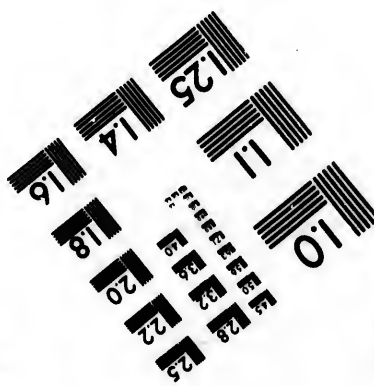
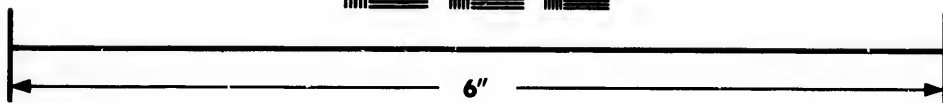
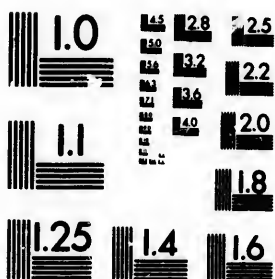


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

128
132
122
120

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

10

© 1984

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/
Couverture de couleur
- Covers damaged/
Couverture endommagée
- Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée
- Cover title missing/
Le titre de couverture manque
- Coloured maps/
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur
- Bound with other material/
Relié avec d'autres documents
- Tight binding may cause shadows or distortion along interior margin/
Le reliure serrée peut causer de l'ombre ou de la distortion le long de la marge intérieure
- Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments:
Commentaires supplémentaires:

- Coloured pages/
Pages de couleur
- Pages damaged/
Pages endommagées
- Pages restored and/or laminated/
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées
- Pages detached/
Pages détachées
- Showthrough/
Transparence
- Quality of print varies/
Qualité inégale de l'impression
- Includes supplementary material/
Comprend du matériel supplémentaire
- Only edition available/
Seule édition disponible
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12X	16X	20X	24X	28X	32X	

The copy filmed here has been reproduced thanks to the generosity of:

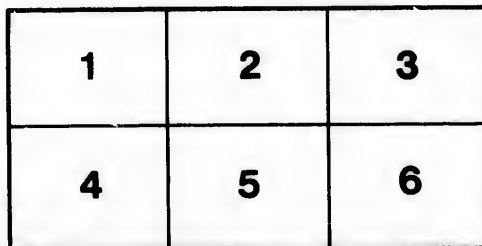
Library of the Public
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de.

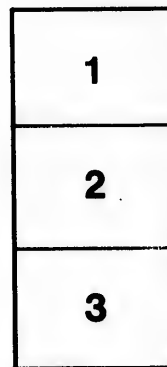
La bibliothèque des Archives
publiques du Canada

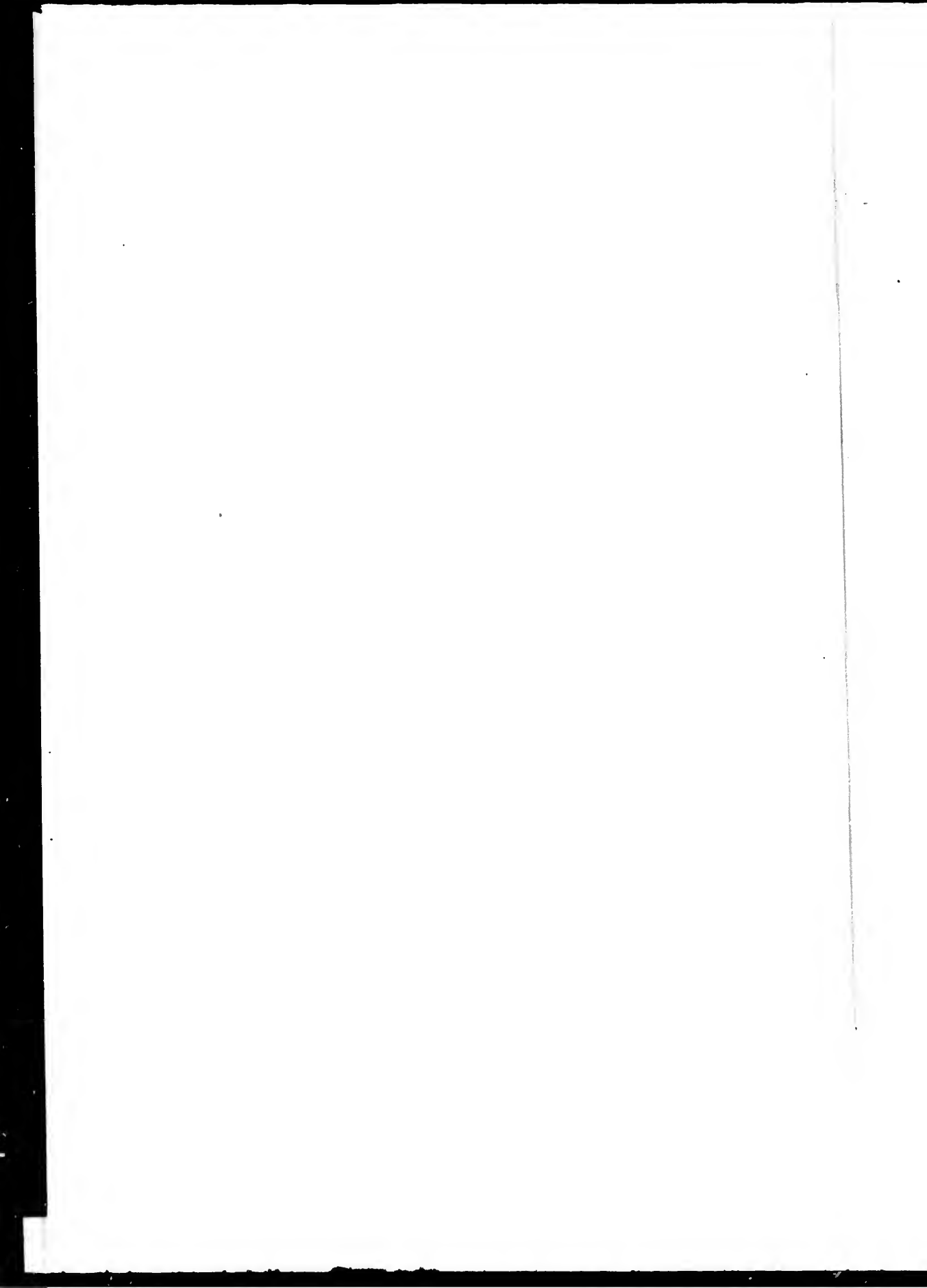
Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.





DIVERS DOCUMENTS

ADDRESSED TO THE HONORABLE

LOUIS JOSEPH PAPINEAU,

SPEAKER OF THE HOUSE OF ASSEMBLY, BY THE HONORABLE

DENIS B. VIGER,

Appointed to proceed to England, and there to support the Petitions of the House to His Majesty and to the two Houses of the Imperial Parliament.

LAI D BEFORE THE HOUSE, AND ORDERED TO BE PRINTED
WEDNESDAY, 8th JANUARY, 1834.

LIST OF DOCUMENTS addressed to the Honorable L. J. Papineau, Speaker of the House of Assembly, by the Honorable D. B. Viger.

- No. 1. Correspondence of Mr. Viger with the Colonial Minister, from the 11th July, 1832, to the 11th September, 1833.
- No. 2. Observations addressed to Lord Goderich, by Mr. Viger, relative to the Election of the West Ward of the Town of Montreal, and to the events of the 21st May, at that Election.
- No. 3. Election at Montreal in 1832—catastrophe of the 21st May.
- No. 4. Considerations, &c., 3rd Series, on the Summoning of Grand Jurors in the District of Montreal, after the catastrophe of the 21st May, 1832.
- No. 5. Considerations relative to the actual state of the Government, and of the Administration of Lower Canada.
- No. 6. Considerations on the new Commissions for the Peace.
- No. 7. Lord Goderich's Despatch to Lord Aylmer relative to Mr. Christie, and Mr. Viger's Answer on the subject of the said Despatch.
- No. 8. Letter from the Honorable D. B. Viger to the Honorable L. J. Papineau, bearing date the 6th April, 1833.

No. 1.

Letter to Lord Goderich.

MY LORD,

Having received some information yesterday on the unfortunate events which occurred in Montreal

on the 21st May, I called at the Colonial Office to communicate it to you if you had a moment's leisure, as I had promised to do, when I last had the honor to see you.

This morning I received fresh information, and it is of a nature to make it imperative on me to beg your Lordship will allow a moment's audience as soon as your Lordship will be able to do so.

I beg your Lordship will accept, &c.

D. B. VIGER.

London, }
11th July, 1832. }

To His Lordship,
LORD VISCOUNT GODERICH,
&c. &c. &c.

COLONIAL OFFICE,
July 12th, 1832.

SIR,

Lord Goderich has desired me to acknowledge your Letter of yesterday, and I have the honor to inform you that his Lordship will be happy to see you to-morrow (Friday) at two o'clock at the office.

I have the honor to be, &c.

CHARLES DOUGLASS.

Mr. VIGER.

London, &c.
12th July, 1832.

Sir,

I have received your Note, by which you inform me that His Lordship will receive me at the Colonial Office at two o'clock. Will you request His Lordship to accept the assurances of my respect—I will not fail to be there at the hour appointed.

I have the honor to be, &c.

D. B. VIGER.

CHARLES DOUGLASS, Esquire.

Downing Street,
26th July, 1832.

Sir,

I am directed by Viscount Goderich to acknowledge the receipt of your Letter of the 17th instant, and to acquaint you that His Lordship does not think it necessary at present to make those remarks upon it which it might suggest; but he would be glad if you can inform him with what view the Jurymen signed the declaration alluded to by you, and in what light these documents are to be regarded; whether as having any official and formal character, or as the unauthorised expression of the opinion of the individuals, for in this country His Lordship never heard of any analogous proceeding on the part of a Jury which had separated without giving any verdict.

With respect to the concluding part of your Letter, Lord Goderich sees no reason for considering the amount of bail required from Lieut. Colonel Mackintosh and Capt. Temple as too small, there being no reason whatever to suppose they will fail to appear when summoned before a competent tribunal.

I am, Sir, &c.

HOWICK.

D. B. VIGER, Esquire.

My Lord,

Yesterday I received your letter of the 26th, acknowledging the receipt of mine of the 17th of this month, addressed to His Lordship Viscount Goderich, and communicating his observations on the subject.

In answer to that one of his observations which has reference to the depositions of the Jurors summoned by the Coroner, I must state that it was the form of these proceedings that I had in view, much less a desire to submit them to His Lordship's consideration as a Lawyer. It was a sample that I was desirous of laying before His Lordship.

If I had chosen to go further, I might have added that the Coroner had only summoned twelve Jurors, that he might have summoned a greater number, in order to obtain the verdict of twelve out of that number; that even before he commenced the inquest before the Jury, he had been notified that one of the Jurors in particular had already finally pronounced his opinion. That before receiving or ever having received those depositions, he might have summoned another Jury, and proceeded regularly upon a new inquest; that observations had been made to him in this sense in relation to these matters; finally, that it appeared he had taken such advices as to induce him to take the course which he had adopted.

I might have added a great many more details with which it is unnecessary to lengthen this letter. These observations must be sufficient upon that point.

But three individuals were killed, the perpetrators of the deed were known, depositions without number

establish those facts, in a manner to require that legal proceedings should be taken against them. The course to be pursued in such a case, is not, I apprehend, very doubtful.

As to the amount of bail, the observations which I received, and which I transcribed without commenting on my part, were not at all connected with any idea of danger that the parties accused would fail to appear before a competent tribunal; such an idea did not even occur to my mind.

Looking at the thing in this point of view, and independently of every legal consideration, the parties accused could remain at liberty in this respect also, the amount of bail was of no consequence in my eyes; whether it was a shilling or a thousand pounds, no one could dream of such a danger.

Nothing more can be required to enable His Lordship to see, how different my views were to those ascribed to me in the observations which you have communicated to me on his behalf.

His Lordship must have seen, moreover, that the conduct of the Public Officers presented nothing very formidable to the parties accused.

I hope also that it will not be long before His Lordship will have sufficiently correct data upon these important matters.

I have the honor to be,
With respect,

D. B. VIGER,

London, &c.
28th July, 1832.

THE LORD HOWICK,
&c. &c. &c.

My Lord,

Yesterday, I received from Lord Howick, a letter dated the day previous, and I have to day answered the observations which he communicated to me on your behalf, relative to the contents of my letter, addressed to Your Lordship on the 17th of this month.

Your Lordship will see at once, the reasons which induced me to abstain from entering into considerations which will be apparent of themselves, as soon as I shall have been able to lay before Your Lordship, a summary of the facts connected with the unfortunate scene of the 21st May, in Montreal.

The Packet by which I expect the continuation of the information which I have already received, has not yet arrived at Liverpool; in the mean time, I am collecting materials from the Documents before me.

The proceedings of the Magistrates of Montreal, which must have been transmitted at the Colonial Office, would be of great importance to me. I would beg Your Lordship would communicate them to me, it would be the means of advancing my labour.

Few events have occurred in Canada upon which it is more necessary to throw the greatest light for the sake of truth and justice, and for the mutual advantage of the Mother Country and the Colony.

I beg His Lordship to receive,
&c. &c.

D. B. VIGER,

London, &c.
28th July, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Downing Street,
31st July, 1832,

SIR,

I am directed by Viscount Goderich to acknowledge the receipt of your letter of the 28th inst. requesting to be furnished with the proceedings of the Magistrates, relative to the unfortunate affair at Montreal, to enable you to prepare your observations on the case for His Lordship's consideration, and to acquaint you that as such a course of proceeding with regard to an occurrence which is still the subject of judicial inquiry is very unusual, and as His Lordship is not aware that any advantage could result by a compliance with your request, Lord Goderich must decline to furnish you with the Documents which have been received at this Department.

I am,
Sir, &c.

HOWICK.

D. B. VIGOR, Esqr.

MY LORD,

Your letter in answer to mine, addressed to His Lordship Viscount Goderich on the 20th July, reached me the day before yesterday, the day of its date. I regret not having had it in my power to acknowledge the receipt of it immediately, and at the same time to submit to His Lordship Viscount Goderich, some observations on that subject which I now take the liberty of addressing to him.

