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# CANADIANA.

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## *THE QUEBEC BILL.*

### CANADA'S TRANSITION STATE.

A paper read by MR. GERALD E. HART before the Society for Historical Studies, Montreal, November, 1890.

“Voici le Pape du Canada et le Sot des Anglicans,”\* were the significant words appended to the small but handsome marble statue of George the Third, the gift of the King to the city, now decorated with full papal insignia, mitre, cross and rosary, the face even bedaubed with lamp black, which met the eyes of the astounded citizens of Montreal as they wended their way to their places of business on the morning of the 1st May, 1775.

The motive was suspected and generally understood, so that there was an evident lack of zeal attending the efforts to discover the actual perpetrators, the authorities, no doubt, realising that they were treading on dangerous ground. Heavy rewards were offered and much apparent indignation expressed. An example had to be found and a martyr made, and as a young merchant, named Franks, did not denounce the act as loudly as all others, and had the

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\* Here is the Pope of Canada and the Fool of Englishmen.

hardihood to tell a new king's councillor of the now rising French-Canadian nation, that it was not customary to hang for so trivial an offence in England, Mr. Picotté de Belestre shewed his authority by having him committed to prison. This may have been for the insult to his dignity, rather than any well-grounded suspicion that he was the perpetrator. In those days a magistrate could imprison without assigning cause, and thus Mr. Franks was not aware of the crime laid at his feet. The whole body of English merchants offered to become his bail; but the Governor, as soon as it reached his ears at Quebec, saw fit, without enquiry of any kind, to release him within a week and to severely reprimand Mr. Belestre for his officiousness.

History oft repeats itself and we have here a verification of the adage, for the self-same cause occasioned this insult to the King as in after years, 1849, the loss of the seat of Government to Montreal; acts of sedition, unpardonable in themselves, but the expression or voice of an indignant people in condemnation of the Government for granting or yielding to French supremacy in an English colony to the detriment of English rule.

No day in the annals of Canada since the conquest, has been invested with the constitutional importance of this memorable May day of 1775. We may well call it "the birthday of Canada's autonomy," for on this day the "Quebec Act" was to come into force, the first act of the British Legislature having reference to Canada, the foundation of our present political status and the laws under which we are governed.

It was this act which had aroused the indignation of the British population, and a large number of the French citizens of Montreal, from whose hand, no doubt, the insult had emanated, as the language used, and subsequent acts, would imply, and well would it have been had this childish treatment of the king's effigy been the sole outcome of the wrath of the people; but unfortunately it was not destined

to end here, and much more serious consequences soon followed.

To understand the political condition of the country, it will be necessary to revert to 1760, when England assumed the administration of affairs.

For the four years immediately following the conquest, Canada remained under military jurisdiction, with Major Gen. James Murray acting as governor in chief in immediate succession to General Amherst, to whom the surrender of the country was made. The French peasants accustomed to military dominancy did not find his rule at all irksome. He was moreover largely guided in his legal decisions upon civil matters by the advice of the French advocates, notable among whom was François Joseph Cugnet, a very able and talented Canadian, who exercised for years after this immense influence with the British governors, and this tended to render his administration very popular with the people. Cugnet's influence extended even beyond the limits of this province, his opinion being sought by the English ministry in all questions affecting the old inhabitants.

In 1763, after the treaty of peace had been signed by which the conquest of Canada for the British Crown was ratified, King George the Third issued his royal proclamation putting an end to the military regime and substituting for it English laws and customs. The words used are :—  
 “That in the meantime, and until such assemblies “ (referring to a preceding section in which the governor was authorized to summon and call general assemblies of the people) ” could be called, all persons inhabiting in, or resorting to His Majesty's said colonies “ (referring to the distributing of his American conquests into four colonies, Quebec, East Florida, West Florida and Granada) ” might confide in His Majesty's royal protection for the enjoyment of the benefit of the laws of his realm of England.....for the hearing and determining of all causes, as well criminal as civil,

according to law and equity, and, as near as may be, agreeably to the laws of England."

Governor Murray and his council of twelve, partly appointed by England and partly by himself, immediately promulgated this proclamation and in his first or great ordinance dated 17th September, 1764, constituting the courts of justice, these English laws, in abolition of the French law in its entirety, were put into force with the solitary reservation "that the French laws and customs should be allowed and admitted in all causes in the said court (Common Pleas) between the natives of the said province, in which the cause of action arose before the first day of October, 1764." A Court of Chancery was further established with the Governor as Chancellor, and two Masters, two examiners and one registrar. Full effect was thus given to the king's proclamation, but Murray, under the all-powerful influence of Cugnet and the French gentry soon upset the whole force of the king's edict by the resolution of council adopted the following month: "That in actions relative to the tenure of lands and rights of inheritance, the laws and usages of Canada should be observed as the rule of decision according to equity, conformable to the former ordinance." This was never confirmed by the king, and as the Governor and Council had no authority to pass such a resolution, it was not only illegal but wholly *ultra vires*, nevertheless it was acted upon and rendered "confusion worse confounded" in the decisions of the courts under the two systems of law thus brought into force; a constant cause of complaint to the Crown in after years, and which ultimately brought about the Canada Act of 1891.

General Murray, after the conquest resided in Quebec, where he soon became on most intimate terms with the French gentry, all of whom had become British subjects by taking the oath of fidelity. Son of Lord Elibank and of an autocratic turn of mind he could not condescend to associate with the commoners from England who came to settle

in the country, many of whom felt the unjust imperiousness of his nature and the pointed slights he gave them. From the constitution of society of that day, it was natural for Murray to find his associates and friends largely among the self-styled French noblesse, not one of whom were peers in fact but gentry only, of whom there were one hundred and fifty chiefly residing in Quebec—rather than among the English residents, chiefly merchants who followed in the wake of the conquest, respectable and wealthy as many of them were, intelligent as they proved themselves to be, the progenitors of our race, but unequal in social status to the aristocracy of England with which Murray was allied. To properly appreciate this feeling we have only to remember the power of the nobility and the great divisions of society which existed in all European countries at that time.

Dissatisfied with Murray's many acts of partiality towards the French-Canadians and the introduction of the French law in several of the ordinances which he and his council made, the British population held indignation meetings and petitioned the king for his dismissal. The London merchants trading with Canada supported this in a remonstrance and petition they laid before the Board of Trade and Plantations. The result, was Murray's recall within two years of his appointment as governor! He was succeeded by Lieutenant-Colonel Irving as administrator, he being the oldest councillor, but he in turn was almost immediately superseded by Brigadier General Sir Guy Carleton who was appointed Lieutenant-Governor in 1766, and Governor-in-Chief in 1768. He was no improvement on Murray, but far more diplomatic and less imperious. He was politic enough not to show his hand at all times and knew how "to run with the hare and hunt with the hounds." He still retained the counsel of Cugnet which was ever unfavorable to British interests, but fewer ordinances were passed than under Murray favoring this law-maker's opinions.

The best illustration of Carleton's character may be gathered from his reply to the king's request for a report from him upon the best system of laws for the colony. Having in view the ignoble discomfiture of his predecessor and his wreck upon a somewhat similar rock, he sailed around it, by an artful report, the concluding clause of which reads ; —“That they (Governor and Council) cannot draw a balance in favor of any one of these methods in preference of the other, nor find a new one preferable to them all, being unequal to the task. We have no other merit than that of giving some information of facts. Your Majesty is best able to decide.”

In 1773, Sir Guy visited England and while there he was faced with two petitions to the king, one from the British residents in Canada stating that they numbered over 3,000 and asking that the king instruct the Governor to convene the House of Assembly expressly granted to them by the terms of the royal proclamation of 1763 and for which they had waited ten long years, representing that the situation and circumstances of the province required the same. In the memorial accompanying it, it was intimated that ordinances repugnant to British laws were constantly being passed, and the petitioners recommended that an assembly subject to the king's pleasure (thus not objecting to Catholic representation if he saw fit to have it) should be convened.

The other was from the French noblesse, advocates, and others, expressly adverse to any House of Assembly being convened, but asking for an enlarged executive council to assist the Governor in which they were to have full representation. \* Also for the repeal of that part of the proclamation of 1763 in which the English laws were made absolute and further asking for the restoration of their laws, privileges and customs, and the extension of the boundaries of the province to its former (French) limits. They also asked to be allowed to hold office under the Crown and entreated

\* Hitherto they had been excluded owing to their religion.

for the rights and privileges of citizens of England. The petition was signed by sixty-five names, many of whom were boys and lads at school, representing that they spoke in the name of over one hundred thousand French-Canadians resident in the country.\*

More they could not ask for and more they could not wish for, than they obtained in reply to this remarkable petition. The rights and penalties of conquest were completely expunged and the vanquished were now the victors. Well may their writers of to-day proclaim, "We were ceded not conquered!"

Within a few months of the presentation of these petitions, a bill from the House of Lords, where it had been passed without a challenge, was introduced by the Government in the Commons in the last days of the session of Parliament of 1774, when not over 130 members out of 558 were present upon a division, entitled "An Act for regulating the Government of the Province of Quebec," better known as "The Quebec Bill." Rushed through the Houses with undue haste, notwithstanding petitions and remonstrances from the merchants of London concerned in the Canada trade, and Cursitor Baron Maseres, acting on behalf of the British residents of the province, the bill was passed, and received the king's assent in the face of a very strong protest from the corporation of the city of London. Thus became law the famous "Quebeck Bill" (14 George III, chap. 83), and it was very soon seen that the French petition of sixty-five individuals had supplied the basis of its provisions.

