard in the... would have alienated... if their petitions have... Representatives... counts with unflinching... days hence a new Session of Parliament... commenced in Quebec when a vigorous effort will be made to secure... in this Address. One... to every elector of Upper... with us the injustice and degradation under which our country suffers...

Constitutional changes we have suggested... ready for the... in your Petitions to Parliament... and to those who are... to the whole, but... still say, had a better remedy and send in your Petitions... signed, by order and on behalf of THE CONSTITUTIONAL REFORM ASSOCIATION OF UPPER CANADA. ADAM FERGUSON, President. M. McDougall...