I have the honor to be, &c.

D. B. VIGER,

London, &c.
2d August, 1832,

THE LORD HOWICK.

MY LORD,

In his letter of the 31st July, Lord Howick has communicated to me Your Lordship's motives for not acceding to my request with reference to the proceedings of the Magistrates, as they relate to an event which is still the subject of a legal investigation.

Your Lordship, I apprehend, will appreciate the following observations on the subject.

It could not be my intention to lay before Your Lordship, observations relative to the grounds either of fact, or of law to be submitted to the Court of King's Bench of Montreal, either for or against the persons liable to be brought before it, in consequence of the death of the individuals who lost their lives on the 21st May. If I took the liberty of pointing out a few facts in relation to this catastrophe, which took place subsequently to the event, it was because they might be considered as being independent of every consideration relative to the questions which might be the subject of discussion at a trial before the Court.

My observations can only have reference to the facts, when considered in quite a different view. The proceedings of the Magistrates connected with this Election, cannot be the subject of discussion before the Courts. It is therefore in this sense, and as being unconnected with judicial proceedings, that these facts can be the subject of observations on my part to be submitted to Your Lordship. On the other hand, the proceedings of which I have requested communication, are those of a Magistracy, of which I am a Member. They were adopted at meetings at which I had a right to be present, and which I should probably have attended, had I been

upon the spot; to these proceedings I might have had access when I wished. All the Magistrates of Montreal are on the same footing in that respect. Your Lordship will perceive my other claims, independently of my mission to the communication which I have solicited. In short, any observations of mine made here, can have no influence on the proceedings of the Courts in Canada. It remains for me to observe, that I may have been wanting, in precision in the observations which I communicated to Your Lordship in our last interview. I flatter myself that I could give satisfactory explanation on that head, if Your Lordship should deem it necessary.

I beg Your Lordship will receive,
&c. &c.

D. B. VIGER,

London, &c.
2d August, 1832.
To His Lordship,

VISCOUNT GODERICH,
&c. &c. &c.

Letter to Lord Goderich,

MY LORD,

On the 28th July, I informed Your Lordship that I had not yet received the continuation of the information relative to the events then in question. I received fresh information on Saturday. I now hope to be able shortly to lay before Your Lordship some observations worthy of Your Lordship's attention.

I expect from one moment to the other some papers, being proceedings of the Assembly, and in particular copies of the Bills passed by both Houses, but reserved. I expect to have them by Thursday, the vessel having arrived here. I have also received information upon some other important matters, concerning which, I am desirous of seeing Your Lordship. Now that the Session of Parliament is over, I should be extremely flattered if Your Lordship would grant me an audience.

I beg Your Lordship will accept my assurances, &c.

D. B. VIGER.

London, &c.
21st August, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Colonial Office,
August 27th 1832,

MY DEAR SIR,

Lord Goderich will see you here on Wednesday, at half-past one.

I have the honor to be, &c.

CHARLES DOUGLASS,

MR. VIGER.

SIR,

I received your letter yesterday, by which you inform me that Lord Goderich will see me to-morrow, at half-past one. I will not fail to be in attendance at the Colonial Office at that hour.

I have the honor to be, &c.

D. B. VIGER,

28th August, 1832.

CHS. DOUGLASS, Esquire.
A 2

Lord Howick's Letter.

*Downing Street,
8th Sept. 1832.*

SIR,

I am directed by Viscount Goderich, to acknowledge the receipt of your letter of the 29th ultimo, relative to the unfortunate occurrence which took place at Montreal, on the 21st May last, and to acquaint you that although His Lordship regrets exceedingly the loss of life of three individuals, and the wounding of some others by the firing of the military on that occasion, yet he does not think himself called upon to express any opinion on the conduct of the different parties concerned in this affair, until the case which it appears was to have been brought before the regular legal tribunal, in the ordinary course of the Law, on the 27th of August, shall have been inquired into.

Lord Goderich cannot entertain a doubt that the trial of the individuals accused will have been conducted with that calmness and impartiality without which justice cannot be rendered to His Majesty's subjects, and that no Jury will have suffered themselves to be influenced, particularly in a case affecting the life of man by those angry publications, which have been so extensively circulated in the Province, and so obviously calculated to create a prejudice against the accused persons.

His Lordship therefore, at present sees no reason for entering into any discussion on this subject, which does not appear to require any interference on his part.

The Government can have no desire to screen the delinquency of any person, but it is its first duty to keep itself aloof from those party feelings which unhappily appear to be mixed up in this question.

I am, Sir,
Your most obt. servant,

HOWICK.

D. B. VIGER, Esqr.
&c. &c. &c.

Answer to Lord Goderich.

MY LORD,

I regret not having had it in my power to forward this Letter to you yesterday. I could have wished to have confined myself to an acknowledgment of the receipt of your's of Saturday last, and to request that you would accept, yourself, and tender to His Lordship, my thanks. The observations which you communicate to me relate to intentions different to those I really entertained, when I addressed my communication of the 29th August to His Lordship. The result has been a necessity on my part of adding to the explanations already contained in my communication, and in my Letter of the 2nd August on this subject, a few remarks calculated to remove all doubt in this respect, and which I now take the liberty of addressing to your Lordship.

I have the honor to be, &c.

D. B. VIGER.

11th September, 1832.

The Lord Howick,
&c. &c. &c.

Letter to Lord Goderich.

MY LORD,

I received on Saturday evening a Letter from Lord Howick acknowledging your receipt of my Letter

of the 29th August, and communicating to me at the same time observations grounded upon intentions and a purpose which your Lordship ascribes to me different from those I had, and in relation to which I thought I had already sufficiently explained myself in several of the communications which I have had the honor of addressing to your Lordship on the same subject.

Since further explanation is the more necessary, because, besides the danger of an erroneous impression under similar circumstances, that supposition has already served as a ground to deprive me of obtaining access to papers, the communication of which appeared to me to admit of no difficulty.

In the first place I did not expect that your Lordship would at present give an opinion "relative to the conduct of the parties interested, or that your Lordship would enter into the discussion on the subject of the unfortunate affair of the 21st May, which must have been brought before a legal tribunal on the 27th August in due course of law;" nor have I entered into such a discussion.

My observations refer to what took place immediately previous to the catastrophe, or to subsequent parts which I have also presented in their direct relation with these previous parts themselves; it is by taking things in this light and presenting them in that manner that I pointed out my object, that is to say, to shew the pressing necessity which existed of having a clear investigation "upon that event and all that related to it."

As to the event of the 21st May in particular, many observations which accompanied my Letter of the 29th August, I did not omit to observe, expressly, "that as the conduct of those to whom the death of the citizens who were killed on that day, could be imputed, would become the subject of legal discussion before a Court, and had confined myself as much as possible to a simple statement of facts." I even took the precaution to add, "that on that occasion the military acted under the authority of the Magistrates who had required their assistance."

I could not therefore purpose laying before your Lordship, in relation to the event of the 21st May, the grounds of fact and of Law proposed for discussion before a Court of Justice, as I had observed in my Letter of the 2nd August. It behove me to represent things in their more extended relation to each other, and I believe I did so in my communication of the 29th.

As to the proceedings which must already have taken place in the Term of the Criminal Court of the 27th August, at Montreal, I wish they may be conducted according to those rules of strict impartiality which I am persuaded it is your Lordship's desire they should be governed by.

I think I can state at the same time, that the fears expressed in Lord Goderich's Letter, relative to the parties accused, are grounded upon comparisons which are not exactly applicable to the real state of things in the Province.

I flatter myself, that by means of these explanations, your Lordship will be able to see more distinctly the object I had in view in submitting the facts mentioned in my Letter of the 17th July. I may have been wrong in stating them before having given a statement of the facts which took place previously, and which are represented in my communication of the 29th August; if it is my fault, it was owing to my desire that your Lordship should be made acquainted as early as possible with facts, the importance of which will not fail to be appreciated.

It remains for me to observe with reference to the investigation of which I have urged the necessity, that even by abstaining from the consideration of any of the facts except those pointed out in my communication of

the 29th August, or which are not susceptible of contestation, it is easy to discover those who have an interest in bringing the truth to light, as well as the importance which exists, that the whole of it should be brought out. I beg your Lordship will receive my assurances, &c.

London, &c.
11th September, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

D. B. VIGER.

Downing Street,
24th Sept., 1832.

Sir,
I am directed by Viscount Goderich to acknowledge the receipt of your Letter of the 11th instant, in reply to the communication which, by His Lordship's desire, I addressed to you on the 8th instant.

I am, Sir,
Your's, &c.

HOWICK.

D. B. VIGER, Esquire,
&c. &c. &c.

Letter to Lord Goderich.

My LORD,

I could have wished to have dispensed with addressing Your Lordship so soon after Your Lordship's return from the country, but I should be wanting in my duty were I not to request an audience of a few short moments as soon as Your Lordship's occupations will permit. I flatter myself that Your Lordship will perceive that this request is founded upon motives worthy of Your Lordship's attention.

I beg Your Lordship will accept the assurances, &c.

London, &c.
13th October, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

D. B. VIGER,

Lord Goderich will have much pleasure in seeing Mr. Viger, on Thursday next, at one o'clock, at this office.

Colonial Office,
October 23.

Mr. VIGER.

My LORD,

Your Lordship will, I trust, accept my thanks for the note I received yesterday, by which I am informed that Your Lordship will receive me at one o'clock, at which time I will not fail to attend at the Colonial Office.

I beg at the same time that Your Lordship will

accept the assurances of the profound respect with which I have the honor to be, &c. &c.

D. B. VIGER,

London, &c.
24th October, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Letter to Lord Goderich.

My LORD,

I now address to Your Lordship, a few observations relative to the subject matter of the audience which was granted to me by Your Lordship, on the 25th of October last. Your Lordship will perceive that this new picture is not, more than the others the work of imagination. The facts which I state are correct, and the conclusions to be drawn can admit of little doubt.

I also flatter myself that Your Lordship will feel in some measure indebted to me for having called Your Lordship's attention to those matters; the importance of which Your Lordship will not fail to appreciate.

I beg Your Lordship will accept the assurances, &c.

D. B. VIGER,

London, &c.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Downing Street,

19th November, 1832.

Sir,

I am directed by Viscount Goderich to acquaint you that His Lordship has fully and materially considered the various documents which were transmitted to him by the Governor of Lower Canada, and by yourself, in explanation of the motive which induced the House of Assembly of that Province to address Lord Aylmer to remove Mr. Stuart from the Office of Attorney General of Lower Canada, and which prompted the Governor, in compliance with the address, to suspend Mr. Stuart from his office until His Majesty's pleasure should be known, together with various Documents which have been transmitted by Mr. Stuart to this department in his vindication.

In pursuing those enquiries Lord Goderich has availed himself of the assistance of His Majesty's Attorney and Solicitor General, who have devoted much time and labour to the subject.

After a most careful investigation of the whole case, Lord Goderich has felt it his duty to advise His Majesty to confirm Mr. Stuart's suspension; and His Majesty has been pleased to direct that a Commission should be prepared appointing another person to fill the Office of Attorney General of Lower Canada.

I am, Sir,
Yours, &c.

HOWICK,

D. B. VIGER, Esqr.
&c. &c. &c.

B

My LORD,

Last evening I received your letter dated yesterday, by which I am informed from instructions from Lord Goderich, that after a laborious examination and other proceedings taken by His Lordship, and which he has condescended to communicate to me, His Lordship has thought proper to advise His Majesty to confirm Mr. Stuart's suspension, and that His Majesty had been pleased to order a Commission appointing another person to fill the office of Attorney General.

Permit me, my Lord, to beg his Lordship, with the assurances of my profound respect, to receive my thanks for this important communication, which I shall forward to the Assembly as soon as possible.

I beg you will receive the assurances, &c.

D. B. VIGER,

London, &c.

20th November, 1832.

LORD HOWICK,
&c. &c. &c.

My LORD,

Since I had the honor of seeing you on the 25th of last month, I have received information on several important matters, in relation to which it would be advantageous that I obtained from Your Lordship an audience of a few moments. It would be the more desirable as I should thereby be relieved from the necessity of fatiguing Your Lordship with laborious communications, which as has already been the case several times since my arrival in England.

I flatter myself, that Your Lordship will permit me to renew my thanks, which in my letter to Lord Howick of the 20th instant, I had requested him to convey to Your Lordship, acknowledging at the same time the receipt of the important communication which he addressed to me on behalf of Your Lordship, relative to Mr. Stuart.

I beg Your Lordship will again receive the assurances of the profound respect with which I have the honor to be, &c.

D. B. VIGER,

London Coffee House, &c.
27th November, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Colonial Office,
28th, Wednesday.

Lord Goderich will have the pleasure of seeing Mr. Viger on Friday next, 30th, at 4, at this office.
D. B. VIGER, Esq.

My LORD,

I beg you will accept my thanks for your note of yesterday, by which I am informed that Your Lordship will see me to-morrow, the 30th, at four o'clock, at which time I will not fail to attend at the Colonial Office,

I beg Your Lordship will receive the assurances of the profound respect with which, &c.

D. B. VIGER,

London Coffee House,
29th November, 1832.

To His Lordship,
LORD VISCOUNT GODERICH,
&c. &c. &c.

Colonial Office,

December 1st, 1832.

Lord Goderich is obliged to fix Mr. Viger's interview for Wednesday next, at 2, as a Council will be held on Monday.

Mr. VIGER.

My LORD,

I beg Your Lordship will accept my thanks for the note I received on Saturday evening, I will not fail to attend on Wednesday next, at the hour appointed.

I beg Your Lordship will receive my assurances of the profound respect with which I have the honor to be
Your Lordship's, &c.

D. B. VIGER,

London Coffee House,
3rd December, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Letter to Lord Goderich.

My LORD,

On the 11th December I had the honor of addressing to Your Lordship a letter accompanied with a Copy or Duplicate of my letter of the 10th November previous, of which Your Lordship had intimated a desire of obtaining a Copy, the last time I had the honor of being admitted to an audience with Your Lordship, on the 5th December.