By it the French civil law and Roman Catholic dominancy were established in Canada.

Tithes and all the other church dues were now made legally collectable, which had not been the case since the con-

\* At this time the French Canadian population exceeded 150,000 as proved by evidence in the proceedings of the Quebec Bill. For list of these names see p. 193 of *appendix*.



quest, fifteen years previous. Roman Catholic disabilities as to tenure of office were removed. The limits of the province were largely extended. In short by this bill, the whole fabric of English dominancy in the province of Quebec was for ever, at one fell blow, annihilated, leaving but a British protectorate as a result of the heroic conquests of Wolfe and Amherst, to meet the groaning expense of which the foundation of England's public debt was largely laid.

Such a bill as this, it would be natural to infer, would have made the hearts of his Canadian new subjects, as they were called, rejoice. But not so; the peasantry in whose name the bill had been procured and whom it was specially intended to benefit, mourned in sackcloth and ashes the moment information as to its provisions reached them. "Are we reverting to the old bygone days of French rule, when we were as slaves in the land, subject to every whim and order of our seigniors and priests?" asked they of each other? "If so, we repudiate the action of these sixty-five self-term'd representatives and will not accept the bill. We have been quite satisfied with British institutions and treatment during the past fifteen years, and wish for no change. We have had liberty of action, and have materially benefited by the liberality in purchase of our products. We have supported our priests and church voluntarily and have received politeness which we were unaccustomed to, and much better service in consequence."

These sentiments found expression in a petition of remonstrance forwarded by the British residents to the king and Parliament asking for the repeal of the bill: "And whereas an Act of Parliament has lately passed, intituled, an Act for making more effectual provision for the Government of the province of Quebec, which is said to have been passed upon the principles of humanity and justice, and at the pressing instance and request of the new subjects, signified to His Majesty by an humble petition setting forth their dislike to the British laws and form

of Government, and praying in the name of all the inhabitants and citizens of the province, to have the French institutes in their stead and a total abolition of trials by jury, together with a capacity of holding places of honor and trust in common with His Majesty's ancient (British) subjects; we crave leave to inform your honorable House, that the said petition was never imparted to the inhabitants in general, that is, the freeholders, merchants and traders, who are equally alarmed with us at the Canadian laws being to take place, but was in a secret manner carried about, and signed by a few of the seigneurs, chevaliers, advocates, and others in their confidence at the suggestions and under the influence of the priests."

To this petition one hundred and eighty-four representative names by committees from all over the country were appended including many French; and it was stated it would have received a much larger French acquiescence by signatures were it not that the act had been obtained by their priests with whom they did not wish to be on ill terms or offend.

In England likewise the bill was very hotly denounced after it had passed, and innumerable pamphlets with inflammatory titles and cartoons, the popular mode of expression of the day, were issued. But all to no avail; the bill had become law, and was not to be altered by petitions, remonstrances or public denunciation.

That the civil disabilities of the people arising from their religion only, should be removed, does credit to Carleton and Edmund Burke (the latter, in all other particulars, strongly opposed the bill) with which liberality and justice none will disagree. The French inhabitants had taken the oath of fidelity to the Crown and were fully entitled to all the privileges of British subjects. The pages of Canadian history have been too much darkened by religious dissensions and disabilities, and are so to-day, for the prosperity and welfare of the country. It is a relic of barbarism, of that re-

grettable mediæval period, the dark ages, that any body of people should be ostracised from political preferment for religious belief; the accident of birth or the heritage of ancestry. But no less dangerous is the doctrine that any such religion should receive state recognition, especially when contrary to the established faith of the Crown of the country to which it owes allegiance, or possess privileges not accorded to all other faiths, simply because it is numerically the strongest. Such was the blunder of Carleton's advice and Lord North's action; but this was a period of blunders for which kingcraft was more responsible than the elected ministry of the country; the "Quebeck Bill," which emanated from the king himself, contained many provisions contrary to the written opinion and views of the high law officers and ministers of the Crown, and it was largely owing to the authorship of the bill that it prevailed.

It is not therefore a matter of much surprise that the French-Canadian peasantry, uncertain of the benefits to accrue to them under this act in other regards than that of the rescinding of their religious disabilities, were not long in doubt as to the course they should adopt during the American invasion which almost immediately followed the coming into force of this obnoxious bill on the 1st May, 1775. Openly espousing the cause of the invaders, they rendered the way easy for the conquest of Montreal, the whole of Lower Canada, and the investiture of Quebec, many joining the invaders notwithstanding that Bishop Briand used all the thunders of the church to prevent them, and tried in vain to get them to join the British forces and remain loyal, but they were independent and free men then and shewed it, the clergy had not yet recovered its grip of former and after days.

With a very small garrison and requiring soldiers to repel the invaders, Carleton applied to the seigniors for help, the friends for whom he had done so much. Quoting from an author of the day, we will see in his own language how far

the influence of the gentry over the people extended. Thus, M. Taschereau, the seignior of Beauce, endeavored to enlist the services of his censitaires but was indignantly refused, they adding that they did not now acknowledge his authority over them, or that he had any right to command their military service. Mr. La Corne, seignior of Terrebonne, summoned his tenants, and received for answer: "We have now become subjects of England and do not look on ourselves as Frenchmen in any respect whatever." Mr. La Corne, unaccustomed to being disobeyed by his vassals, struck some of those who spoke loudest; this provoked the people to such a degree he had to beat a hasty retreat to Montreal, threatening to return with an armed force to compel them. The people hearing this forthwith armed themselves, some with guns, others with clubs, and they all resolved to die rather than submit to be commanded by their seigniors.

Mr. Deschambaud went over to his seignior on the River Richelieu and harangued the inhabitants in a similar manner. Like consequences and refusal ensued. He drew his sword; they surrounded him and beat him severely. Fearing reprisals, they armed themselves to the number of near 3,000 and marched from Fort Chambly to Fort St. Johns to face the two regiments of regulars in garrison there. General Carleton sent an officer to disavow the acts of their seignior and requested them to disperse, stating that all would be well if they would return to their homes. This was immediately complied with. Mr. Cuthbert, an English gentleman, who had purchased the seignior of Berthier, imitating the manners of the French, summoned his censitaires to assemble at his house and received for answer, that if he had anything to communicate he might come to them; appointing a cross road as the place of meeting. Mr. Cuthbert came thither and made an immediate demand of their services, as their seignior, to repel the invader. They replied "that if that was his business with them, he had best retire to his own

home and trouble them no more, for that not a man of them would follow him. And as soon as he was gone they all made oath on the cross round which they were assembled, that they never would take arms against the invaders; that if one among them offered to join the Government, they would directly burn his house and his barn, and destroy his cattle; and that, if General Carleton should attempt to compel them into service, they would repel force by force."

This happened in the latter end of July or the beginning of August, 1775.

Afterwards, about the end of September, Mr. Lanaudière, seignior of another place, came to them from Montreal and said that he was employed by General Carleton to lead them against the provincials—martial law having been declared in the interval—otherwise he assured them that their lands and houses should be laid waste and burnt. Upon his return in a few days to enforce his mission he, Mr. Tonnancour, and sixteen others who accompanied him were all made prisoners by the inhabitants.

Warm debates ensued among them, whether or not they should send Mr. Lanaudière to the provincial (invaders) camp near St. Johns. It was at length agreed to set him and his friends at liberty on his promise to obtain for them General Carleton's pardon for this outrage, and on his further promise never to come again amongst them on a like errand.

Violent as the proceedings of these people may appear, and average as they may seem to the service required of them, they had intimated that if General Carleton would promise by affixing a writing to that purpose to the church door, that he would use his influence and endeavors for the repeal of the Quebec Bill and for restoring to them those privileges of which they were deprived by its operation; in that case they all declared themselves ready to defend the province for Government. "But," say they, "as things

are now circumstanced, what have we to fight for? We have enjoyed very valuable privileges since we became subjects of Great Britain; we had the royal promise for the continuance of that enjoyment. On a sudden, without our having done anything to merit such treatment, we are deprived of those inestimable privileges, and reduced to our former state of slavery. The people whom we are desired to regard as our enemies tell us they are our real friends and they give us convincing proofs of their sincerity.

*They are now in arms for our defence from our oppressors; and they make the repeal of the Quebec Bill one of the conditions on which they offer to lay them down. Which party then ought we to assist? Certainly that one which is fighting for the restoration of that liberty to us, of which we have been wantonly and most cruelly deprived by the other."*

It is further added "this is not the language of that district (Berthier) only; the same is in the mouths of the "most ignorant peasants all over the province."

Carleton promised but did not perform, and therefore did not succeed, notwithstanding his proclamation of martial law, in securing the services of any considerable number of the French peasantry; on the other hand some openly joined the forces of the provincials while the greater number maintained a doubtful neutrality so long as they remained on Canadian soil. Well was it for England that no Papineau arose among them at this time, as nothing would then have prevented the onward course of the provincials to the summit of Quebec Hill and the planting in after days of the Stars and Stripes with a fourteenth star for Canada, on the citadel flagstaff.

Reviewing the events of this period in the light of the present, it is difficult to comprehend the attitude of the French-Canadians (the tiers-état) towards their priesthood, their nobility and their laws, all of which they held so dear and cherished under French regime, in thus openly pro-

claiming their opposition to them then and dissatisfaction with any movement tending to restore, even partially, the customs they formerly lived under. Fifteen years of liberty outweighed one hundred and fifty years of the former religious and military dominancy.