Since that period, and particularly yesterday and the day before, I received some letters and information relative to the subject matter of those communications and of some others, of which I then had the honor of saying a few words to Your Lordship. This circumstance induces me to desire a moment's audience from Your Lordship, and would beg it were granted to me as soon as Your Lordship's occupations will permit.

I beg Your Lordship will receive the assurances of the profound respect with which

I have the honor to be, &c.

D. B. VIGER,

London Coffee House,
13th February, 1833.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Lord Goderich presents his compliments to Mr. Viger, and will be happy to see Mr. Viger at the Colonial Office on Wednesday, the 20th inst. at one o'clock.

Downing Street,
Saturday, 16th Feby. 1833.

My LORD,

I beg your Lordship will accept my thanks for the note by which I am informed that I will be able to see your Lordship at the Colonial Office on Wednesday next, at one o'clock, at which time I will not fail to attend.

I beg your Lordship will receive the assurances of the profound respect with which

I have the honor to be, &c.

D. B. VIGER.

London Coffee House,
18th February, 1832.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

My Lord,

Among the subjects which I had the honor of mentioning to your Lordship on the 20th of this month, in relation to which I shall, perhaps, have occasion to lay before your Lordship a few reflections which may be useful, there is one upon which I think it right, at this moment, to address your Lordship.

Your Lordship appeared to me to be under the conviction that the Resolutions of the Assembly of Lower Canada, relative to the Dispatch concerning Mr. Christie, embodied a declaration that that Document was a breach of the Privileges of the House. I did not at the time exactly recollect the terms in which those resolutions were couched. I made a search as soon as possible, and found, among papers which I had already received since some time, and which I had lost sight of, those resolutions such, I may undertake to state to your Lordship, as they were passed and adopted by the House. I have caused a copy of them to be made, which your Lordship will find herenato annexed.

I flatter myself that your Lordship will be satisfied with this step, when you find in reading the resolutions that some of the reflections which your Lordship mentioned to me yesterday, are to be found in them. I also flatter myself that this circumstance will go to support some of the observations which I then took the liberty of communicating to your Lordship.

I beg your Lordship will accept the assurances of profound respect with which

I have the honor to be, &c.

D. B. VIGER.

London Coffee House,
25th February, 1833.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Downing Street,
2nd March, 1833.

Sir,

I am directed by Viscount Goderich to acknowledge the receipt of the Letter of the 25th ultimo, which you have addressed to him in consequence of what passed between His Lordship and yourself on the 20th, upon the subject of his Dispatch to Lord Aylmer relative to Mr. Christie's expulsion from the Assembly of Lower Canada.

Lord Goderich desires me to state that you have certainly misapprehended the nature of his observations upon that occasion. He did not refer to the Resolutions which were actually passed by the Assembly, but to the sentiments which were expressed in debate by those Members of the Assembly who took an active

part in condemning the conduct which His Majesty's Government pursued in respect to that matter. In the course of that debate Lord Goderich's Dispatch to Lord Aylmer was characterised as a direct violation of the privileges of the House, and as the debates which take place in the Assembly are published in all the newspapers of the country, Lord Goderich did not scruple to express to you his great surprise that such a view of that Dispatch should have been taken by any one who had duly considered the arguments which it contained and the constitutional principles upon which it was founded. His Lordship however added, that as the Assembly deemed it to be necessary to the maintenance of their privileges to abide by their resolution respecting Mr. Christie, it was not the intention of His Majesty's Government to direct the Governor of the Province to make any fresh reference to the Assembly upon their determination.

In order to put you more clearly in possession of the views of His Majesty's Government, I am directed to transmit to you the inclosed copy of a Dispatch recently addressed to Lord Aylmer on the present subject.

Lord Goderich has felt it to be his duty to direct me to make this communication to you in order to prevent the possibility of any misapprehension as to the nature and object of the remarks which he addressed to you in the personal interview to which your Letter refers.

I am, Sir,

Your most obedient Servant,

HOWICK.

D. B. VIGER, Esquire.

Letter to Lord Howick.

My Lord,

I beg you will accept my thanks for your Letter of the day before yesterday, and that you will be pleased to convey them to His Lordship Viscount Goderich, for the communication of his Dispatch of the 15th February to Lord Aylmer, of which you have sent me a copy. It is not the first time I have had occasion to feel proud of His Lordship's solicitude and of his desire to lay, as well as to consider in a correct manner, the several matters to which I have been under the necessity of begging his attention. His Lordship may also be assured that I will more and more apply myself to the utmost exactitude in my power in all my communications.

With regard to the subject of the Dispatch, I would beg leave to remind His Lordship that I offered to give him a few words of explanation on the facts which brought about Mr. Christie's expulsion, and which served as the grounds of his re-expulsion. It might be that these facts were not represented in their entire or altogether in their true light.

I beg your Lordship will receive the assurances of the profound respect with which

I have the honor to be, &c.

D. B. VIGER.

London Coffee House,
4th March, 1833.

THE LORD HOWICK,
&c. &c. &c.

My Lord,

The contents of the Despatch of which Your Lordship was pleased to transmit to me a Copy on the 2nd of this month, appears to me to ascribe to the Assembly, views different from those by which it was governed in relation to Mr. Christie's expulsion. It is possible that my silence in this respect might be construed into an admission; I have therefore considered that Your Lordship would allow me to offer a few observations on this subject.

It was neither opinions nor sentiments expressed by Mr Christie, in writings of an unjustifiable nature on the score of morality, nor even insults of the most flagrant character offered to the Assembly, which served as the ground of expulsion of the accused on that occasion. It was facts which I will leave to others to qualify by the appellation which they deserve, and which are not susceptible of diversity as to the conclusions to be drawn from those very facts themselves. - Putting a servant of the House, and one of its principal officers, moreover an elected Representative, at the head of the Magistracy of Quebec, in his capacity of Chairman of the Quarter Sessions, he had successfully employed his credit and the influence attached to those important functions, to obtain the dismissal of several of his brother Magistrates who were Members of the Assembly, by reasons of their opinions in the House.

I need not say that this was doubly betraying the confidence of that Body, and of several of its Members, in particular, of his brother Magistrates, of the Governor himself whom he had drawn into this measure; that these measures was calculated to destroy the liberty of speech in the Assembly, to annihilate its independence, to make it subservient, to burst the bonds of union, to put an end to every relation between that Branch and the Executive Branch of the Government, finally to throw the Country into a state of anarchy. Such was the character of the charges brought against Mr. Christie. There was nothing complicated about them, they were simple, clear and precise as was the evidence to support them; it was never attempted to deny them, not even to explain them by way of palliating their gravity, and these were also the grounds of Mr. Christie's first expulsion, after having obtained a full hearing.

I must now add that Mr. Christie's position with regard to the Assembly has not since been altered, and that it is precisely what it was at the period of his first expulsion.

It is then, I consider, easy to be conceived that his expulsions were founded upon the respect which the Assembly owed to itself, and which was dictated by a sentiment of honour; that they were a consequence of the necessity of providing for and protecting its own preservation, a course which the Assembly could nowise abstain from than any other Body, people or society of individuals who cannot be compelled to submit to an injury, or to place their very existence in danger, by taking in their very breast, or giving free access among them to the individual who, having laboured for their destruction does not even take the pains to disavow his intention, nor the facts which establish it. From the above statement it is easy to frame an opinion on that description of tender interest with which a certain number of individuals have raised their voice in favour of the individual expelled, and complained, as a violation of their rights, of decisions which had no other object in view than the preservation of those rights.

To enter into detail on the present occasion could only add a relief to the features of which I have given an outline, relative to a question which it is not proper to discuss at this moment. I flatter myself that this simple statement will enable Your Lordship to appreciate my motives for offering on the 20th February some ex-

planations on this subject, and which I begged Lord Howick to remind Your Lordship in my letter of the fourth instant, and at the same time of the observation that the facts might not have been represented to Your Lordship in their entire, or placed in an exact point of view.

I beg Your Lordship will accept the assurances of the profound respect with which

I have the honor to be, &c.

D. B. VIGER,

London Coffee House, &c.
9th March, 1833.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

Downing Street,

12th March, 1833.

SIR,

I am directed by Viscount Goderich to acknowledge the receipt of your letter of the 9th inst. in which you request an interview with his Lordship, for the purpose of offering some further explanation with respect to the expulsion of Mr. Christie from the Assembly of Lower Canada. In reply, I am directed to inform you that as this is a matter exclusively for the consideration of the Assembly, which in the conduct it pursues with regard to it must be guided solely by its own view of what is just and expedient, and as His Majesty has no power to interfere on the subject, his Lordship conceives that any discussion with yourself respecting it, whether verbally or by letter, could answer no useful purpose, and he therefore begs leave to decline the proposed interview, and abstains from offering any remarks on the communication you have addressed to him.

I am, Sir,
Yours, &c

HOWICK.

D. B. VIGER, Esqr.

My Lord,

A Letter which I received yesterday from Lord Howick intimates your Lordship's refusal to allow me an interview, predicated upon the supposition of my having requested in one my Letter relative to Mr. Christie. With reference to this subject I must state, that in writing my Letter of the 9th, I had no intention of soliciting an audience from your Lordship. I recalled the recollection of my offer to give some explanation on the subject, merely to strengthen my observations on the inutility of entering into details in relation to a question which, as I remarked, it was proper to discuss at the time.

If any of the expressions I made use of were of a nature to convey a different impression, I have only to beg your Lordship will excuse me. Whatever may be my opinion as to the advantage to be derived from that sort of communications, I lay it down as a rule never to interrupt the important occupations of your Lordship without urgent grounds. Moreover, the facility with which I have obtained access to your Lordship whenever circumstances have required it, is but too just a subject of

gratitude on my part, that it should not operate as an inducement not to abuse it.

I beg your Lordship will accept, &c. &c.

D. B. VIGER.

London, &c.
13th March, 1833.

To His Lordship,
VISCOUNT GODERICH,
&c. &c. &c.

and to acquaint you in reply, that the pressure of business at the present moment prevents his affording you the interview which you request.

I am, Sir,
Your obedient Servant,

R. W. HAY.

D. B. VIGER, Esquire,
London Coffee House.

MY LORD,

I beg you will accept my thanks for your Letter of yesterday, acknowledging the receipt of mine of the 9th, and that you will convey them to His Lordship, Viscount Goderich. I deem it proper at the same time to address a few words to His Lordship, to observe that it was not my intention to request the audience mentioned in your Letter relative to Mr. Christie's expulsion.

If any thing vague in my expressions has given rise to the explanation which you have given me on that subject, I regret it the more as I make it a point to abstain from every thing that could increase the many and laborious occupations with which you are overcharged.

I have the honor to be,

My Lord, with respect,

D. B. VIGER.

London, &c.
13th March, 1833.

THE LORD HOWICK,
&c. &c. &c.

To the Honorable E. G. Stanley.

SIR,

Among the various objects which relate to the mission with which I am charged towards His Majesty's Government, there are several which require serious consideration, by reason of their importance. With regard to those which appeared to me to require a more particular consideration for the moment, I thought proper, a short time ago, to submit some observations to His Lordship, Viscount Goderich. It is therefore my duty at present to solicit a moment's audience as soon as your occupations will permit.

I beg, Sir, you will accept the assurances of the profound respect with which

I have the honor to be,

Your most obedient

Humble Servant,

D. B. VIGER.

London Coffee House,
Ludgate Hill, 10th April, 1833.

To the Right Honorable
E. G. STANLEY,
Secretary of State for the Colonies,
&c. &c. &c.

Mr. Hay's Letter.

Downing Street,
20th April, 1833.

I am directed by Mr. Secretary Stanley to acknowledge the receipt of your Letter of the 16th instant,

Letter to the Honorable E. G. Stanley.

SIR,

In answer to the Letter which I had the honor of addressing you on the 16th April, I received from Mr. Hay, on the 20th instant, a Note informing me that the pressure of business did not permit you at the moment to grant me the audience which I solicited.

The importance of the information which I have since received, make it imperative upon me to renew the demand which I could have wished to have delayed.

But the very occupations themselves with which you are charged might afford a just ground for selecting, among the various subjects upon which I am deputed to represent the interests of the Inhabitants of the Province of Lower Canada, such as are entitled to claim a more immediate attention. I might, for instance, point out that of the Crown Lands, in relation to which I addressed a few observations in the latter part of my Letter to the Secretary of State, on the 11th December last; a few words of explanation would have the effect of laying aside for the moment those other matters, the consideration of which might be postponed to a better opportunity.

I flatter myself that by these means, you will perceive it is not without strong reasons that I have determined upon soliciting an audience of a few moments.

I beg you will receive the assurances of the profound respect with which I have the honor to be

Your obedient Servant,

D. B. VIGER.

London Coffee House,
Ludgate Hill, 7th May, 1833.

To the Honorable
E. G. STANLEY,
Secretary of State for the Colonies,
&c. &c. &c.

Mr. Hay's Letter.

Downing Street,
15th May, 1833.

SIR,

I am directed by Mr. Secretary Stanley to acknowledge the receipt of your Letter of the 7th instant, requesting an interview. I am to acquaint you that Mr. Stanley will be happy to receive any statement you may desire to make to him in your individual capacity. But with reference to the following expression in your Letter, wherein you describe yourself as "*Chargé de représenter les Intérêts des Habitans du Bas Canada*," I am desired to inform you that Mr. Stanley cannot consent to recognize you as an Official Agent. I am to observe that your Mission to this country related to particular circumstances which you were intrusted to bring under the consideration of Viscount Goderich, and upon which an opinion has already been pronounced; and I am to add, that Mr. Stanley would deem the admission of a

C

permanent Agent, deputed by one Branch only of the Legislature of a Colony, as an innovation upon ordinary practice, inconvenient in its operation and dangerous as a precedent.

I am, Sir,
Your obedient Servant,
R. W. HAY.

D. B. VIGOR, Esqr.
London Coffee House.

SIR,

It was out of my power yesterday to acknowledge the receipt of the Letter which you addressed me on the 15th of this month. It called for few observations on my part to the Secretary of State for the Colonies, relative to those which you yourself communicated to me on his behalf, and which I think it expedient to submit to him.

I have the honor to be, Sir,
Your most obedient Servant,

(Signed,) D. B. VIGER.