Evidently a plebiscite would have altered the destiny of Canada, for an overwhelming majority would have declared in favor of the adoption of the whole body of English customs and laws.

It is likewise a strange anomaly to find England pursuing so different a course in the treatment of her conquest of Canada to that which she had universally adopted hitherto. Dealing with such populous countries as Ireland and Wales she enforced the adoption of her laws and customs. Conquering New Netherland she not only made the Hollanders replace their laws by hers, but she added the greater change of transforming it into a new country by altering its name to New York. In her other conquests made in this very war, of Florida, Dominica and other places in the West Indies, she substituted English, for the Spanish and French laws and customs in use.

Foreign languages likewise received no official recognition elsewhere as they did in Canada; while the Roman Catholic religion wherever existent was proscribed as a *religion of state*, tolerated in Maryland, persecuted in Ireland, but established in Canada!

Wherefore the concessions to Canada? Wherefore so radical a change from precedent? Was it the reflex of that little spark struck at Boston in 1773 by which the torch of republicanism was set burning, and which the British Government feared might extend to so close a neighbor as Canada, were they to meet the wishes of the English population by establishing a House of Assembly at Quebec, the political and fiscal policy of which might not be any more in accord with British ideas, than those of the neighboring colonies which were now occasioning so much trouble and in

open revolt? Between the two stools Britain fell; the Quebec Bill was as obnoxious to the provincials as the stamp act, and was as injurious to the British interests in Canada as the latter was to its sovereignty in the American colonies. Whatever was the cause the result has not been beneficial to Canada or England, for instead of the homogeneous unity expected by the conquest, from which unity there would be strength, a very disunited and complex dominion has ensued from the mistaken policy of the Quebec Bill.

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### APPENDIX.

#### EXTRACTS FROM SPEECHES MADE IN THE HOUSE OF COMMONS DURING THE PASSAGE OF THE BILL.

SOLICITOR GENERAL WEDDERBURN:—I do not think in the abstract or theory, the highest degree of liberty ought to be granted to a country, situated as Canada is—*not the highest degree of political liberty.*

The next clause was read, enabling His Majesty's Canadian subjects to hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other civil rights, etc.; and that, in matters of controversy, relative to property and civil rights, resort should be had to the laws of Canada for the decision.

Mr. Edmund Burke.—The question under this clause is whether we shall take away all the law of England, at six months or twelve months hence. I declare myself incapable of arguing the question. I have neither strength of body nor energy of mind to proceed at this late hour.

He spoke warmly against going on with the debate, and left the House. Lord John Cavendish spoke to the same



effect, and also went out. Mr. Cavendish spoke to the same purpose, but would not go out.

Mr. Thomas Townshend.—The gentlemen opposite, who are now sitting in sullen silence, as soon as they have obtained a kind of licence to proceed, by the absence of those honourable members who oppose them, will go further than people who talk upon the subject. I should be glad to know how far we are to go. I believe we have no instance upon the journals of the House of business being treated in this manner. And why? Because the administration have been idle—have neglected their duty, and been guilty of criminal negligence. Looking at the volume of reports upon the table, I ask—where is Lord Palmerston? Where are the members of the Board of Trade? Why have they gone from their opinions? Gentlemen who have signed their names to a report should tell us why they now have differed from that report. Is this all to be passed over in sullen silence, and no answer to be given to any objection?

Colonel Barre.—I do not rise to express any warmth. A bill of greater magnitude never came before the House in such a shape as this bill. It passed the House of Lords without a single evidence in its favour. When it was sent down here we obtained some evidence, but other documents were refused. The noble lord himself, with every appearance of candour, in the first stages, called for assistance in discussing. Sir, we have discussed till we are tired. Will anybody deny that the noble lord has not had help, even from those who, only as members of this House, were required to give it him? The request made by my honorable friend is a very proper one. If other gentlemen cannot draw an answer, I cannot draw one. I can only say, it would have been more in character to declare that you shall pass this bill as the Lords have sent it, and not have any discussion upon it: that would have been the more manly conduct.

Mr. Charles Fox.—It is indeed indecent conduct; as it appeared to me, the other night, when ministers refused to call for General Murray. What was then said? “No precipitation is used in the passing of this bill; as much time is given to it as to any other.” Whoever made this assertion has frankly broke his word, and will be as much respected as a man ought to be, who makes a promise and does not keep it. What single attempt has been made on our part to delay this bill? Has the same debate been gone over twice? They have not hinted that there has been any delay. Upon what ground does the bill now stand? Two or three clauses have been gone through. Are the rest not as material? Yes; but they should not be taken up at twelve o'clock at night. The boundary was settled in the House of Commons, without having anything fixed by those whose duty it was to have that boundary fixed. Was no boundary necessary, in their opinion, that they came unprepared?

Lord North.—As to the boundary, I, for one, was very well satisfied with it, as it stood in the bill. Several gentlemen, speaking for particular provinces, entreated that other boundaries might be taken; and there was that attention paid to their doubts, that, provided they would settle a good boundary, the friends of the bill were willing to give way; in my opinion, the first boundary ought to have satisfied everybody. As for the cause before us, I am very much mistaken if it has not been fairly debated already; but I do not in the least object to have it debated again. I would submit it to any honourable gentleman, whether, after we have sat so long upon it,—after the clause has been so fairly debated—is it so very violent, so very precipitate, to proceed with it before the committee rises to-night. I am for proceeding at least through this clause before the committee breaks us.

The committee having gone on with the clauses, to the end of the criminal law clause, Lord North said, if any

gentleman wished to adjourn, he had no objection. The Chairman was going on, but Mr. Charles Fox got up and desired the committee might adjourn, which it accordingly did. Lord North said to him, are we not very candid? I said, I generally was for adjourning at twelve o'clock.

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WEDNESDAY, June 8.

The House having resolved itself into a committee of the whole House on the bill,

Mr. Edmund Burke said:—I should, Sir, have proposed some amendments to the bill last night, if my ideas had not been thought ridiculous, by the conduct of the committee, in proceeding with a most material part of the bill at twelve o'clock, when the natural constitutions of gentlemen were perfectly exhausted. When this bill was brought down to us, the general voice of almost every one who supported it was, that it was a very imperfect measure as it stood, and that, agreeably to the universal practice, it would be open to any amendment. Unfortunately, I was utterly unacquainted with the bill. I took it up with a determination to come here, not only with my mind unprejudiced, but with a determination to avoid everything that had any shadow of passion in it; and I appeal to the candour, the direct justice, of parliament, whether the clause fixing a boundary to such an extent of territory, or the clauses settling the laws and religion of such a province, could be well debated, upon the numberless momentous questions that arose, in less time than we have given to them. The privilege allowed in committees of the House of speaking more than once, is a privilege founded upon reason. An argument upon the principle of a measure may be dispatched in the House at one speaking, as well as a thousand; but in the committee, where matters of detail are gone into, it is necessary to speak more than once. The noble lord, therefore, has no right to say that we have interposed any delay. The first part of the bill took us up

two days—in my opinion, a very short time to spend upon such a subject. Fixing the geography was the work of one day; fixing the religion of another. These and other delays, if they can be called delays, were absolutely necessary. The committee ought to take care that no delays but necessary ones should be allowed in this business—but the necessary delay arising from a detail. Now, Sir, if an entertainment should be given ten miles from London, and we were to adjourn over this day and thereby make the business of the nation give way to such entertainment, what would be the opinion of the people? I do not censure the House for entering into the innocent gaities of this life, provided they give time enough for the discharge of more important duties. If any youth, in the gallantry of his spirit, calls gentlemen to such an entertainment, I would not say, do not enjoy it; but go and enjoy it if you have taken care, at the same time, to provide for the prosperity of your country. But while I say this, I ask that the same indulgence which is given to those who engage in scenes of joy and dissipation should be given to those who have need of rest to support their bodies to enable them to come here to discharge their duty, I for one complain that I am precluded from doing my duty. I complain on the part of the people of England, who have sent here five hundred and fifty-eight men to represent their interests that they and I are cruelly, wickedly and unjustly treated. I complain of it and demand justice; that is, I demand a reparation of the wrong which has been done us. I have spoken strong words. Last night I spoke feebly; but now my voice is raised my accusation is steady and resolute. I had several material amendments to propose to the clauses. I had an equitable clause with regard to revocation, etc. (He mentioned other alterations). I wished to have provided a remedy for the objection that causes were tried by persons not fit to be treated. My opinion is that the people of Canada, with regard to the civil law, have not expressed

their dislike of the trial by jury. These are some of the matters that I would have stated; but it would have been impossible to have debated them at that hour of the night. Having said this in defence of a conduct which may have been a little unjustifiable, I will add that this headlong mode of proceeding will not tend to make this law go down with the people of England. They will certainly dislike it. America will dislike it. As I was not permitted to make these amendments before, I conclude I shall not be heard to-day.

Mr. Cavendish was sorry the honourable gentleman did not make the amendments he intended.