London Coffee House,
Ludgate Hill, 17th May, 1833.

R. W. HAY, Esquire, }
Colonial Office. }

Letter to the Honorable E. G. Stanley.

SIR,

On the 15th of this month I received from Mr. Hay a Letter in answer to the one which I had the honor of addressing you on the 7th, soliciting an audience which the pressure of business did not permit you to allow me, when I had the honor of addressing you on the 16th April.

In his Letter of the 15th, Mr. Hay does not give me an answer with regard to the audience which I solicited. I would beg to call to your attention the observation with which I deemed it my duty to accompany my request, as to the means which such an interview would afford of selecting the subjects to which it might be deemed necessary to give a more immediate attention, and of avoiding, as I have already observed on several occasions, useless communications, or which it might be proper to defer.

I flatter myself that the truth of this remark will be the more striking, by considering the necessity in which Mr. Hay's Letter has placed me, of addressing to you the following observations in relation to the expressions contained in my Letter of the 7th.

Mr. Hay lays a stress upon the words "Official Agent," and "Permanent Agent," which I did not make use of. I am ignorant of the meaning of those words, taken in their most limited and purely technical acceptation; but if I committed a fault in using them, I trust that the following exposition will justify me from the species of censure which is involved in Mr. Hay's observations relative to other expressions which I made use of.

I thought it proper to refer to my previous correspondence. I have it now in my power to say, that those very expressions are the same which are to be found in my Letter to the Secretary of State, of the 22nd June, 1833, a few days after my arrival in England, informing him of my Mission and requesting an audience which I immediately obtained. They are also to be found in the Resolutions of the Assembly, in virtue of which I acted. I flatter myself I need not point out the conclusions to

be drawn from those facts, and will content myself for the moment, with submitting them in their naked simplicity.

With respect to another observation of Mr. Hay, if I understood it correctly, it supposes that my Mission had reference to one special object only, which has been decided by Lord Goderich.

Circumstances of a particular nature, must, I imagine, have produced the error as to the nature, as well as the objects of this mission. It may be that the subject mentioned by Mr. Hay is the only one to which that Gentleman has had an opportunity of directing his attention.

It is easy to perceive that my Mission could not be confined within such narrow limits, and that the subject alluded to in Mr. Hay's Letter itself, though important, could only be, and is in point of fact, but as a secondary object, in the number of those to which I was and still am charged to claim the attention and justice of His Majesty's Government, and that this matter was not even spoken of at the commencement.

Upon this point it is sufficient that I should appeal to the Letter from Lord Goderich himself, of the 18th August, 1831, in answer to some of my communications, and particularly to my Letter of the 11th July previous. Those Documents show the thing in so clear a light, that they will, I imagine, do away with the necessity of my appealing to a number of others, among which some are to be found of a sufficiently recent date.

I trust that those considerations will be sufficient to remove the present difficulty, and that you will approve of my not having entered into details which might have lengthened this letter uselessly. However, I shall always be ready to afford more ample explanation, and enter into the facts with still more preciseness, should such a thing be considered useful or necessary.

I beg you will receive the assurances of the profound respect with which I have the honor to be

Your most obedient
And humble Servant,

(Signed,) D. B. VIGER.

London Coffee House,
Ludgate Hill, 17th May, 1833.

To the Right Honorable

E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Letter to the Honorable E. G. Stanley.

SIR,

I have again within the last few days received fresh Documents, not only in relation to the Petitions already before His Majesty's Government, but also to fresh claims of the same nature set up by the Assembly of Lower Canada, during the last Session of the Legislature.

Among the latter, I beg to point out those which relate to the Crown Lands, against the establishment of a Company with respect to those lands; those which relate to the Post Office, and to the demand for the suspension of one of the Judges; one of the addresses relates to the Constitution of the Legislative Council, and incidentally embraces the consideration of the Bill of the Assembly, providing for the supplies of the Civil Government, rejected by the Council; and the more so as it seems in a counter address from that Body, to have made the subject of special representation against the Assembly.

Laying aside other matters of perhaps a less urgent nature, I trust you will allow me a moment's audience, relative to those now in question. My services upon the present occasion are required by a Resolution of the Assembly of the 19th March last, in the absence of a law for the appointment of a Provincial Agent; the Legislative Council not having concurred in the Bill of the Assembly to that effect.

I would have annexed a copy of the Resolution in my letter, had I not been informed that the votes of the Assembly were regularly transmitted to the Colonial Office.

I beg you will receive the assurances of the profound respect with which I have the honor to be,

Sir,
Your most obedient and
Humble Servant,
(Signed,) D. B. VIGER.

London Coffee House,
Ludgate Hill, 1st June, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Downing Street,
5th June, 1833.

Sir,

I am directed by Mr. Secretary Stanley to acknowledge the receipt of your Letter of the 1st inst. requesting that Mr. Stanley will afford you an interview on matters connected with Lower Canada, and I am to acquaint you in reply, that Mr. Stanley is at present so much engaged that he cannot appoint a time for seeing you; and he has desired me to repeat that he cannot consent to receive you in an official capacity.

I am, Sir,
Your obedient Servant,
R. W. HAY.

D. B. VIGER, Esqr. }
London Coffee House. }

Sir,

Having been informed by a Letter from Mr. Hay, of the 5th, that you were too much occupied to appoint a time for an interview, relative to the affairs concerning Canada, I deem it proper to remind you in the mean time of the two subjects mentioned in my Letters of the 7th May and 1st June, as being worthy of immediate attention. Since a long period of time, the Country has made representations relative to the Crown Lands; I myself, nearly two months ago, submitted to the Secretary of State for the Colonies, some observations alluded to in the latter part of my Letter of the 11th December, in support of the Petitions of the Assembly on this subject. In that letter, I exclaimed against the project of those, who, by the formation of capital, subscribed in shares, were desirous of making these lands the object of commercial speculation; of inducing the Government to use its influence to favour their operations, and even to dispose of those lands in their favour, that they might again sell them to individuals. I need not repeat here, that the establishment of Companies of that nature which carries with them that of a monopoly, more or less considerable, paralyses emulation and industry; is alike injurious to the interests of the public, and of individuals; that experience has demonstrated universally the danger

of a system, the views of which are the more striking when it is considered that it relates to real property. I must also remark that in its communications, the Government has already given its opinion upon this matter, by declaring, with regard to the Crown Lands in the Province, that "*they should be left open for competition.*" The speculations of such a body as I have mentioned, would exclude competition. Moreover, those individuals being placed between Government and the Colonists, their interests would necessarily be different and opposed to those of both. How then could all the principles that are admitted be lost sight of, and more especially how could the path which is prescribed be deviated from, in order to second projects of this nature, when the state of the Province does not offer the shadow of a pretence for doing so?

Nevertheless, fears, arising from rumours which have spread on this subject, have induced the Assembly to exclaim against such attempts, by an address to His Majesty; I am convinced that it has not appealed to His Justice in vain.

As that representation must by this time have been submitted to His Majesty, I will say nothing upon it. But it is important to observe, that an address purporting to be from another Branch of the Legislature, (the Legislative Council,) although it relates to a totally different object, contains a passage, the object of which appears to be to support those schemes of speculation. The avowed nature of such a proceeding is as extraordinary as the idea of the thing itself. The Assembly is charged with having emitted the pretension, "*that the lands of the Province were to be preserved for the exclusive settlement of the inhabitants of French origin.*" It is difficult to imagine how such an assertion can have crept into a Document of that nature; it is a mystery which must appear inexplicable. I will content myself at present with stating that not only it is destitute of foundation, but at variance with the facts, refuted as it were before hand by the conduct of the Assembly whose constant cry has been for equal rights and protection to all His Majesty's subjects in the Province, and to repress every measure the character of which was of a different nature.

I flatter myself that you will not deem these observations unworthy of your attention. It will be easy for me to add many more, as well as give, if necessary, a more ample development of these, the consideration of which is connected with other objects of equal importance.

I beg you will accept the assurance of the profound respect with which

I have the honor to be
Your very obedient and
Humble Servant,
D. B. VIGER.

London Coffee House,
Ludgate Hill, 10th June, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Letter to Mr. E. G. Stanley.

Sir,

In a letter of the 10th inst. relative to the Crown Lands and to schemes of speculation concerning them, I found myself under the necessity of making a few observations upon certain passages of an address from the Legislative Council, the ostensible object of which is to support those projects, which are opposed by the Assembly. It may appear astonishing that the Council should, upon this

matter, entertain views different and opposed to those of the Assembly; but what is truly much so, is that in order to enforce its views in this respect, the Council should have had recourse to, and confined itself to imputations against the Assembly, of the nature of the one which I have pointed out in that Document. This circumstance will not fail to produce some serious reflexions upon the state of things, in a country where the Members of a Body, such as the one in question, can have permitted themselves to use such language against the popular Branch of the Government. But this is not the only feature of the kind in that address. It is so important in this respect, that laying aside the object of the address itself, I should be wanting in my duty were I to omit pointing out several other features not less extraordinary than the one in question, by way of comparison, so as to induce correct ideas, and serve in a measure as a clue in the examination of the divers objects to which they refer, whenever you will be able to give them your attention.

I therefore take the liberty of soliciting it to those of the observations annexed to this Letter upon certain parts of the address in question.

I beg you will accept the assurance of the respect with which I have the honor to be

Your most obedient and
Humble Servant,
(Signed,) D. B. VIGER.

London Coffee House,
Ludgate Hill, 17th June, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principle Secretary
of State for the Colonies,
&c. &c. &c.

OBSERVATIONS upon certain parts of an ADDRESS from the Legislative Council of Lower Canada to His Majesty, resolved during the Session of the Provincial Parliament of Lower Canada, in 1833.

1°. The Address commences by charging the Assembly with calumnies against the Governor and other Public Officers. As the whole reduces itself to assertions, it is useless to notice it. It must however be said, that if these grievances had reference to complaints, it would be necessary in the first instance to examine the subject of them, in order to ascertain whether they are founded.

2°. It is distinctly stated as a grievance against the Assembly, that the latter Body *has constantly exerted itself to acquire the controul over the whole Provincial Revenue*. It may be asked how this can be made the subject of censure, and what it is that the Assembly could claim the controul over, if it is not the Provincial Revenue, and the monies levied on the people of the country which it represents. Were this a fit moment to discuss this subject, it would be easy to show that the Assembly has in its favor, both positive and common law, both principles and practice.

3°. A grievance in this Address against the Assembly is, that it refused to make any sufficient permanent appropriation for the expenses of the Civil Government. This accusation, in the first place, involves a contradiction. It cannot be a crime to refuse. It is left to those of whom any thing is asked, to decide whether they will give. The Assembly exercised a right. Pretensions such as are to be found in that Address, would be sufficient to point out some of the reasons of the Assembly for its refusal. Let it be added, that the Assembly has, every year, voted the necessary supplies to defray the expenses of the Civil Government, and that, taking the state of the Province into consideration, its grants in that

respect, have been more ample than those of any Assembly in the other Colonies.

4°. The same thing may be said with regard to the *refusal of the Bill to secure the independence of the Judges*. The Assembly in that respect was governed in its decision by circumstances. It did not proceed without a motive; this is not the moment either to examine or discuss them, but it will be seen in a moment, that nothing can be better calculated to justify the Assembly than what is contained in another part of the Address. (1.)

5°. According to the Address, it would also be a crime in the Assembly, to have annexed conditions and restrictions to the votes of certain sums contained in the Supply Bill. It is true that this Bill was thrown out by the Council; it is also to be supposed that this grievance is mentioned to justify this proceeding on the part of the Council. It is sufficient here to ask under what pretence it is that the right of annexing conditions to its grants is denied to the Assembly. It is true, that the Address states that those conditions encroach upon the *Prerogative of the Crown, to appoint to all offices of profit and emolument in the Colony*: it suffices to say that that assertion is more than gratuitous.

6°. Then comes the assertion that the Assembly has set up the pretension to preserve that extensive portion of His Majesty's domains to be settled exclusively by inhabitants of French descent. How can this assertion have crept into that Document? Leaving aside the consideration of the painful reflexions which it is calculated to produce, it must suffice to say that the Assembly has never claimed any thing but equal rights, an equal protection to all His Majesty's subjects, without any distinction of birth or origin, more than belief or any other.

7°. But what gives to this assertion a character of still stranger singularity, besides being without a pretence, is, that the Address claims at the same time, exclusive rights and privileges, in favour of a particular portion of His Majesty's subjects, which it qualifies as of British origin, and invokes in their favour the necessity of a special representation, as if all His Majesty's subjects in the Province were not entitled to the enjoyment of equal rights. It is sufficient to say that privileges of this nature would be calculated to destroy the equilibrium of every Government; would be a perpetual source of injustice, violence and disorder.

8°. I will not stop to examine the reasons offered in that Address in support of the demand, that no alteration should take place in the present mode of appointing the Members of the Council. I will confine myself to the observation that the one to which the Address seems to attach the most importance, is that that Branch of the Legislature would not be composed of the same individuals, if their appointment depended upon the choice of the *Electors of the country*. I will therefore leave it, to judge of the importance of such an avowal under existing circumstances.

9°. It is painful to me, that in such a Document, national prejudices should have been so frequently appealed to, even so far as to speak of the establishment of a French Republic in the sense which those expressions convey. But, what to think, when such expressions are but the repetition of those which are to be found in a Letter addressed to the Governor by a Public Officer, who is under accusation before that House? (2)

They are to be found almost word for word in that Address, and it is the work of those who make it a crime in the Assembly, to have refused in the same Session, to pass the Bill to ensure the independence of the Judges in question, and by means of which they would themselves have become the Judges, upon the accusa-

(1.) V. *Infra*, b. 9.

(2.) See Appendix to the first Report of Grievances to the House of Assembly, in 1832, pages 70 to 72.

tions brought by the Assembly against that Public Officer.

10°. I must lay aside what relates to me personally in another part of that Address; however, the complaint that the Council never had *official communication* of my instructions, deserves one word by way of remark. Nobody in the Province could be a stranger to all the proceedings to which that censure can apply; this very complaint shews their publicity.

11°. But here is something striking with regard to this matter. In each of the three last Sessions of the Provincial Parliament, the Bill which was passed by the Assembly to appoint an Agent, remained with out effect in consequence of the refusal of the Council to accede to the proposed measure. During the twenty years previous, the Council had rejected several Bills of the same nature, in which were to be found the names respectively, either of individuals of the country, or of persons residing in England. Among the latter may be seen the names of individuals of the first merit, and in particular, on several occasions, that of the late Sir James Macintosh. How came it that those Bills were not favourably received by the Council, having to recommend them a name that was associated with every idea of respect and admiration for distinguished talents, and in particular as regards the Inhabitants of Canada, with a sense of well merited gratitude?

It must be useless to pursue this examination any further for the moment; these are sufficient samples to judge of that address; the work of men who, nevertheless, confidently set up the superiority of their education, learning, and origin, as a solid title to exclusive rights and privileges to power over their fellow citizens.

Letter to Mr. E. G. Stanley.

27th June,

SIR,

Besides the objects which form the subject matter of the letters which I had the honor of addressing to you on the 10th and 17th instant, and others of great importance. There are two Bills which have passed both Houses of the Legislature of Lower Canada, during its last Session, which are reserved for the Royal Sanction. If, as it appears to me probable, you have now any leisure time at your disposal, I would beg you would permit me to see you on that subject.

The object of one of these Bills is to establish a College, which has been sought for since a number of years. As this Bill was not passed without instructions from His Majesty's Government itself, to which application had been made long before that period, I flatter myself that that object will not be susceptible of any difficulty.

Another of these Bills is to continue, with some amendments, a law which has been renewed several times and in force since a number of years, but which expired on the 1st May. It provides for the decision of Small Causes, the nature of which admit of a summary proceeding. The want of such means of obtaining justice, without being obliged to travel, and at a moderate expense, must entail serious inconveniences throughout the Province.

Lastly, the third is to form an establishment offering an Asylum to those females, who having abandoned themselves to vice, would be desirous of reproofing their morals, to enter again in society with the virtuous habits which they would have acquired in that House.

If any doubt existed as to the propriety of those measures, I flatter myself it would be easy to remove them, and shew that their necessity, as well as the advantages

which they hold out are not problematical, inasmuch as they have already in their favor the experience of several years.

I beg you will receive the assurances of the profound respect with which I have the honor to be

Your very obedient and
Humble Servant,
(Signed,) D. B. VIGER.

London Coffee House,
Ludgate Hill, 27th June, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies.
&c. &c. &c.

Downing Street,
28th June, 1833.

SIR,

I am directed by Mr. Secretary Stanley to acknowledge the receipt of a letter from you, dated 19th instant, containing some observations on an address from the Legislative Council of Lower Canada, to His Majesty, resolved upon in the last Session of the Provincial Legislature, and I am desired to acquaint you that Mr. Stanley must decline entering into any discussion of the subject to which your communication relates.

I am, Sir,
Your most obedient Servant,
R. W. HAY,

D. B. VIGER, Esqr.
London Coffee House.

SIR,

On the 20th of June, in acknowledging the receipt of the Letter which I had the honor of addressing you on the 17th, Mr. Hay informs me on your behalf, that you must refuse to enter into the discussion of the subject to which it refers.

I am unaware of what part of my Letter it is, that can have induced such an intimation.

In that Letter, I mentioned the observations which accompanied it in order to point out some of the features of the address in question. I also confined myself in that Letter to the mention of those, as being the subject of important reflexions in a country where such language could be used under such circumstances; in short as terms of comparison in that respect for future examination, the whole, as I observed, independently of the object of the address itself.

With respect to the observations, they pointed out those parts of the address calculated to characterise it in that report, and in order to avoid the danger of inexactitude, I have quoted verbatim several of those passages which appeared to me deserving of particular attention. herefore are they nearly confined to the exposition of those parts of the address which purport to certain simple facts, the conclusions to be drawn from which, offer no greater difficulty, than the sense of the expressions contained in the passages alluded to. If I have laid a little more stress upon some of the points, it was in opposing to assertions, facts which were not more susceptible of discussion than of denegation. If, however, it were possible that the intimation contained in Mr. Hay's letter, should refer to the facts which I appealed to, as being susceptible of doubt, I may say that it would be easy to elucidate them.

D

I flatter myself that you will approve of these observations, the object of which is to afford the most perfect exactitude relative to my observations, or to my own views in addressing them to you.

I beg you will accept the assurances of the profound respect with which I have the honor to be,

Your most obedient and
Humble Servant,
(Signed,) D. B. VIGER.

London Coffee House,
Ludgate Hill, 2nd July, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Downing Street,
10th July, 1833.

SIR,

In reference to your letter of the 2nd inst. I am directed by Mr. Secretary Stanley to inform you that as soon as he shall have somewhat more leisure than he can obtain at the present moment, he will be glad to have an interview with you, and will personally explain the view which he takes of your position in this country.

I am, Sir,
Your most obedient Servant,
R. W. HAY.

D. B. VIGER, Esqr.
London Coffee House.

Letter to Mr. Stanley.

SIR,

I regret that it was out of my power to send you this letter as early as yesterday, and beg you to accept my thanks for the answer I received the day before, to my letter of the 2nd instant, from Mr. Hay, informing me that you would receive me with pleasure as soon as you would be able to procure a little leisure.

Convinced as I am, as well of the importance as of the multiplicity of affairs which since some time have engaged your attention, I could have wished not to have disturbed it, by the communications which I find myself under the necessity of addressing to you. I flatter myself that a few words of explanation will be sufficient, to see, that my proceedings have been directed by a sense of that duty which left me no alternative.

Considering the pressing nature of your occupations at this moment, I shall defer addressing a few other communications to you, so soon as I had intended.

I beg you will accept the assurances of the profound respect with which I have the honor to be,

Your very obedient and
Humble Servant,
D. B. VIGER.

London Coffee House,
Ludgate Hill, 12th July, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Letter to Mr. Hay.

SIR,

I could have wished to have acknowledged yesterday, the receipt of your letter of the day before, by which you communicated to me Mr. Stanley's answer, to my letter of the 2nd inst. Accept my thanks, which I would have requested you to convey to Mr. Stanley, were it not that I have this moment written him a note myself.

I have the honor to be, Sir,
Your very obedient and
Humble Servant,
D. B. VIGER.

London Coffee House,
Ludgate Hill, 12th July, 1833.

R. W. HAY, Esqr.
Colonial Office.

Letter to Mr. Stanley.

SIR,

If I am right in my conjectures, the weight of your occupations may possibly be diminished. Nevertheless, as the number of matters to which you are obliged to devote your attention must be considerable, I have considered that you would not disapprove of my reminding you of my request for an interview, which the pressure of business did not permit you to grant me, and which I now take the liberty of again soliciting. I beg you will accept the assurances of the profound respect with which I have the honor to be,

Your most obedient and
Humble Servant,
D. B. VIGER.

London Coffee House,
Ludgate Hill, 10th August, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principal Secretary of
State for the Colonies,
&c. &c. &c.

Mr. Secretary Stanley presents his compliments to Mr. Viger, and will be happy to see him on Tuesday, the 20th instant, at 12 o'clock.

COLONIAL OFFICE,
August 15.

Letter to Mr. Stanley.

SIR,

I will not fail to call at the Colonial Office, on Tuesday next, at the hour appointed in your note of yesterday, and for which I beg you will accept my thanks, with the assurances of the profound respect with which I have the honor to be,

Your most obedient and
Humble Servant,
D. B. VIGER.

London Coffee House,
Ludgate Hill, 10th August, 1833.

To the Right Honorable,
E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Sir,

I think I have reason to be satisfied with the hope I entertained that a little explanation would have the effect of removing many difficulties. I cannot therefore testify my gratitude for the attention which you have been pleased to pay to the observations which I communicated to you, when I had the honor of seeing you on the 26th and 29th of last month, in a better manner than by endeavouring to fulfil the engagement which I then entered into. I now address you a part of the considerations which were then in question, relative to the state of Lower Canada. I shall address the remainder to you in as short a time as possible. At the same time I beg you will cast an eye upon the following observations. They may, in serving as it were, as a preface to those considerations, clearly point out the object and nature of my labour, and offer some new ideas upon the Colonies; and I flatter myself that you will not consider them altogether destitute of importance.

Since upwards of two years, I have been in England, charged by the Assembly of Lower Canada to support its Petitions to His Majesty's Government. They are the demands of a people who claim imprescriptible rights, which moreover belong to British subjects, in virtue of the positive Laws of the empire, by birth. If these were not sufficient, I could easily shew other titles equally powerful, both to its justice and to its protection.

Nor was my mission attended at the outset without some success. I could not obtain that success without a necessarily long and painful labour. At this distance from the scene, where the events in question had taken place, it became necessary to enter into details upon each of the circumstances connected with facts, which it would have sufficed to state on the spot in all their simplicity.

So also, I have been obliged to lay aside several matters which it was impossible for me to pursue, and to abandon for the moment several others which were only broached. Since then, I have met with obstacles which I could not foresee; in fine, events which have recently occurred in the Province, have added several new matters to those to which I was obliged to devote my attention, and have rendered them still more complicated than they were before. A mission already painful, has become overwhelmed with fresh difficulties; sufficient to alarm my hopes, were they not supported by the justice of the cause which I defend on the one hand, and my confidence in His Majesty's Government on the other.

I also rely upon the justness of the views as well as upon the knowledge of Ministers. But their task will not, perhaps be without difficulty. Every day brings fresh complaints from the Colonies. The attention which is paid to the subject of their demands, seems only to produce fresh subjects of complaint, in addition to numerous grievances. They require serious examination. Time especially is required; Ministers cannot always have time to plunge themselves into the details of affairs, which by those very details, multiply and accumulate, and become more and more complicated. Added to this, that they do not possess that medium of comparison calculated to serve as a clue in that labyrinth, in consequence of the difference in the relative states of society between that portion of America and the other people of Europe.

The consideration of one circumstance in particular, may at first inspire reasonable prejudices against the complaints of a country, the increase of which would seem to attest the wisdom of those to whom the administration of the Government is entrusted. How is it possible to avoid disdaining complaints the futility of which is demonstrated by that single fact. I do not think you will disapprove of my offering a few observa-

tions calculated to reduce those questions to the most simple form, and exhibit them in a correct point of view.

The difference which exists between the state of Society in Europe and ours, is an undeniable fact. But there are others less known, the consideration of which is essential in relation to the subject under examination at present. Let it be observed, in the first place, that the Law ought to be the expression of the general will as well as the result of a consciousness of the public wants. The first care of those who are charged with the administration of a Government ought to be to apply themselves to obtain a correct knowledge of the former in order to second it; the others, in order to provide for it. The idea of seeing those to whom such a care is entrusted, having views and interests constantly opposed to those of the governed; and to make that opposition the basis of their conduct, would be that of the subversion of every principle upon which the happiness and good order of society rest.

Considered in this light, Lower Canada presents a strange spectacle. It is that of a country in which nearly all the constituted authorities have been and still are in constant opposition to the Popular Branch of the Government; and such a state of things, in the Colonies, is perhaps not altogether peculiar to that Province.

It must also in the second place be observed, that in England the King's person alone is inviolable. He is not responsible for the faults or errors of his servants. When they are of a nature to produce just complaints, he is not precipitated from the Throne, in the expectation that they will be hushed, at the same time retaining in office those, who by the advice which he was bound to follow, have led him astray. Even admitting that such means were adopted to restore harmony, his successor would not doubtless be compelled to be surrounded by the same men, to submit to the same advice, to pursue the same course of conduct, and finally to abide the same lot, leaving them still to retain the chair of office. And this is what really exists in Canada. He who holds the reins of Government is responsible for his errors, and so it should be; but he is in point of fact the only one. Those who lead him astray are invested with that degree of inviolability which is only attached to the King's person. With few exceptions, and so rare as to confirm that species of rule, they have always up to this moment, been able to retain their places and situations with impunity, while he has lost his. One may ask at the same time, if it is possible, that that Province or any other, can be placed in that anomalous situation? This is the question which it is proper in the first instance to elucidate, because its solution would afford that of all the difficulties which daily present themselves in discussions of this nature in relation to some of the Colonies. I have therefore considered that considerations supported by facts, calculated to produce a conviction that such is in fact the state of things in the Province, in that respect, would be productive of a salutary effect. To acquaint His Majesty's Government with the true source of the abuses, which provoke the complaints in question, is pointing out at once, the means of rendering to the inhabitants of those Colonies, and to the Canadians in particular, that justice which they expect at its hands, and which it has already manifested so great a desire of doing; in short, of conforming to the honest wishes of a people whose hopes, it can neither be the interest or intention of His Majesty's Government to frustrate. Those considerations will be sufficient of themselves to refute the objection which has just occurred to me, founded upon the progress of those Provinces. Whilst the resources of those Colonies have a tendency to develop themselves with that rapidity which is incident to the vigour of youth in nations as well as

in individuals, and that every thing daily assumes a new form around those to whom power is confided ; in short, that society is making rapid advances, they seem as if they were desirous of checking its progress, and remain at least, stationary ; they do not participate in the wants of the body of the people, nor feel them to the same extent. They have not the same interests, but on the contrary, it will be seen that they have interests adverse to those of the people. If in fine, they acknowledge the necessity of providing for them, they can very seldom agree with the body by which they are represented, as to the means. Those wants having increased the necessity of providing for them becomes more and more imperative, and their resistance increases in the same proportion.

Elsewhere, the weight which public opinion would throw into the scale of deliberation, would be sufficient to vanquish that resistance, but nothing can be done against a power which exists there without another to balance it. It becomes necessary to appeal to His Majesty's Government, but then, new obstacles arise, and so far, they have almost invariably proved insurmountable.

Ministers must be disposed to protect the Officers of Government, whilst they cannot be so, to behold before hand, with a favourable eye, accusations brought against them. Moreover, the latter can take the lead, and represent things in the light which offers some chance of success. The very gravity of the subjects of complaint ; their improbability may turn to the advantage of the party accused. How can it be thought otherwise, than that those accusations &c. as they must represent them to be, the offspring of the passions, allied to propensities of a seditious nature, and to a desire of bursting the bonds of union between the Colony and the Mother Country. On the other hand, by their all powerful *veto*, they have been able constantly to reject any proposed Law, having for its object the appointment of agents to represent and support before His Majesty's Government, the interests and claims of a people who pay the duties and vote the monies, out of which they live in opulence ; whilst, without any legal authority, they have put their hands into the public purse to increase the salaries of such among them as they thought proper to send to England, to defend their cause against the people itself, before His Majesty's Government.