Lord North—These amendments may still be made by being thrown into the form of a clause. The honourable gentleman is not precluded from making, even in the committee, any alteration he proposes; but as to the propositions themselves which he threw out, as far as I understand them, I shall certainly be against admitting them. We are not, at the present time, competent to enter into a detail of the necessity of those provisions for the constitution of Canada. All that the parliament of Great Britain can do is to lay down general rules; to say, you shall proceed according to Canadian customs, or according to the English law. Every alteration which the circumstances of the country can admit of—every variation which the interest of the old subjects may require—all these circumstances will be more properly considered upon the other side of the water where they may be regulated by special ordinances. It would not be in vain, and more likely to occasion confusion, for the parliament of Great Britain to attempt to enter into the particular laws by detail; to say, this law you shall have, or you shall not have. The best way is to give them the Canadian customs and to let them be altered. What is of infinite advantage, they will thus have the law that they understand. The laws and customs of Canada are the basis of the law that they understand. If any ordinances are

made varying that law they will be promulgated, and they will understand them. For these reasons, I shall certainly oppose any proposition for entering into a detail connected with the English criminal or the Canadian civil law; because I think that detail, these alterations, and those amendments which are necessary can only be entered into and settled with propriety by lawyers upon the spot. As to the proceedings of last night, I shall remain satisfied in the consciousness of the rectitude of my conduct; it is a very sufficient regard, and it is the only regard I shall be likely to have. Upon the whole, I will venture to say, that there never was a bill that has been more amply examined and debated than this has been. There are few bills that have remained so long in the House as this has done; there have been few propositions where there has not been a readiness in the friends of the bill, to accept any suggestions, from whatever quarter they might come. The honourable gentleman says that we are to adjourn to-morrow for an entertainment, which he approves of as an entertainment; but he thinks, that as he left the House at twelve last night, it would be a disgrace to the House to adjourn over to-morrow; but I see no reason why, upon Friday, we may not give this bill every attention. I accuse no person of designed delay, but, at the same time, no person can accuse me of having shut out any material amendments. Those amendments may be proposed now; many could not be proposed last night, and if they are not proposed in the committee, there are yet two stages when they may be proposed. I was accused of a sullen silence last night; perhaps I may be excused from expatiating upon a matter not really before us, but when the House is taken up with what is not of importance to the bill, I trust that the candour of the House will excuse me if I respect the time of the House more than the justification of myself from any personal charge.

Lord John Cavendish.—Though I never can find out from

whence this bill came, and though nobody seems to avow it, there is evidently concurrence enough to carry it on.

Mr. Thomas Townshend. I must complain, sir, of the slovenly manner in which the two clauses were carried through the committee. I will venture to say, that two-thirds of that majority never heard the debate. It consisted of those gentlemen who take their meals regularly, and who are now taking their dinners. They come in when they have dined, and are extremely clamorous, crying, go on! go on! I do not thank the noble lord for the candour of last night; but I thank him for the candour of to-day, in chalking out a method of going on for the future. I likewise understand that the House is to adjourn for a day, on account of a *fete champetre*; and to be sure, the day that follows the ninth of June is a day more proper for a *fete champetre*, than for a committee of the House of Commons to be sitting on so important a bill. But, at the same time, I cannot but confess, that the noble lord has shown an amazing degree of foresight in fixing, above all other days in the year, on the 10th of June, for finishing a bill which goes to establish Popery. For God's sake, Sir, let us come down with white roses in our hats! A day more propitious for a bill of this complexion could not have been fixed on. On the report of the bill, I shall propose a clause for rendering it temporary, and if the noble lord will suffer it to pass, he never had at his levee a more humble suppliant for a boon for himself, than I am for the Canadians. This bill will make the Canadians the detestation of the English colonies.

Mr. Dunning—The noble lord takes credit for his candour. His candour consists in giving five days to the consideration of this bill; but five days are very little indeed for the mischief which this bill provides. I collect the noble lord meant to tell us this—that it is his intention to refer every thing, in future, to that legislative council, to whom these Canadians are to be referred, but that it is far from his in-

tention to introduce trial by jury. Is that his candour? Is that the concession for which we are not precluded thanking him? Thank ye, for nothing, would be a true description of the thanks that are due for his concession: but unless it be the pleasure of the creatures created by this bill, to counteract the pleasure of their Creator, can it be expected this blessing will be produced? Will they counteract all the purposes of the bill—all the pleasures of those who made the bill? And is not, then, the question concluded, as far as the committee have to do with it? In point of form it will be competent for the House to reject the provision and the Bill itself containing the provision; but that this ought to be done, goes a very little way, in my opinion, to cause it to be done. My expectations are not better founded upon the future pleasure of the House, than on the future legislative council.

Colonel Barre.—This bill, Sir, originated with the House of Lords. It is Popish from the beginning to the end. The Lords are the Romish priests, who will give His Majesty absolution for breaking his promise given in the proclamation of 1763. In this bill they have done like all other priests—not considered separately the crimes with which the bill abounded, but have bundled them all up together, and, for despatch, given absolution for the whole at once. When, however, the measure came down to this House, its members, not being so Popishly inclined, wished to have some information. They asked for papers; all the papers they asked for were not granted. They asked for evidence; all the evidence was not granted. The first man who governed the colony you would not hear, though I stated the reasons why he ought to be called. The chief justice and the attorney-general of Canada were both examined; and their testimony goes in the teeth of this bill. Then it is decidedly opposite to the opinion of two of the most respectable men in the kingdom. When the noble lord was asked for the papers containing these opinions he refused to give



them, alleging that the reports are very long; but the attorney and solicitor-general are both in the House, and I wish to hear the abstract of their opinions given by themselves. This they could have done, but the House would not let them. The advocate-general was called to the bar upon which they said, we meant to create delay. The witness is so singular a man, that I cannot persuade myself to be out of temper with him. He was mounted very high, and pranced and pranced, and never moved from the place. I noticed a few expressions not becoming him as a witness at the bar, but altogether singular from a man who tells you he had no memory to relate anything he had written, and is at the same time known to be of so singular a memory that, without the help of notes, he can sum up the largest train of evidence, not thinking it worth while to take it down upon paper. Some time ago we were given to understand, that we were not to expect a general election. The report now runs, that parliament is immediately to be dissolved; and, in truth sir, after the passing of this bill, the sooner it is dissolved the better. In its infancy it was a very compliant one, and humoured the ministry in what I called a strong measure. I mean the Middlesex election. It continued to do so up to the middle of its existence; and, upon its dissolution, people may say, as they did after death of King Charles, that by some papers found after its decease, there is great reason to suspect that it died in the profession of the Roman Catholic religion.

Mr. Edmund Burke.—There is one favour I admit to have received from the noble lord. He has assured me, that I may propose those clauses of which I have spoken, but that when they are proposed he will certainly reject them. I think the noble lord does deserve my warmest acknowledgments. That is a kind of favour which is paid immediately on the receipt. Most assuredly I will never propose them.

Mr. Jenkinson—The honourable colonel tells us that this parliament is a Roman Catholic parliament, and very near

its end. I have always understood, that when a Catholic is dying, he is generally attended by a number of troublesome people, disposed to put many troublesome questions to him. Now, I hope that Catholic practice will not be followed in our case, but that he will, at least, allow us to die in peace.

Governor Johnstone.—I should not object to the clause, if the bill was a temporary one. The English colonies have flourished more than others; they have found out the secret of carrying freedom to the distant parts of the empire. I hope gentlemen will not come to the conclusion, because certain assemblies in America have recently been tumultuous on a nice point, that therefore all assemblies are to be discountenanced. I see throughout the whole, that the interest of the governor, and the interest of the receiver-general, are the predominant features of the bill; together with surrounding our own colonies with a line of despotism. As an Irishman said to me, in that nice metaphorical language that belongs to his country, you are coming round and round, till, like water flowing in upon an island, encroaching upon it more and more, you will not leave a foot of ground for the fowl of the air to rest upon. I fear you will not leave a foot for liberty to rest upon.

Lord North.—In the first place, Sir, I cannot admit, that the evidence taken at our bar has been in opposition to the principle of the bill; on the contrary, I think it confirms the most material parts of it. With regard to the particular clause before us, what have the witnesses at the bar said? The governor certainly is evidence against an assembly; the chief justice certainly is evidence against an assembly; Mr. Maseres is for an assembly. But, in point of fact, what came out in evidence. That there were in the province at present one hundred and fifty thousand Roman Catholic subjects, and about three hundred and sixty Protestant families, whose numbers we will suppose to be a thousand or twelve hundred persons; but very few of them are possessed of any property at all. The fair inference,

therefore, is, that the assembly would be composed of Roman Catholics. Now, I ask, is it safe for this country—for we must consider this country—to put the principal power into the hands of an assembly of Roman Catholic new subjects? I agree with the honourable gentleman, that the Roman Catholics may be honest, able, worthy, sensible men, entertaining very correct notions of political liberty; but I must say there is something in that religion, which makes it not prudent in a Protestant government, to establish an assembly consisting entirely of Roman Catholics. The honourable gentleman is of opinion, that more is to be dreaded from the seigneurs than from those in the lower ranks. Sure I am, that the seigneurs, who are the great possessors of the lands, would be the persons who composed the assembly, and some of them will, I hope, be admitted to the Legislative Council; but then, the governor will choose those on whose fidelity he has the greatest reason to rely. They will be removeable by the King-in-Council, and will not depend wholly upon the Roman Catholic electors, or be removeable at their pleasure. It is not at present expedient to call an assembly. That is what the act says; though it would be convenient that the Canadian laws should be assimilated to those of this country, as far as the laws of Great Britain admit, and that British subjects should have something or other in their constitution preserved for them, which they will probably lose when they cease to be governed entirely by British laws. That it is desirable to give the Canadians a constitution in every respect like the constitution of Great Britain, I will not say; but I earnestly hope, that they will, in the course of time, enjoy as much of our laws, and as much of our constitution, as may be beneficial for that country, and safe for this. But that time is not yet come.

The clause was agreed to. After which the preamble of the bill was read.

Mr. William Burke.—I do not remember that I ever saw

the House of Commons in so sick a situation as it is at present. (Cry of "Order! order!") I say, Sir, that the parliament of Great Britain is in an unfortunate situation. This is the worst bill that ever engaged the attention of a British council. It is a bill to establish the Popish religion—to establish despotism. There have been instances in human affairs in which, for purposes of commerce, we have established freedom, as far as we could, in a certain locality, but to establish Popery, to establish despotism, in a conquered province, is what we have never done before. I am aware I cannot count forty upon you; (there were forty-five members at this time in the House) but I will say, that this business has been brought forward very late in the session; when men of great rank and property in this country must be tired. There is Mr. Soame Jenyns. He is a lord of trade, and possess a great deal of wit, and a great deal of information. I wish to hear him speak upon the subject. I also expect to hear the attorney and the solicitor-general, who have hitherto been very sparing of their law. They heard the witnesses at the bar, but did not dare to say they were wrong, and they saw the majority voting plump in the teeth of their own evidence. I say it is quite disgraceful to them, not to tell the House, whether the king is or is not bound by this bill to apply a portion of the revenue arising from tithes, to the establishment of a Protestant clergy in the province. I say, that by this bill he is not bound, but may apply those revenues to any purposes, however extravagant or profligate—either to raise an army, or to bribe, or anything in the world that he pleases. I will say this to that majority to whom I am to submit, and to that public who may hear the little which I have to say, that never since God made the world or parliaments existed, was there a time when the conduct that is now carried on was justifiable. The gentlemen who oppose the bill, knowing it was impossible to defeat it, have almost worked themselves to death, to make it as far as they could, consonant to English

liberty, and the principles of the English constitution. do not know what they meant by opposing the amendment of my honourable kinsman, for placing the debateable tithe under the control of the Society for the Propagation of the Gospel. I vow to God, that I believe the noble lord did not know his own situation; that he did not know there was such a thing in the country as that society. I don't believe the law officers knew a bit about it. But whether he knew there was or was not such a society (I don't know which, nor much care), I say, nothing but ignorance can justify the refusal of that motion of my honourable kinsman. There will come an hour, when it will be necessary, when it will be proper, when it will be just, to testify that there was some opposition made, some protest entered against mad proceedings.

The preamble being agreed to, the House resumed.

Mr. Sergeant Glynn.—In the concluding proposition of the noble lord, I perfectly agree, namely, that as the House is now considering the plan of laws and judicature to be given to the people of Canada, the one that is best calculated to promote the permanent happiness of the people who are to be governed by it is the preferable plan, and the one which it is the duty of the King to give them. Having thus far agreed with the noble lord, he must pardon me when I declare, from the bottom of my heart, that I think the only certain step we can take to secure for them that permanent happiness, is to bestow upon them that system of laws and judicature, which have been productive of so much happiness to ourselves at home, and obtained for us so much honour abroad. I would give it to them subject to such restrictions and regulations as the particular tenures by which their property is held might require. Give them, if you please, their particular usages and customs, but let the leading principle be that of the laws of England.

I am one of those, Sir, who are glad that the clause has been proposed; and though, to be candid, I cannot say that

the adoption of it would remove my objections to this bill, yet I am certain it has a tendency to reconcile the minds of some gentlemen to the measure, and to remove some of the most striking and formidable objections to it. The omission of this right of appeal to a jury in civil causes appears to me an insuperable objection to the bill. To any predilection of the Canadians for their ancient laws and customs, I should be inclined as much as any one to yield, as far as I could do so with safety; but to carry my compliance to the exclusion of the laws of England—to consent to substitute in their place the laws of France—and to add to all this a form of legislature correspondent to that of the kingdom whence those laws were borrowed, is what I can never consent to. And I own my objection to the measure was strengthened when I was told, that there was a prejudice and predilection in these people favourable to those laws, and that it was considered good policy to avail ourselves of this predilection, to build a system of government upon it so contrary to our own. I should have thought it was rather our duty, by all gentle means, to root those prejudices from the minds of the Canadians, to attach them by degrees to the civil government of England, and to rivet the union by the strong ties of laws, language and religion. You have followed the opposite principle; which, instead of making it a secure possession to this country, will cause it to remain forever a dangerous one. I have contemplated with some horror the nursery thus established for men reared up in irreconcilable aversion to our laws and constitution. When I was told by the noble lord, that they were insensible to the value of those laws and held them in contempt, wishing to be bound by laws of their own making—when I was told that they had no regard for civil rights, I must confess that it operated with me in a contrary way, and I could not help thinking that it furnished an unanswerable argument against gratifying them. I think that we could not, with humanity or policy, gratify them

in their love of French law, of French religion. The common safety is concerned in our refusal.

The noble lord has put it, that we are now giving laws to a great number of new inhabitants, and to a small body of our old subjects, and that it is our duty to give them such a form of government as shall best promote their happiness, but what I contend for is, that the bill upon our table, instead of providing that best form of government, puts them in the worst possible condition, as it takes from them a blessing which they now enjoy, and the greatest which it is in the power of any legislature to bestow. Instead of being tried by juries selected from among themselves, and by judges sworn to administer justice according to the laws of the country, you substitute a trial before an individual appointed at the will of the governor, probably uneducated in those laws, and, if educated, brought up to entertain violent notions of law and justice. Such are the men by whom you would have justice decided! And all this is done because it is right to indulge the natural predilection of the Canadians in favor of their ancient laws and usages! Let me, Sir, in like manner, plead the law in favor of the English merchants—in favor of the English inhabitants. If it be cruel, if it be oppressive, to obtrude upon the Canadians this law, which they have been eleven years in exercise of, what should be said of those who take away the law from the poor English subjects who reside there? These men have a predilection and liking for the laws of their own country, and claim their privilege of being protected, according to the usage and just principles of policy of their ancestors. They have settled there in consequence of the royal faith pledged to them, that they should not be deprived of the law which they esteem so valuable, and that none of their privileges should be infringed. Is it justice to these men to force them to live under an arbitrary form of government, and to submit to the administration of justice by the principles of another law, to the exclusion of

juries, for the gratification of others, who prefer being placed under a despotic form of government? Is not the gratification due to the natives of England rather than to the natives of Canada?

Mr. Sergeant Glynn.—There is, Sir, another consideration which I will submit to the House. Every man born in Canada since the conquest must be a free-born subject. In process of time, all will be of that description, and as such, entitled to partake of all the rights and privileges of that system of government which we are about to transmit to them. Is it then wise, I ask, out of compassion to the prejudices of those who have been born under the arbitrary law of another country, to perpetuate a system of government, which will deprive all those who may hereafter be born, from the enjoyment of the privileges of other British subjects? I will give the House no further trouble. I see that the attempt to resist the passing of this mischievous bill will be in vain; but I earnestly hope, that it will be rendered less mischievous, by the admission of the clause proposed by the honourable gentleman near me.

Edmund Burke.—Now, instead of making them free subjects of England, you sentence them to French government for ages. I meant only to offer a few words upon the part of the Canadians, and leave them to their misery. They are condemned slaves by the British parliament. You only give them new masters. There is an end of Canada.

Sir, having given up a hundred and fifty thousand of these people, having deprived them of the principles of our constitution, let us turn our attention to three hundred and sixty English families. It is a small number; but I have heard, that the English are not to be judged of by number but by weight; and that one Englishman can beat two Frenchmen. Let us not value that prejudice. I do not know that one Englishman can beat two Frenchmen; but I know that, in this case, he ought to be more valuable than twenty Frenchmen, if you estimate him as a freeman and



the Frenchmen as slaves. What can compensate an Englishman for the loss of his laws? Do you propose to take away liberty from the Englishman, because you will not give it to the French? I would give it to the Englishman, though ten thousand Frenchmen should take it against their will. Two-thirds of the whole trading interest of Canada are going to be deprived of their liberties, and handed over to French law and French judicature. Is that just to Englishmen? Surely, the English merchants want the protection of our law more than the noblesse! They have property always at sea; which, if it is not protected by law, every one may catch who can. No English merchant thinks himself armed to protect his property, if he is not armed with English law. I claim protection for the three hundred and sixty English families whom I do know, against the prejudices of the noblesse of Canada, whom I do not know. I must put the House in mind of what an honourable gentleman said in the course of this debate—that it was seldom that any improvement was introduced into any country, which did not, at first, militate against the prejudices of the people. Was all England pleased with the revolution? No. The wishes of the majority were sacrificed to the reason of the better part, and the interest of the whole; and we are now enjoying the benefits of that choice—benefits brought upon the ignorant people, not by force, but with an easy hand. The Canadians are struggling with their old prejudices in favour of their former laws. A new establishment is proposed to them, which throws them into some disorder, some confusion. “All the interim is like a phantasma and a hideous dream.” The honourable gentlemen opposite, taking advantage of this confusion, say: We have got a basis; let us see how much French law we can introduce! With a French basis, there is not one good thing that you can introduce. With an English basis, there is not one bad thing that you can introduce. Take the rule of the law of Canada for the rule of the constitution of your

courts, and it will be the rule of all your proceedings; take it for the rule of your judicature, and sooner or later, it will be the rule of your legislature. How often have we had occasion in this House to quote the practice of the courts below! how many lights have we derived from the learned gentlemen pleading there! how many lights have we derived, from you, Sir! how many from the judicature of the upper House! Where there is a basis of French judicature, of French law, the legislature will never think of grafting upon it an English constitution.