If I do not speak of the person who holds the reins of the Provincial Government, it is because in fact, with such a state of things, unless endowed with extraordinary talents, or that extraordinary circumstances occur, he either is at once, or eventually becomes an instrument in their hands. I ought not to mention this subject which I have already treated in some of my previous communications, and in particular, in my observations in reply to the answers which were given to the accusations brought by the Assembly in 1831, against the Attorney General.

I ought to avail myself of this opportunity to shew that the faults which have become the constant subject of complaint by the country, were incident in general to defects in the organisation of some of the essential parts of the Government and of the Administration of the Province. The present considerations are little more than the development of those which are already contained in those observations in this particular. (1.)

But if no alteration has taken place in the country in this respect, it is to be considered that such a state of things is not more calculated to quiet the apprehensions of the Canadians for the future, than it was heretofore to inspire them with feelings of security. It is also in the nature of things, that whilst good is operated but slowly, evil always makes rapid progress.

At this moment, they represent that the abuses against which they have raised their voice since so many years, have recently increased with frightful rapidity, and threaten total desolation. If those complaints are not destitute of foundation, would it not be enough to tire all patience and produce despair, were they to lose that confidence in the justice of His Majesty's Government, which served to support them during the course of severe trials to which their fidelity has been often put. It is to that feeling that the Mother Country is indebted for being the only nation in Europe which still retains possessions on the continent of North America. I am one of those who have fostered such a feeling by the assurance that they would finally obtain the reparation of those wrongs which are to be attributed to the individuals in authority in the Province. I cannot conceive that that solemn and reiterated assurance, at a critical period, made with a view to strengthen the sense of that duty which they have so constantly respected, should assume in their eyes the character of illusion, that they should, as it were, be compelled to look upon it as imposition upon their good faith, when an appeal was made to their honor.

Before terminating this letter, I must beg you will overcome that first impression of disgust which the aspect of such a picture of difformity as is represented in this sketch, is calculated to produce, that you will equally repress that feeling of honest indignation at the aspect of what may have already or may hereafter consider as stamped with the most revolting improbability. I will undertake to say that a strict examination will convince you that every thing is stated with the most perfect accuracy, and that the certainty of the facts can defy the most stubborn scepticism. I must also solicit your indulgence, as to the style as well as other points of composition which might strike you in this letter. The art of writing is not one which I might have cultivated with success, even though I had possessed the talent for it, much less that which is fitting for this species of communications. On the other hand, should any of my expressions appear to you to overstep the bounds of energy, I would beg you to suspend your judgement in this respect. After viewing the facts altogether, to which they relate, and considering them in their connexion with one another, it might be possible, that placing yourself in my situation, you would give me credit for some moderation.

In short, I beg you to observe, that at this moment, I am in fact only presenting you with a sketch. In selecting the facts, I will confine myself to some of the most important among those which have occurred in the Province since a little more than three years. If there are any of a more recent date, it is because the consideration of both together is absolutely inseparable. You will then be able to judge of the subjects for reflexion, which the details and a less restricted compass of narrative would offer.

I beg you will accept the assurances of the consideration with which I have the honor to be

Sir,
Your most obedient and
Humble Servant,

D. B. VIGER.

London Coffee House,
Ludgate Hill, 2nd September, 1833.

To the Right Honorable,

E. G. STANLEY,

His Majesty's Principal Secretary
of State for the Colonies.

&c. &c. &c.

(1.) See in particular, recapitulation and conclusion.

Sir,

I now address you a few of the considerations intended as a sequel to those which accompanied my letter of the 2nd instant. Since that period, I have read over the first. Among the reflexions which they suggested to me, I think you will approve of the following :

In my letter, I begged you would guard against those feelings of indignation which the improbability of several features which that sketch presented, was calculated to produce at the first blush. Among many others of a nature to produce that effect, the statement as a fact, relative to the Election of Montreal, that the intervention of an armed force to act against the citizens during the Election of a Member of the House of Commons might be resorted to without its being called for by the most imperative necessity, must have appeared to you more than temerity ; to go so far as to say that it was under imaginary pretences, at least the repetition of a calumny which was refuted by its own coarseness, and could only turn to the confusion of its echo. You will, perhaps be surprised to see me choose that very feature itself to enable you to form a judgement ; appeal to it with confidence, and beg you will immediately give it your particular attention.

In reference to what these observations refer to, I beg you will observe, that the Magistrates who seem to have taken the most active part, and at the same time the most mischievous in its importance, gave to the Commandant of the Garrison, before leading his troops to the place of Election, the reiterated assurance " that the " Civil authorities had received the most positive information, that a plan had been formed to fire the Town and " Suburbs of Montreal in several places, in order to " divide the troops in different directions in small numbers so as to overcome them more easily."

This declaration, than which none can be more formal, made under circumstances of so serious a nature, came from a Magistrate, who had been directed the day before by his brother Magistrates to apply to that officer, to require from him the assistance of the troops. This Magistrate was near him as well when he marched the troops, as when they fired at the citizens. He was afterwards directed by his brother Magistrates to report to the Governor, the circumstances relative to that event. In short, he made a written affidavit upon the same subject. Nevertheless, as you will find it noticed in these observations ; that positive information, the subject of a repeated declaration, so solemn, so impressing, still remains to be shown. That Magistrate himself has been perfectly silent himself on that subject, as well in the report as in the deposition in question. I don't think it necessary that I should go any further to justify myself in having pointed out this matter as being worthy of particular attention.

A recent event, whose connexion with those to which these considerations apply, appears to me to require a few remarks upon the present occasion. I learn that the Commission of the Peace, which issued under the administration of Sir James Kempt, has just been annulled and a new one issued.

The names of the two Magistrates who opposed the measures adopted by their brethren last year, relative to the Election, are omitted in this new Commission. Without reference to the motives, or explanations real or supposed, given in relation to this omission, or to fresh appointments, and other circumstances to which it might be useful, perhaps necessary to give a moment's examination ; I will only add, that from what has already been said in the country in that respect, during some of the previous administrations, it is manifest that the inhabitants of the country cannot be indifferent to measures of that nature.

If the communications which I now address you are not already voluminous, I should have thought it expedient to remove at once a difficulty which might offer, and apparently militate against the observations contained in the previous considerations relative to the composition of the Legislative Council. For the same reason, I abstain from communicating upon other parts of the present considerations, remarks which might be useful.

I will not terminate this letter without begging you will excuse the length of this communication, as well as the defects which may occur in the composition. I flatter myself that the multitude of facts which it was necessary to point out, and the complicated nature of the subjects treated, will induce you to consider it with that indulgence which I have already solicited in my letter of the 2nd inst.

I beg you will accept the assurances of the profound respect with which I have the honor to be,

Sir,
Your most obedient and
Humble Servant,
D. B. VIGER.

London Coffee House,
Ludgate Hill, 10th September, 1833.

To the Right Honorable,

E. G. STANLEY,

His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Mr. Stanley's Letter.

Mr. Stanley presents his compliments to Mr. Viger, and will be happy to see him to-morrow, at two o'clock.
COLONIAL OFFICE.

Sept. 11.

Letter to Mr. Stanley.

Sir,

I have this moment received the note which you have done me the honor of addressing me, by which you intimate the desire of seeing me at the Colonial Office to-morrow, at two o'clock, at which time I shall not fail to attend.

I beg you will accept my thanks, with the assurances of the profound respect with which I have the honor to be,

Sir,
Your most obedient and
Humble Servant,

D. B. VIGER.

London Coffee House,
Ludgate Hill, 11th Sept. 1833.

To the Right Honorable,

E. G. STANLEY,

His Majesty's Principal Secretary of
State for the Colonies,
&c. &c. &c.

OBSERVATIONS addressed to Lord Goderich, by Mr. Viger, relative to the Election of the West Ward of Montreal, and to the events of the 21st May, 1832, at that Election.

My Lord,

I had the honor of seeing Your Lordship on Friday, and I was obliged to devote the following day to finish my letters for the Packet from Liverpool to New York.

Since then, I have carefully examined the numerous Documents which I have received. They are not yet complete. I will receive the remainder very shortly; a statement of facts, even by confining myself to those most important, will require time and labour, to entitle it to the essential merit of accuracy. In the mean time, here are facts which Your Lordship does not appear as yet to have been acquainted with, calculated to justify a part of the observations which I communicated to Your Lordship.

Your Lordship already knows that three individuals were killed and several wounded on the 21st May, the day on which the Election terminated.

I will leave aside for the moment all that took place antecedently. After that event, the Coroner proceeded upon an inquest which lasted several days. A great many witnesses were produced and heard. The Jury after deliberating a day and a night, returned verdicts as follows: nine out of the twelve: "That the individuals François Languedoc, P. Billet and Casimir Chauvin, were killed in St. James Street, in this City, on Monday last the 21st instant, between the hours of five and six in the evening, by a discharge of musketry fired with Ball upon the people who were retiring after the adjournment of the Poll, in the said St. James Street, by a detachment of troops of the 15th Regiment, now in Garrison in this City, and which was then commanded by Colonel McIntosh and Captain Temple."

The verdict of the three others was:

"That the individuals François Languedoc, Pierre Billet and Casimere Chauvin were killed on Monday last, the 21st instant, between the hours of five and six in the evening, in St. James Street, in this City, by a discharge of musketry fired with Ball, by a detachment of the 15th Regiment, in Garrison in this City, and commandad by Colonel McIntosh and Captain Temple, in consequence of a Riot, after the adjournment of the Poll, for the Election of a Member for the West Ward of this City, which was held near the house of the Fabrique, facing the Place d'Armes."

These verdicts were given on the 26th of May.

Subsequently to these verdicts, Colonel McIntosh and Captain Temple were brought before the Chief Justice and another Judge of the Court of King's Bench. The parties accused had been arrested by a Warrant from the Coroner, after the inquest. Before their arrival, Mr. Gale, their Counsel, was in the Judges' Chamber. Several other persons went in. Mr. Sewell, one of the King's Counsel was called in. Some one observed to the Judges that Mr. Sewell, the day previous, had had a long consultation with the accused, and that he could not therefore act in his capacity of King's Counsel in that affair; that there were other King's Counsel and that they should be called.

Mr. Sewell stated, that he had certainly been consulted by the parties accused, but not since they had been arrested; that no one could know what the result of the inquest would be, that they had applied to him because

they had acted only in support of the Civil authority, and that they thought it their duty to assist in maintaining it.

The Chief Justice stated that it was reasonable that the two other King's Counsel, Messrs. O'Sullivan and Quesnel, should be called in.

Mr. Gale at the same time was proceeding by Habeas Corpus to obtain the enlargement of the accused, and requested that they should be admitted to bail, pending the decision, for their appearance on a subsequent day, which was granted. The amount of Bail was a thousand pounds for each of them.

On the following day, the two King's Counsel O'Sullivan and Quesnel requested a delay of twenty-four hours to examine the papers, another adjournment took place, in the mean time the Civil Term of the Court of King's Bench was approaching.

On the 30th May at 12 o'clock, Mr. Ogden the Solicitor General, having arrived from Quebec, arrived in the Judges' Chamber, where there were two Judges, the Chief Justice Reid and Mr. Justice Pyke. Mr. Rolland was holding the Inferior Term, Mr. Uniacke was at Halifax, on leave of absence.

The Chief Justice on seeing Mr. Ogden, before the arrival of Mr. Quesnel, to whom the papers had been given, said: Mr. Solicitor General, *the decision of this Cause has already been delayed by several adjournments; it is desirable that it should terminate, have you any thing to say?*

Mr. Ogden answered: *I arrived this morning. As yet I know nothing of an affair which has been put into my hands by the Executive. It has deputed me in order that I may become perfectly master of the subject; consequently I require delay, I will be ready to give my opinion in Court on Friday, the first day of term.*

The Chief Justice replied: The first day of the term might not be convenient, let us say the second.

It is stated that during that interval, Mr. Ogden had several conferences with Mr. Gale, the Counsel of the accused. I leave aside details which might have their importance, to relate what took place in Court on Saturday, the 2nd of June.

On that day, the Judges Reid, Pyke, and Rolland went to their Chamber, Mr. Gale and the Crown Officers went into the Advocates' Room. Several communications took place between the two, and at the very moment the Judges were going on the Bench, some one asked Mr. Gale if there would be a long argument; the latter replied, *no, it is all arranged, I will give Bail and there shall be no argument.*

When the Judges had ascended the Bench, the Solicitor General and the three King's Counsel being seated near the table, and Mr. Gale on the first row of seats behind, the following dialogue took place:

The Chief Justice,—Mr. Solicitor General, this application for Habeas Corpus has been already several times adjourned. If you are ready to proceed, the sooner the better.

Sol. Genl.—I am ready, but the parties are absent, they are sent for, as soon as they shall appear, I will proceed.

Mr. Walker went to Mr. Ogden and asked him if he concurred in the opinion of Mr. Sewell, King's Counsel, above mentioned, who had refused him all communication of the depositions taken in favor of the parties accused, which did not form part of the Coroner's Inquest, and whether he would permit him as Counsel of the families, the members of whom had been killed, to say something against the application of the accused. Mr. Ogden replied, *No Sir, I certainly will not permit it, unless you supercede me as Crown Officer.*

About ten minutes afterwards, the accused with their Bail, and several friends arrived.

A fresh dialogue took place in Court as follows :

Sol. Genl.—I have read with care and attention a very large heap of papers, and looked to the Law applicable to the case. Before proceeding in the case, I have only one question and a very simple one to put to the learned Counsel for the prisoners : Does he require absolute or conditional discharge. Is he willing to give Bail ?

Mr. Gale.—I believe that the gentlemen whom I represent are entitled to absolute, unconditional discharge.

They have been called by the Civil Power to support its proper authority. They had no discretion to exercise. Yet as they came of themselves to surrender as soon as they heard of a warrant against them, they have no objection now to come and give Bail, and thus prove that they rather court than shun further enquiry.