With regard to state policy, which is the last point I shall touch upon—the preservation of their old prejudices, their old laws, their old customs, by the bill, turns the balance in favour of France. The only difference is, they will have George the Third for Lewis the Sixteenth. In order to make Canada a secure possession of the British Government, you have only to bind the people to you, by giving them your laws. Give them English liberty—give them an English constitution—and then whether they speak French or English, whether they go to mass or attend our own communion, you will render them valuable and useful subjects of Great Britain. If you refuse to do this, the consequence will be most injurious, Canada will become a dangerous instrument in the hands of those who wish to destroy English liberty in every part of our possession.

The question being then put that the said clause be read a second time, the House divided:

## TELLERS.

|       |                                  |    |
|-------|----------------------------------|----|
| Yeas. | { Mr. Mackworth..... }           | 40 |
|       | { Mr. Thomas Townsend, Jr..... } |    |
| Nays  | { Mr. Bradshaw..... }            | 83 |
|       | { Mr. Robinson..... }            |    |

So it passed in the negative.

Mr. Howard—I have considered it well, and I cannot separate my idea of it from that of a money bill; in which character, it is a violation of your privileges, which is confirmed by long usages and customs. It is, moreover, a bill which goes to introduce tyranny and arbitrary power into the colonies, to give a further establishment to popery, to annul the bill of toleration, and to destroy the act of habeas corpus. For these reasons, I have opposed it, and I venture to oppose it again. In short, I look upon it as a most abominable and detestable measure, which ought to be rejected. With respect to the other reason given by the honourable gentleman, that it is a money bill, I think no treatment too contemptuous can be applied to it. On that, and that account alone, you, Sir, should throw it over the table, and somebody else should kick it out at the door.

The question being put, that the bill, with the amendments, do pass, the House divided :

## TELLERS.

|       |                       |    |
|-------|-----------------------|----|
| Yeas. | { Mr. Bradshaw..... } | 56 |
|       | { Mr. Cooper..... }   |    |
| Nays. | { Mr. Howard..... }   | 20 |
|       | { Mr. Dempster..... } |    |

So it was resolved in the affirmative. The bill was then passed. It received the royal assent on the 22nd, when the Parliament was prorogued, and shortly after dissolved

[*Extract from Petition of French Residents.*]

Nous espérons d'autant mieux cette grace que nous possédons plus de dix douzièmes des seigneuries et presque toutes les terres en rotures.

|                        |                      |                         |
|------------------------|----------------------|-------------------------|
| Fr. Simonnot,          | Hertel Beaubassin,   | J. Sanguinet,           |
| Longueuil,             | La Corne, fils,      | John Vienne,            |
| De Rouville, fils,     | St. Ours,            | Le Palliau,             |
| St. Disier,            | Landriève,           | Gordien de Cuisy, fils, |
| La Perior,             | De Rouville,         | Picoté de Belestre,     |
| Chevalier de St. Ours, | l'eschaillon,        |                         |
| St. Ours, fils         | J. La Croix,         | Pierre Foretier,        |
| Carilly,               | Giasson,             | L. Defoui,              |
| Lemoine,               | Vallés,              | La Combe,               |
| Guy,                   | P. Pillett,          | Ch. Sanç                |
| Contre-cœur,           | Laurent Du Charme,   | S. Chaboille,           |
| Des Rivières,          | Berthelot,           | J. G. Bourassa,         |
| Montigny, fils,        | Mézière,             | P. Panet,               |
| L. Porlier,            | St. Ange,            | J. B. Blondeau,         |
| J. G. Hubert,          | La Corne,            | Le Grand,               |
| Fr. Cariau,            | Quinson de St. Ours, | L. Baby,                |
| Landriaux,             | Pouvret,             | Hamelin, fils,          |
| J. G. Pillet,          | St. George du Pré,   | Foucher,                |
| Fr. La Combe,          | Louvigny de Montigny | Lamber St. Omer,        |
| Jobert,                | Sanguinet,           | De Bonne,               |
| M. Blondeau,           | Jean Crittal,        | Gamelin.                |
| Eauge,                 | Pierre Panet, fils,  |                         |
| J. Daillebout de Cuisy | Pillet.              |                         |

[*Copy of a Letter of the Period.*]

MONTREAL, Dec'r 1765.

DEAR ALSOPP,

The Joyfull news of a recall of the G—— being come here confirm'd through so many channells, there now cannot be the least doubt.——our worthy Agents advice ought to be wrought on our minds viz: not to exult too much, this I understand, to be while in suspense I mean the stroke of the recall, but after that is sure we certainly sho'd not conceal by our faces the real sentiments of our

hearts rejoiced and thankful that our Sovereign has at last heard the complaints of an oppressed people.—

I observe from your accounts as well as from others, our agient wishes for and wants matter, why sh'd it be wanting—let us now joyne hearts and hands to furnish him with what we abound in here, begin with what you think proper, we will Joyne you to a man I mean when it comes properly prepar'd & propos'd from you, you can always depend on any little influence I have, let it then begin with, or come first to your other friends with whom you have a great deal to say and who tho' we differ in some trifling affairs yet abhorre equally Tyrany and Opression.

I say let it begin with them and I will Joyne, we now ought to redouble our strokes and activity to Insure what seems to be in so good a way! Dont you think it might be urg'd with great propriety the situation we are in here with our Court of C——n P——s, can a man not only a Stranger to our Constitution, but to our Language be a proper Judge, a man bred up in France tho' he assumes the name of a native of Great Britain be a Judge to Englishmen, a man who even serv'd the French King, consequently must have taken oaths to him—think of a Subject doing this, a man who is asteem'd & thought at present, by many to be a Roman Catholick, who really was once of the order of J——s, and who has been seen and known as such and wearing their habbitts or dress at Douey in France, but we suppose discharg'd for want of capacity—a man who in fact begun every disturbance, in this unhappy country, and in whom the G——r places his greatest confidence and adds Power to Power, to make Cyphers of our Magistrates (were they weak enough to submit) and to command the Country, but men of such education, with such principles are the proper instruments and Tools for Tyrants.

I hope Dear Alsopp you'l excuse my warmth on this point, but is occurs to me now, and I see dayly the inconveniences from Cap—— F. being a Judge —— would it

not be better to have an honest Englishman if we co'd not obtain one bred to the Law for one of our Judges, but this I submit to you.—has our friends at Quebec forgot the illegal Rum Tax? our pockets keep us in mind, here, have you forgott the attempt to Tax— The arbitrary appropriating to his own Private ends the Kings Posts, the Influence he has over an ill chosen Council which I am sorry to say attempts too much to be our Legislature and forgets by their ordinances that they are subject to the Law of England. What ever faults they may have I am sure they have not heads nor hearts to amend, have we not just cause to complain against that Toole of his and Sycophant the Col—r muster up all you can, be assured his fall is certain, and we can make him fall with more rapidity.

I sh'd be glad you wo'd send me an account of our adventure. I hope we shall gain by that trade. I had a girl born last Friday week. My wife and the little one are likely to do well. I am very sorry for Death of Mrs. Gridly, my wife is daily asking after her, but does not know that she is dead.

If you can change my Butter for Dry Goods, do it as I have more here of the same. I cannot give you more Information in regard to your Port Wine, then I am sure that Mr. Finlay had the odd one.

My Ribb Joynes in complem's with

Sr. Yr. Most obed't &

Very hble servt,

JOSEPH HOWARD.

P.S.—Pray let us have none of your Insignificant nodds, as you live so near Justice Fielden, he'll certainly take notice of you.

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To  
MR. GEO. ALSOPP,  
Merch't in  
Quebec.

*THE EARLY INTERPRETERS.*

By MR. JOHN READE, F.R.S.C.

(Concluded.)

After these desultory rambles through time and space in the old world, let us now turn our minds westward in the track of the early discoverers, explorers and colonizers of the new. The earliest intercourse that Columbus had with the American aborigines was conducted by means of signs, and the consequence was that not infrequently he misconstrued the directions or explanations given to him. When he asked the natives of San Salvador where they got their gold, he was led to understand that a king, somewhere in the south, had it in such abundance that he drank out of golden vessels. He imagined that they referred to Japan. On finally leaving the island he took seven natives with him, that they might acquire the Spanish language and serve as interpreters. Thus was laid the foundation of a usage which was followed by all subsequent voyagers, and which tended more than anything else to create and preserve a bond of sympathy between the races of the two hemispheres.