Sol. Genl.—Since they are ready to give Bail, I must acknowledge in justice to the prisoners, that I see not on the part of the Crown any obligation to support the imputation and charge of the crime alleged. I will ask Bail for their appearance on the 27th of August, themselves in 200 pounds, the securities in 100 pounds.

The Chief Justice.—The Court saw neither doubt nor difficulty in the case. The parties are entitled to that Bail which the Crown Officer has mentioned.

I believe I can rely upon the correctness of this information. This is all that was said and done in Court on the 2nd of June. I will not permit myself any reflexions, but I must state as a fact that these latter proceedings appeared more than summary. Among many other remarks to which they gave rise, it was thought it would have been but just to have stated the grounds of so important a decision, relative to an accusation of that nature. Considering also the amount of Bail ; that which was required in 1827, from two individuals accused of libel, and which is mentioned in the report made to Sir James Kempt by the Attorney General in 1828, was mentioned. In that report the distressed circumstances of one of the accused is urged. The amount of Bail required was a thousand pounds each, with two securities of five hundred pounds each ; that is the highest amount that can be required in the country, considering the extent of the fortunes. I have omitted all the antecedent facts as well as the circumstances calculated to give a relief to those facts. I consider them sufficiently important of themselves to deserve a particular attention, and sufficient to justify some of the observations which I communicated to your Lordship on this subject, until I should have more to offer.

I beg Your Lordship will receive the assurance of the profound respect with which

I have, &c.

D. B. VIGER.

London Coffee House, &c.
17th July, 1832.

To His Lordship,

VISCOUNT GODERICH,

&c. &c. &c.

To His Lordship Viscount Goderich.

My Lord,

Blood has been spilt in the streets of Montreal, on the 21st of May last. Three of its inhabitants

have been killed, several have been wounded. It has been spilt by a Company of a Regiment in Garrison, and it is the blood of those who but recently rivalled the army, repelled from their native land the enemies of England who had come to invade it. The Military who witnessed their conduct on that occasion, can say whether those citizen soldiers shewed themselves unworthy of that esteem which is due to valour and patriotism. It was during the Election of a Member to represent them in our House of Commons that that event occurred which threw the Province in mourning ; it was also in one of the two principal towns of a country, where the class of proprietors, so numerous in Europe, is still less so than in any other part of North America, and where real property is more equally divided than any where else. Magistrates presided at this sacrifice of the life of their fellow citizens in the midst of a people remarkable for their peaceable habits, and their submission to the Laws, united together by close and numerous ties, upon whose heart the impression which such a catastrophe is calculated to make, must be deeper and more painful.

These considerations are sufficient to shew the pressing necessity which exists for a clear examination into that event, and all that relates to it. Convinced as I am of the difficulty which exists, with regard to those who are strangers to the country, to form correct ideas on this subject, I have thought proper to address a few observations to your Lordship on the subject.

I should have wished to have confined myself within a more narrow compass, and limited myself to remarks upon the proceedings of the Magistrates which have been transmitted to the Colonial Office, at the same time pointing out such facts as might have been omitted, provided they were important ; but in the first place I am ignorant of what the proceedings are, and the facts to which they relate, that have been laid before your Lordship, and after having myself pointed out some facts subsequent to that catastrophe, I saw that I should not confine myself to the statement of isolated facts ; that it was my duty to give the principal features of the drama ; to represent them in their connexion with one another with the conclusion (*dénouement*).

I was obliged to analyse a number of Documents, to get at the necessary facts, to put them in order, to compare them several times, so as not to expose myself to inaccuracy. I was obliged especially to enter into details which the communication of those proceedings of the Magistrates would have rendered useless.

These precautions were the more necessary as on this occasion, as on many others, many of the facts which I had to submit to your Lordship, might at the first blush present appearances of the most striking improbability. Under those circumstances, it is sometimes difficult to the one who invokes them, to remove the prejudice which arises against him, lest he should be liable to exaggeration proceeding from error and passion. That individual is fortunate who is free from the suspicion of preconcerted inaccuracy, even from the imputation of calumny.

He has also to apprehend, lest prejudice should operate against those in whose favour he claims the attention of Government, and that the faults which are attributed to him should be imputed to the inhabitants whom he represents ; lest their complaints should be considered as the fruit of unreasonable discontent ; as the cry of sedition. I do not speak of the results which may affect the individual, however serious they may be for him.

It was therefore indispensable that I should enter into a detailed explanation. I must, however, say that I have laid aside all those circumstances which are not evidently connected with the main subject.

I beg you will accept the assurances of the profound respect with which I have the honor to be

Your Lordship's

Most obedient and
Humble Servant,
D. B. VIGER.

London, &c.
29th August, 1832.

Being called upon to give an outline of the principal circumstances which took place at Montreal, at the Election of a Member to represent its citizens in the Provincial Parliament, in so far as they relate to the dreadful catastrophe which accompanied it, it is necessary to give a statement of the facts which preceded it, calculated to exhibit the chain of events. For the same reason it is also necessary to point out the principal actors who took a part in that tragical scene. I shall not name any of them, except the two Candidates, because that is unavoidable, and moreover is liable to no inconvenience, the one is Mr Tracey, the name of the other is Bagg. Mr Tracey, (1.) is a well informed man, who has been carefully educated. With respect to Mr Bagg, in a long communication inserted in the Newspapers, signed by five citizens of Montreal, he is recommended as a man possessed of knowledge and experience in agriculture, having a practical and theoretical acquaintance with the internal communications, by the latter expression is meant roads, according to the usage in the Province.

One could imagine that this knowledge of agriculture and roads, would not be the most powerful motive to offer to the enlightened citizens of a Commercial Town in England, to the nobility of the place, to the Magistrates, to induce them to unite in their efforts to procure to a Candidate a seat in the House of Commons, in order to exclude a rival under the same circumstances.

Mr. Tracey is one of the Editors, who during the last Session of the Provincial Parliament, was incarcerated by order of the Legislative Council, as being guilty of injurious libels against that Branch of the Legislature, by reason of writings published in their respective papers.

That measure produced in the Province a sensation the more lively, as the House of Commons of Lower Canada, or its Members, have since twenty years been constantly assailed by writings at which the administration of the country has never appeared to take umbrage.

Let us now see what this Magistracy was, that took so conspicuous a part in that Election.

As to the power of those who compose it, it is necessary to state in the first place, that besides that power which belongs to all Magistrates, they were in the City of Montreal at the time of the Election, the only persons authorised to expend the monies levied on its citizens, for the opening and maintaining of streets and public places, and other objects of that nature. Those who pay those taxes, had not the slightest share in the administration of the proceeds. The Police of the Town was also under their controul, it was they who made regulations, and who moreover received the complaints and judged those who were prosecuted for infraction of those regulations. There is a night Watch in Town. It, and the Officers attached to it, are under the direction of those Magistrates, who have also at their command, when they wish it, a great number of Constables who are appointed every year at the Quarter Sessions, and scattered in Town throughout the different Wards. It will be seen that the Magistrates do not lack in authority, and that their means of influence are extensive.

(1.) The news of his death had not arrived when this was written.

The number of Magistrates in Montreal is somewhat more than twenty. A few of them were absent. At the meetings which they had relative to the Election, the greatest number that ever met together was sixteen. Four of the number are Legislative Councillors, appointed previously to this year, two of which have been recently appointed. In their capacity of Magistrates, they constantly attended, and took a part in the deliberations relative to that Election, these Councillors amounted to a fourth, sometimes to a third of the Magistrates present. At one of the meetings, it will be seen that out of ten Magistrates, five were Councillors.

It will be conceived, that those of the Magistrates who in the Legislative Council had taken part in the deliberations which terminated in Mr. Tracey's incarceration, could not be the most favourably disposed towards him. They could exercise on their brother Magistrates, Councillors or not, an influence which partook of their feelings towards that Candidate.

Add to this, that several of the Magistrates who composed those meetings were known partisans of Mr Bagg, the Candidate opposed to Mr. Tracey, and exerted a more than ordinary activity in the steps they took against him during the Election. In fact, it is almost impossible not to see that the majority of the Magistrates were opposed to Mr. Tracey's Election.

A few days before the Election, there was a meeting of the citizens, at which the choice of a Representative was canvassed. Mr. Tracey was named; a Magistrate who was present endeavoured to dissuade them from their proposal, a discussion ensued of a nature to create ill feeling and he failed.

This Magistrate afterwards showed himself one of the warmest partisans against Mr. Tracey, and also took an active part in the deliberations of the Magistrates relative to that Election.

He carried his zeal so far as to make his wife vote, and then afterwards vote himself for Mr. Bagg, in opposition to Mr. Tracey. (1.)

Another of these Magistrates had been named at a meeting of the citizens, as being entitled to the preference over Mr. Tracey, and this Magistrate also took an active part in the proceedings of his brother Magistrates relative to that Election.

It is entirely foreign to the present purpose to sound the intentions of the Magistrates. It was however, necessary to point out some of the facts which alone can explain several of the events which have to be accounted for. Those among the Magistrates who were engaged in those scenes, could not very well possess that degree of calmness, without which strict impartiality cannot be expected.

The Election commenced on the 25th of April. Several of the Magistrates remained at the Hustings on that day. Some of them showed themselves active partisans of Mr. Bagg, who at the adjournment of the Poll, had a majority over Mr. Tracey.

Some Bullies who took an interest in Mr. Bagg's success, excited a great deal of tumult and disorder, and assaulted and ill treated several of the Electors. Two men, Flynn and D'Aubreville, of whom I shall speak presently, and who were of the number, were arrested and put on bail. The acts of violence committed at the Hustings did not appear to alarm the Magistrates; they did not seem to apprehend the least danger for the public tranquility.

The next day, the 26th, the Bullies attempted to renew the scenes of the day previous. Citizens, among whom were fathers of families, respectable men as well by their conduct as by the value of their real property, were obliged to have recourse to physical force to resist the

(1.) This fact must appear strange, this is not the only irregularity.

violence of those Bullies, and compel them to allow the Electors a free passage to the Hustings, which they had denied them the day before.

The majority changed; at the adjournment of the Poll, it was in favour of Mr. Tracey.

As I have stated before, the violence of the day before had not created alarm among the Magistrates, of whom on the contrary there was a meeting called in the evening of the second day of the Election, under the pretence of consulting on the means of preserving the Peace which was in danger, in consequence of the Election which was going on in Town.

As it is at the period that that series of meetings and proceedings commences at which the Magistrates began to interfere in the Election, in order afterwards to take a part in it themselves, and finally caused an armed force to intervene; it is proper to offer a few observations upon the Laws of the country in relation to Elections, independently of the principles of the Common Law. The Returning Officer is by the Provincial Laws, invested with all the necessary authority to maintain the peace and the liberty of voting at the Election over which he presides, he can take measures immediately against those who disturb the one or throw obstacles in the way of the other. The Returning Officer had on that day, the 26th of April, sent to Gaol, one of those who had been committed for a fault of that nature; in fine, it was his first duty, the Law furnished him with the means of performing it, and him alone. He could not delegate his functions to any one else.

With respect to the Magistrates, they had no jurisdiction in this matter. Moreover, they were liable at every moment, to be officially called upon to take decisions against those who might be accused of acts of violence, in order to send them to Gaol, or oblige them to give Bail. Independently of these considerations, resulting from the nature of their functions, they ought to have felt the necessity of guarding against any proceeding calculated to create a suspicion that they acted both as judges and partisans.

Considerations of a particular nature ought also to have stopped them. Many of them had, in another capacity, but recently pronounced a severe judgment against Mr. Tracey, to punish him for an offence which he had committed against them in another capacity. Others had taken part against him relative to the Election, in favor of his rival, who on the night of the 26th, was in the minority, having had a majority the day before. How could they not suspect themselves and not fear to be drawn beyond the bounds of duty, by feelings so well calculated to delude them.

It is also worthy of remark, that the Magistrate who called this first meeting, was the one who had before-hand publicly shewn himself opposed to Mr. Tracey.

Out of ten Magistrates who were present, three were Legislative Councillors, appointed previously to that year.

Their proceedings were not predicated upon the proof, not even the allegation of any precise fact, much less of any alleged crime or misdemeanour as a motive for that meeting. They are content to state that it was probable there would be a disturbance in the neighbourhood of the Hustings, in consequence of that which had taken place the day previous, and that certain persons were organising and arming themselves with sticks and other instruments dangerous to the peace of the Town.

As this is the first act of the drama which brought about the fatal conclusion which I shall speak of presently, it is proper to pay a particular attention to those proceedings.

In the first place, if these Magistrates or any of them, were informed of any precise facts of that nature, they might and ought to have had them established by de-

positions, to have proceeded against the prisoners according to Law, have sent them to Gaol, or obliged them to give Bail. It was not at all necessary to have a meeting for the exercise of such an authority, inasmuch as every Magistrate is invested with the necessary authority in that respect. But here is something stranger still; without any other motive, they resolved upon sending the High Constable to request the Returning Officer to appear before them, to know from him if he required any assistance to enable him to maintain the Peace of the Town, or to preserve order within the limits of his jurisdiction.

The Returning Officer having arrived, those questions were put to him; but that was not enough, it was intimated to him at the same time, that on his requiring it, he would be supplied with all the assistance he might desire, that was in the power of the Magistrates. The Returning Officer refused those offers. The Magistrates again were not satisfied with that. He was however informed, that any written request from him would be received and complied with, if he thought proper to demand assistance. After which he withdrew.

We enter a labyrinth in which we should be soon lost if we did not form correct ideas calculated as a clue to get out again.

In the first instance, it is not known upon what ground the Magistrates brought the Returning Officer before them; what jurisdiction had they in the matter? Admitting that they had, they had nothing before them to warrant such a proceeding.

In fine, the Returning Officer who alone had any jurisdiction as to the holding of the Poll, and who alone had a right to decide upon the means of enforcing it, had refused the offer of their services. Thence the deliberations of the Magistrates ceased to have an object.

Let it be observed that admitting the necessity of their assistance, they could afford it from the great number of Constables from different parts of the Town; they could even send him the Watchmen, since by their subsequent proceedings it will be seen, that they could dispose of them with the greatest facility. The Magistrates therefore had nothing to do but to withdraw.