Occasionally the process was reversed, and as captives or volunteers, Europeans lived long enough among the aborigines to understand their language. Drake seems to have got on remarkably well with the natives of his New Albion without any other language than that of signs. Notwithstanding its clear promise of the precious metals—as he has himself recorded—no use was made of the discovery for 300 years after, when his visit was vaguely cited in favor of England's right to the mouth of the Columbia. As a sample of the sort of conversation that took place between the new-comers and the natives it may be mentioned that when Raleigh asked an aboriginal Virginian (pardon the anachronism) the name of his country, he replied, "Win-gau-da-coa," which, as it turned out, was a

wholly independent observation, and meant, "You wear fine clothes." The presence of natives with auburn hair revealed to Raleigh the fact that his were not the first European vessels that had visited the coast, but the half-breeds had never learned or had forgotten the paternal tongue. Provision was made for intercommunication in the future by the abstraction of two natives, Manteo and Manchese. Thomas Savage, who later on rendered important service to the colonists as interpreter, was for several years of his boyhood a prisoner with Powhattan. A captive who had passed through a more trying ordeal was Aguilar, who was the first regular interpreter of Cortes. He had been one of the Darien colony, but had been wrecked, near the coast of Yucatan, on a voyage to Hispaniola. He escaped drowning and the still worse fate of being eaten by his fellow-men, fell into the hands of a powerful chief, with whom he found favor, and gradually rose to a post of influence among the Indians. He had, in fact, become an Indian himself in dress, manner and speech, and it was some time before he could be reconciled to the restraints of civilization.

The most interesting figure among the early American interpreters is Marina, a native of South-eastern Mexico, and the daughter of a powerful native prince. Being sold to the Cacique of Tabasco, that potentate surrendered her to the Spaniards. She is said to have possessed personal attractions beyond the common and to have been a woman of unusual intelligence. Cortes made her first his interpreter, then his secretary, and lastly fell in love with her. The Spanish poets have celebrated her charms and accomplishments.

In the conquest of Peru, by Pizarro and his comrades, intercourse was maintained with the natives by two captive youths, who had been taught Castilian and carefully trained in their duties as interpreters. Coming northwards, we find the experience of the Spaniards repeated in New England and New France. In the former the first person who gave



serious attention to the native languages was John Eliot, who, in his missionary zeal, could allow himself no rest till he had translated the whole of King James' Bible into the language of the Massachusetts tribes, which he had learned from an Indian servant. His Indian version of the Scriptures was the first Bible printed in America. It is now very rare. A copy was sold a few years ago for \$1,130. The tongue in which it was written has become virtually a dead language, except that it is allied with the other branches of the great Algonquin family. One word from it—taken from Eliot's version of Genesis—has, however, been resuscitated for political purposes—the word *mugwump*—meaning “big chief;” “leader,” “commander.” It is used by Eliot both in the singular and the plural where the version of King James uses the word “duke” or “dukes”—the sons of Eliphaz, the son of Esau, being described as Mugwumps Teman, Omar, Zepho and Kenaz. Mugwump, it will be remembered, was first applied (by the *N.Y. Sun*) to those Republicans who sided with Cleveland against Blaine, the party nominee, on the ground that the former would promote civil service reform.

If no Canadian missionary turned the Vulgate into Algonquin or Iroquois, it certainly was not from any lack of zeal for the salvation of souls. As the late regretted M. Maximilian Bibaud says in his “*Sagamos Illustres*,” so eager were they to save the savage tribes from their idolatry and degradation that one might fancy a return to the days when Boniface and Siegfried brought the boon of the Gospel to the heathen races of Europe. The same patriotic writer finds in Jacques Cartier the true creator of intercourse between North America and Europe. The names of the Indians who, however partially and imperfectly, acted as interpreters to the captain of St. Malo were Taiguragny and Domagaya. Cartier has left vocabularies of the Stadacona and Hochelaga tribes, which Abbé Cuoq, after careful collation with the later Iroquois, has concluded to belong to a dialect of that language.

M. B. Sulte, in a paper read before the *Royal Society*, in May, 1882, collected a mass of useful information regarding the interpreters of the time of Champlain. The most remarkable of them were Jacques Hertel (Sieur de la Frenière), François Marguerie, Jean, Jean-Paul and Thomas Godefroy, Olivier Le Tartif, Jean Nicolet and Nicolas Marsolet. Every one of these men had a career of adventure, full of the spirit of romance. Some of them were men of family; nearly all were scholars. Marguerie, when in captivity, traced on skin, with colored grease, a narrative of his misfortunes and need of help, in Latin, French, English, Dutch and Indian. His sister married Jacques Hertel, who has left a multitude of descendants. Besides the aforementioned, there were, in Champlain's time, several others who acted as interpreters, such as Etienne Brulé, who with Thomas (possibly Godefroy) accompanied Champlain to the Huron County in 1615, and who ultimately fell a victim to the cruel vindictiveness of savage foes and was burned at the stake. He is believed to have been the French boy left by Champlain with his Algonquin and Huron allies in 1610, when he took one of their number, Savignon, with him to France. Nicolas de Vignau and Gros Jean, of Dieppe—of whom the former deceived Champlain as to the North-west passage, and the latter attached himself to the English and served under Kirke—may be added to the number.\*

Down to 1628 there were altogether more than a dozen interpreters in the vicinity of the Lakes. The missionaries were, of course, practically interpreters—the first essential to success in their labors being a knowledge of the language of the aborigines.

To trace the zig-zag wanderings of the interpreters who succeeded would be to narrate the history of the continent—its trade, its wars, its diplomacy, its missions. Wherever the Europeans went in pursuit of land, or gold, or power,

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\* A young Greek, who was in Quebec with the founder of that city just before its capture by Kirk, merits a place in the list. *Voyages de Champlain*, p. 1154.

the interpreter was sure to make his appearance. Sometimes they were Europeans, sometimes Indians, sometimes half-breeds. They were of all grades of society, from the lowest to the highest—bushrangers, men of science, artists, warriors, preachers of the Gospel. Some served occasionally, as circumstances demanded; other were regularly employed and paid by the authorities; others freely devoted their hardly gained knowledge of the Indian tongues to the cause of evangelization, of science or of trade.

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### THE OLD WATER COURSES.

In the January, 1890, number of *Canadiana* reference is made to the lake on the Lachine flats and the canal system supposed to have existed between Lachine and Montreal. The researches of Mr. Robert C. Douglas, as stated in the March, 1890, number of this publication, showed that this proposed canal system had not been fully completed. These local questions have an interest for archaeologists, and as each one contributes his mite, the pieces are collected until, like a ripped manuscript gathered out of the waste paper basket, the facts which the original contained are brought out, although one portion might have led to a doubtful conclusion. If we speculate it is with the hope that we may at last arrive at the truth.

Looking at Champlain's map of the Island of Montreal, which is to be found in his narrative, it will be noticed that a large portion of the flats below the Lachine Rapids, near Cote St. Paul, were covered with water. Admitting that this visit was a hurried one, covering but a day, and that the incident of the loss of a canoe and one of his men may have disturbed the explorer, still anything stated by Champlain deserves careful attention as being *prima facie* correct. Were the date of his visit when the river was dammed by the ice, it might have been supposed that these flats were

thus covered with water; the date was 11th June, 1611, therefore this supposition must be set aside.

Was a considerable portion of this flat covered with water at the time? In support of the probability it may be said (1) that Champlain was a reliable witness and an intelligent one; (2) that the maps of N. Bellin, 1744, show a lake in this neighborhood stretching from near Lachine village to Cote St. Paul; (3) that this lake was known even to old men now living; (4) that the low lie of the land and its present swampy state are evidences of its being near the present water level.

If Champlain's map was correct, then the present St. Paul flat has been reclaimed from the water since.

The changes in the St. Pierre River, which was somewhat modified by the drainage-system, and in part adopted for the drainage of Lachine, shows the continued tendency to make dry land of what was water in Champlain's time.

It is well known that to traverse this swamp the original Montreal & Lachine Railway was piled, and the piles are still there.

Upon the subject of our watercourses, it may interest some persons to look at the old maps of the city of Montreal, and there note the rivulet where Craig street now is. Some fifty years since this creek divided the roadway for its whole length from St. Antoine street to St. Denis street. Bridges were necessary to cross this creek at St. Antoine, Bleury, St. Lawrence and other streets. Afterwards, this creek was tunnelled and a broad roadway formed as now exists. This rivulet or creek was the outlet for the several brooks of the west and east ends of the city. On the west the brooks, being the overflow of certain springs now covered up, may be noted. 1st. One on the Desrivieres (now Redpath) property. 2nd. One on Judge Smith's property south of Sherbrooke street, near the corner of Peel street. 3rd. One at the gate on University street of the McGill College ground (the McGill-Burnside property)—

all of which brooks had cut gullys (traces of which may still be seen at the corner of Sherbrooke and University streets) and found their way in an united brook on a line between the present Aylmer street and Union avenue. A second brook from the uplands came down parallel with St. Lawrence street, a little to the east of this street, into Craig street, and two streams came across the Ordnance lands, now the Park or the Logan estate, into Craig street rivulet, whilst the whole thus found its way into the main rivulet on the present Craig street. It dragged its slow length along, joined by rivulets from the Beaver Meadows, and emptied at Handyside's distillery, as Ruisseau Migeon, into the St. Lawrence.

Another creek or rivulet on the Island of Montreal on the city side to be noted is the St. Pierre, finding its way by two branches to the St. Lawrence, one emptying opposite Nuns' Island, and the other crossing St. Joseph street (now Notre Dame street west) near Dow's brewery, thence through the old Montreal College grounds, thence across McGill street, where there was a bridge, thence along Commissioners street, to empty into the St. Lawrence at Pointe à Callières.

When the city of Montreal was incorporated in 1840, or shortly thereafter, the Craig street creek was tunnelled, and the water west of St. Lawrence street was turned westward (contrary to its natural course), and a cut made to connect it with the St. Pierre.

A reference to the old maps and to the present officials may verify or correct these rough notes thus thrown together to meet the request of some enquiries made of an old inhabitant of Montreal.

When the authoress of "The Backwoods of Canada" arrived in Montreal in August, 1832, she wrote:—

"We were struck by the dirty, narrow, ill-paved or unpaved streets of the suburbs, and overpowered by the

noisome vapor arising from a deep fosse that ran along the street behind the wharf.

"This ditch seemed the receptacle of every abomination, and sufficient in itself to infect a whole town with malignant fever."  
D. D.

I am indebted to the officials in the City Surveyor's Department for the following information :—

The only portion of the old "creek" remaining uncovered in 1845 was in the neighborhood of Chaboillez Square, from Dow's brewery to St. Antoine street, the remaining portion in Foundling and Craig streets being covered.

The original creek had an outfall opposite the present Custom House, from where it passed westward along Foundling and College streets to Chaboillez Square, where it was joined by the St. Pierre rivulet, that passed under the Lachine Canal; from the junction of Chaboillez and College streets it passed northward across Chaboillez Square, where it was joined by the rivulet from the west, that is now drained by Bonaventure main sewer. From the junction of Notre Dame street (then St. Joseph) and Chaboillez Square it passed eastward along Craig street, passed St. Lawrence, St. Denis and Papineau road at Dorchester street, where it branched northwards into several small tributaries.

ED.

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*REMINISCENCES OF COL. CLAUS.*

By MR. ERNEST CRUIKSHANK.

VI.

In anticipation of the return of the Indians from the Lake of Two Mountains to their homes, it would appear that an attempt had been made to draw a reinforcement from those with Proctor's army. On the 12th August a meeting of the Indians was held at the cross roads to receive the report of the embassy sent to Detroit for this purpose. There were present representing the Indian department, besides Col.

Claus, Major Givins, Capt. De Lorimier, Lieuts. De Lorimier, Brant and Lyons.

“*Tekanhoga* spoke on seven strings black and six strings black and white, wampum from the Shawnees.

“Brothers—On the road to the Grand River I heard of the death of Lieut.-Col. Bisshop and of the conduct of our brothers at Buffalo. They have forgot their promise and raised the tomahawk against the King to spill the blood of his children. Their words to us were:—‘If the Americans take from us our property and stop our money, yet we are determined not to raise the tomahawk against the King.’ They have done it, and I have informed the Western Indians what has been done, and shall report their answer.

“Elder Brothers—We look towards you, and see that you feel yourselves in distress. Our people are going to the Miami, and as soon as that business is over, which we expect will be very soon, expect to see us with you, and we will cross the river and face those people on their own side. You are to tell our brother at the head of affairs not to think it hard if cattle are killed on the way down.’

“This is the answer I received. When my messenger came away, an Indian with one arm had just arrived from Miami. He left it nine days ago. He says *Kiga-haga* was taken, with 1,000 barrels; 4,000 Indians were going to storm Fort Meigs, but they were ordered not to attempt it, but to go to cut off 300 men in charge of goods, etc., and that 2,000 went.”

Writing to Col. Harvey the same day, Claus said:—“*Teharihoga*, a Mohawk chief, who arrived to-day from the Grand River, desired to meet me in council, and repeated the answer he received from the Shawanese to a message he sent them informing them of the conduct of the Indians at Buffalo Creek. I enclose a copy of their answer. The *Caughnawagas* have asked for a feast to-day. They say they have not had one since they came up.”

The enemy began to show signs of activity, and even

ventured to attack the British outposts. On the 13th August Claus wrote to Harvey:—"Our piquets retired this morning. The one in front of Ball's was fired upon by twenty rifles at upwards of 100 yards. They must have been in the bush all night. Some shots were exchanged, but the distance was too great to do any hurt. The one by Secord's did not perceive anything."

The following extract from a letter dated at Fort George on the 15th August, which appeared in the *Buffalo Gazette* a few days later, probably explains the cause of this unusual demonstration. The writer says:—"Our picket guards during the week have been almost constantly in alarm. On the night of the 13th an attack was made by a pretty formidable force, but flying artillery was sent out, and they dispersed. The attacks have been principally made by Indians. The British are supposed to number 2,000 regulars, 500 or 600 militia and 300 or 400 Indians. There is no doubt they are short of provisions."

The first dispersal of the Indians to their homes could not be much longer delayed. On the 15th Claus addressed the following to Harvey announcing this fact:—

CROSS ROADS, Aug. 15th, 1813.

DEAR SIR,—I am sorry to inform you that seven of the Chippawas have left, and the Western Indians, after some persuasion, have agreed to stay till the end of this quarter of the moon. A few nights ago they spoke of going, but it appears they only did it for an excuse for asking for some liquor. This morning they appear determined to go at the time they mentioned. A requisition is making out for some clothing, on application of Blackbird. I assure you I dread the orders of the 7th inst."

The letter-book ends abruptly with the following interesting fragment of a letter, probably from Col. Matthew Elliott, although the signature is wanting, which throws some new light on Proctor's last offensive movement:—

DETROIT, Aug. 8th, 1813.

MY DEAR CLAUS.—I beg to acknowledge receipt of yours



of the 18th, enclosing extracts of General Order. We are preparing a new set of abstracts for the February two-monthly period, to replace those taken by the enemy.

I now proceed to give you a short detail of our unfortunate expedition to Fort Meigs and Sandusky. We set off from Amherstburg with 300 troops and between 3,000 and 4,000 Indians, in high expectation of doing something great. On our landing at the rapids, our General's first camp was about two miles from the fort, but two days after he moved to within about a mile and a half, where he remained seven days. During these nine days the Indians wanted him to throw some shells into the fort and make use of his great guns and attempt to sap the fort, telling him at the same time that although they were starving they would second him in everything he would undertake. He, however, proposed going up to Sandusky, which the Indians opposed with all their might, saying that if he went there, they would return to their families and stand between them and danger, should the Americans sally out of the fort. He still continuing determined on his purpose, the Indians set off homewards, all but 200 of our Indians and some of Mr. Dickson's.

He then fell into a rage with me, and said that I had been guilty of treachery, for which he would report me to the Commander of the Forces, and I should be personally responsible for the failure of the expedition.

We set off accordingly to Sandusky, and in . . . . .

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*INDIAN ALLEGIANCE IN 1839.*

[A curious parchment, of which the following is a copy, was recently shewn to me by a well-known antiquarian in this city.—Ed.]

Nous, Chefs des différents Tributs Sauvages du District de Montréal, dans la Province du Bas Canada, Promettons et Jurons que nous serons fidel et que nous garderons vraiment comme bon sujéts, notre allegiance à Sa Majesté Bri-

tannique La Reine Victoria Première; et que nous les défendrons du mieux qu'il nous sera possible, contre toutes conspirations et toutes tentatives quelleconques qui pourront être faits contre Sa Personne, Sa Couronne, ou Sa Dignité; et nous ferons tous nos efforts, ainsi de communiquer et faire à scavoir à Sa Majesté, Ses Hoirs et Ses Successeurs toutes trahissons et tout correspondences traitresses qui pourroient avoir lieu, soit contre elle, soit contre eux, ou Sa Gouvernement dans cette Province du Bas Canada. Et nous professons et certifions et déclarons solennellement en Presence de Dieu, que nous faisons cette Déclaration tout entière, dans le sens commun et ordinaire des expressions de se serment, sans aucune evasion equivoque, ni reservation mentale quelleconque; ainsi que Dieu nous soit en aide :

*Grand Chefs.*

Martin X Tekanasontie,  
 Thomas X Teâtekon,  
 Thomas X Sakoetchta,  
 Charles X Katchirakiron,  
 Joseph X Niwateurah,  
 Joseph X Tenihatie,  
 Ignace X Kaurataheri,  
 Sworn before me Sault St. Louis,  
 this 7th Oct., 1838.

DOND. DUFF, J. P.

Ignace X Ataherhei,  
 Ignace X Kanniwatiron,  
 Louis X Twiraquisain,  
 Sworn before me Sault St. Louis.  
 this 7th Oct., 1838.

DOND. DUFF, J. P.

Augustin X Guille,  
 Louis X Degouzagne,

Franc's X or sulle Vbomsawine.

Sworn before me this 5th day of February, 1839.

*Grand Chefs.*

Mitchel X Tekareontie,  
 George X Teoseragwenti,  
 Charles X Oriwakati  
 Peter X Kanniarakwa,

*Sub-Chefs.*

Lewis X Tarakonente,  
 Jacob X Taharatie,  
 Peter X Owenhienne,  
 Peter X Osetakate,  
 William X Tehawentate,

Sworn before me at Saint Regis  
 this 15th January, 1839.

T. Y. CHESLEY, J. P.

Simon X Vbomsawine,  
 Louis X Watzeau,

W. COTTRELL, J. P.

PUBLIC LIBRARY, TORONTO, }  
 December 6th, 1890. }

The spirited and patriotic lines entitled "The United Provinces," reprinted in your last number from the "Monthly Review," 1840, may safely be attributed to J. H. Hagarty, Esq., a gentleman who contributed largely to the periodical literature of fifty years ago, and who now bears the honoured title Chief Justice of Ontario. J. B.

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This number, which completes the second volume of CANADIANA, is the last, as it has been decided not to continue the publication.

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