What motive therefore, could induce the Magistrates to adopt, as they did immediately, the resolution of swearing in a hundred Special Constables; and what is worthy of remark, that Magistrates should attend the following day in that very room, to receive every requisition that might be made for the preservation of the peace; in short to swear the Constables and direct them. (1.)

I will leave aside the many reflexions which are suggested by those proceedings on the part of the Magistrates, and will ask what can be understood by the resolution relative to the *direction of those Constables* by Magistrates? Who would not also be struck at seeing the Magistrates anticipate a demand for assistance, which had just been refused by the Returning Officer? It is to be supposed they had their forebodings, for we shall find that the Returning Officer requested that assistance two days afterwards; it is therefore necessary to pause here in order to point out some other facts calculated to throw some light upon the causes which produced events for which it would be almost impossible to account otherwise; much less to discover the threads by which they are united together.

Several features in the conduct of the Returning Officer during the Election, exhibit an extreme sensibility and which imply that nobleness of character which is susceptible of the most lively impressions.

It will suffice at present to point out a striking one, to remove all doubt in this respect.

(1.) Upwards of two hundred Constables were sworn during the Election.

During the Election, the Magistrate whose wife had already voted for Mr. Bagg, having presented himself in his turn, was required to take one of the oaths which Electors are bound to take by Law when thereunto required. The Returning Officer who apparently thought there was something offensive to that Magistrate in that request, would not comply with it. Mr. Tracey's partisans insisted; in short, the Returning Officer compelled to conform to so formal an obligation, could not comply with it without shedding tears. After which the Elector voted for Mr. Bagg.

It will be conceived that it was not difficult to exercise controul over so lively an imagination. It will also be seen that all his subsequent proceedings which are analogous to those of which I am going to give an account, have been the fruit of an extraneous influence, and it will not, I apprehend, be very difficult with time, to show that that which follows was due to the same cause.

Be it as it may, on the 30th of April, at six o'clock in the morning, he wrote to Mr. Delisle, Clerk of the Peace, to say that if the Magistrates could send him one hundred, one hundred and fifty, or two hundred Special Constables, under the direction of Mr. Delisle, the High Constable, he thought he would be able more easily to maintain the peace at the Hustings, and afford the liberty of voting without fear; That he would be ready to accompany them to the Hustings at nine o'clock, and begged he would communicate that letter without delay.

If any pressing necessity existed for such a measure, it was the evening before immediately after the adjournment of the Poll that steps should have been taken; the Returning Officer, instead of writing immediately, waited till the following morning to do so.

What is to be thought of so indefinite a request? Not a single fact is alleged as a motive for the proceeding. But there is one thing which is well worthy of remark. At the bottom of this letter, if I am rightly informed, there was a postscript, in which it was stated that if Flynn and any of the D'Aubreville's were among the Constables, to exclude them.

It has already been seen that this Flynn and one of the D'Aubreville's, partisans of Mr. Bagg, were among those who had caused a disturbance at the Hustings on the first day, that on which Mr. Bagg had had a majority and had ill treated several Electors. It has been seen that they were arrested for acts of violence and put on Bail, and nevertheless these same two men had been sworn as Special Constables. The choice of Constables of that description was not the most judicious.

A meeting of Magistrates was held. Constables had already been sworn in virtue of the spontaneous resolutions of the Magistrates of the twenty-sixth. The High Constable was ordered to take all the Constables, the Watchmen and the Constables who had already been sworn, and repair to the neighbourhood of the Hustings and report himself to the Returning Officer, (no Magistrates to direct the Constables were mentioned,) under whose directions he was to act; finally, it was resolved to swear in an additional number of Constables.

It will be conceived that such an organisation of measures to maintain the peace and insure the liberty of voting was not very well calculated to inspire much confidence in the citizens who were murmuring against the intervention of a foreign authority in the Election. Nevertheless, it still continued, and the majority which Mr. Tracey had obtained on the second day had increased.

The Constables were not assiduous in their attendance at the Hustings. It is true, however, that tranquility prevailed in proportion as they abstained from attending.

Nevertheless, on Saturday the 5th May, in the morning, the Returning Officer wrote another letter still

stronger than the first, and in which it is not even alleged that his authority had been resisted, or that a single occurrence had taken place to induce him to apprehend that he would not be able to exert his authority with that degree of efficiency necessary to enable him to discharge the duties of his office.

In that letter he informs Mr. Delisle, that some individuals whom he names, having been cruelly assaulted and beaten at some distance from the Hustings and without his knowledge, on the Thursday previous, and which was sworn to, and having been informed that several scenes of that nature had taken place at some distance from the Hustings, without its having been in his power or authority to prevent such disturbances, he applies to the Magistrates, requesting they will adopt prompt and efficacious measures to maintain peace, order and tranquility during the Election in the neighbourhood of and near the Poll, which is to be held on that day and the following days, and carefully pointing out the place, and authorising as he says, the Magistrates in that behalf, if necessary.

The only thing which savours of preciseness in that letter, is the pointing out the place of the Poll. It is true that from the commencement of the Election, the Returning Officer had changed the place three times, in despite of Mr. Tracey's representations.

Let us admit that the acts of violence which might have been committed without the knowledge of the Returning Officer, were not cognizable by him. Those who had been assaulted might have applied to the Magistrates for Warrants against the parties offending.

Under what title did the Returning Officer take upon himself that officious intervention?

If these acts of violence had been of any real importance, they would doubtless have created a noise on the day itself; the sufferers would not have relied on the Returning Officer to inform the Magistrates and have recourse to their authority after an interval of three days.

What an idea to see the Returning Officer take the trouble to make those after thoughts relative to other people, the subject of a communication to the whole Magistracy of Montreal, through the medium of the Clerk of the Peace. Again, how to qualify that pretended authority which is at the bottom of the letter? Assuredly the Returning Officer could not confer powers of that nature on the Magistrates. Neither could he delegate to the Magistrates, powers which the Law confers upon him and him alone.

Some of these considerations appear to have struck the Magistrates. It will be seen presently, moreover, to what pitch they carried their pretensions in consequence of this step on the part of the Returning Officer. They resolved that the High Constable should notify all the Special Constables, even the Watchmen also, to meet immediately at the Court House, in conformity with the request of the Returning Officer, and in fine, that the Special Constables and the Watchmen should repair daily at nine in the morning to the Court House during the holding of the Poll. Not a word is mentioned in those resolutions about the Ordinary Constables. I must beg to observe, that the meeting then adjourned to the Monday following at nine o'clock.

We shall now see what is to be thought of this proceeding on the part of the Returning Officer, when we consider that on that same day the Special Constables did not go to the Hustings. Tranquillity prevailed, the Poll was adjourned without disturbance, it was on the Saturday evening.

The Returning Officer does not appear to have had any reason to complain of a want of assistance. He made neither complaints nor requisitions to the Magistrates.

One would think, that an experience of that nature would have served as a lesson for the Magistrates. How can the proceedings which I am going to relate be accounted for.

They had adjourned to the Monday following; instead of waiting till that day, they assembled in consequence, as was stated, of the report of the High Constable, that the Special Constables had assembled too few in number and had thought proper not to go to the Hustings.

It was surely the business of the Returning Officer to complain of this, had he judged it proper. The Magistrates apparently thought they had no further occasion to consult him, considering they had a right to act in virtue of the authority contained in his letter of that morning? What is certain however, is this, that the Document upon which we shall find they adopted resolutions, was a species of representation addressed to the Magistrates themselves, signed by eighteen of those Special Constables, stating "that on divers occasions they have been required in common with their fellow citizens to perform a duty common to all, that of aiding and assisting the Civil power in all cases, and expressing their regret that on that occasion as on others previous, they had not been supported by those who had been legally notified to act in concert with them. In consequence of which they pray that their Honors will exercise their authority to cause a sufficient number of respectable citizens to come in now to maintain the peace under these circumstances."

It is almost unnecessary to state that those Special Constables were among the number of Mr. Bagg's partisans. It is still more so to comment upon that strange Document. I will content myself with remarking that the conclusion by which they ask the Magistrates to procure a number of citizens to maintain the peace is not even founded upon any alleged act of violence.

It may therefore be asked how that representation could induce them to suppose that they had any right to interfere in that Election. I do not allude to that pretended authority contained in the Returning Officer's letter. The idea that it could serve the Magistrates as a pretext to interfere in that Election is too absurd, to admit of discussion.

We shall now see what were the fruits of the deliberations of the Magistrates; their resolutions were as follows: 1st. To increase the number of Special Constables as high as two hundred and fifty. 2nd. To station two hundred and fifty of them in front of the Catholic Church on the Monday morning following, under the immediate orders of three Magistrates. 3rd. To assemble the same number at sun set, on the Monday and following days at the Court House, for the purpose of establishing a night patrol and maintaining peace and good order in the City of Montreal. 4th. They further appointed the Magistrates who by turns should attend morning and evening to take charge of the Special Constables sworn to maintain peace and good order at and near the Hustings. 5th. Finally they resolved to have a special meeting on the Monday morning at nine o'clock, in order to adopt measures calculated to insure tranquility and maintain peace in the Town of Montreal.

What zeal! what activity! what foresight! and by what authority did the Magistrates intend to take charge of the Constables. If they did send any, it was under the sole discretion and orders of the Returning Officer that they could be placed.

Those resolutions were adopted at a meeting called the evening of the day on which tranquillity had prevailed at the Hustings, when the Returning Officer who had asked for the Constables, had not complained of

their absence, and had not made any fresh demand on that subject.

But what is more extraordinary, a patrol was ordered, composed of partisans of that Candidate who was favored by several Magistrates, under pretence of insuring tranquillity in the Town, without any fact appearing to establish that it was threatened. And this was in a Town where, without speaking of a great number of Constables, there was a night Watch under the direction of the Magistrates, and which happened to be under the command of one of Mr. Bagg's warmest partisans. I must add, that there is in Town in addition to this, a Military guard.

Three Councillors whose appointment was previous to this year, were at that meeting which consisted of ten. The resolutions were adopted by eight against two, upon motion of one of those Councillors of long standing.

Having adopted those resolutions, the meeting adjourned to the Monday following, 7th May. That meeting of the 7th, did in fact take place on the Monday morning, to adopt measures to insure the peace and tranquillity of the Town of Montreal. And a resolution was adopted (seven against three,) to carry into execution the resolutions of the Saturday, and on that day, two Magistrates, other than those who had been named on the Saturday were appointed to take charge of the Special Constables.

From the 7th of May to the 26th of April, only one meeting was held, it was on the 15th, and it was to request the Magistrates who had not yet taken their turn, to take charge of the Constables. But it is necessary to point out some of the circumstances which took place in that interval.

The efforts of Mr. Bagg's partisans had not succeeded in obtaining a majority in his favor, they had however, succeeded in diminishing it against Mr. Tracey. It is surprising that Mr. Tracey can have supported so severe a contest.

The Magistrates appear to have been assiduous in their attendance at the Hustings, as well as some Constables.

I must remark as a fact, that instead of the Constable Staves, generally carried by Constables, they had been armed with short sticks, which could be easily made use of; it is also stated that the long staves generally used, had been cut in two, by which means, those short sticks became perfect weapons. Among other facts which might be stated in this respect, an unfortunate partisan of Mr. Tracey who on the 21st May, cried Huzza in his favor, was struck by Constables thus armed, and left senseless on the Place d'Armes, in the neighbourhood of the Hustings.

What means to preserve harmony and make peace prevail among citizens, engaged in an Election contest? It will be also recollected that the Returning Officer had already changed the place of the Hustings three times, without its being possible to assign any legal or precise cause for it, he had done it in spite of Mr. Tracey's remonstrances. It was held from the 5th May, the day of the meeting I have mentioned, at the entrance of St. James street, on that side of the Place d'Armes, opposite to which the Special Constables were stationed who came to the Hustings. It will be seen that that is where the soldiers were afterwards stationed on the 21st of May.

It is also useful to observe, that during that period two occurrences had taken place of a novel nature in Montreal.

A Pistol shot was fired in the street one evening, by one of Mr. Bagg's partisans at one of Mr. Tracey's partisans. Another partisan of the latter was dangerously wounded on the hip, by a musket shot fired at him in the streets of Montreal by a partisan of his competitor.

It may be useful to observe, that since the Election, one of Mr. Tracey's partisans was wounded in the arm from a knife, also by one of Mr. Bagg's partisans. These facts are the more worthy of attention in as much as the Magistrates had established patrols without having been asked to do so by any body. Without entering into any particulars as to what was said, that those who had fired had done so in their own defence, it will suffice to remark, Mr. Tracey's partisans might also have had arms to attack with, and not a single instance can be mentioned in which arms have been found in their possession. I need not state how worthy this circumstance is of attention.

On the 15th of May, the Returning Officer, by a letter requested the High Constable immediately to station six Constables with long *Constable Staves*, within the inclosure near the Hustings, to prevent any persons coming near it as he said except those who wished to vote, or had ladies in their charge, taking care as much as possible to select such citizens as were neither on one side or the other of the Candidates.

Those recommendations are the more worthy of attention, as they strengthen the observations which precede, as to the nature of the staves or sticks with which they had been armed, differing from the usual long staves.

It will also be seen, that by a custom which as I observed in another communication, I do not intend to justify, ladies voted, which may serve to shew that tranquillity might have been maintained at least trouble, at an Election in which they were not afraid to take a part. Here is another feature which derives essential importance from the events which are going to be mentioned. Besides that the Returning Officer had already three times changed the place for holding the Poll, in spite of the remonstrances made on the subject, on Saturday the 19th May, he adjourned the Poll earlier than the time fixed by Law. At the moment when he was preparing to adjourn, several of Mr. Tracey's voters came forward to give him their vote, he refused to take them. Mr. Tracey and his friends protested aloud against such conduct; he nevertheless adjourned the Poll without receiving the votes.

After the adjournment the Returning Officer wrote to the Clerk of the Peace, requesting that the Magistrates should send him some Constables at eight o'clock on the Monday morning following, before the opening of the Poll, without any further explanation.

No meeting of the Magistrates took place that evening. There was one on the following day, Sunday the 20th May, and the letter in question was laid before them.

But on the Sunday, previously to the holding of the meeting, Mr. Bagg and four of his warmest partisans had written to the Returning Officer, who also in consequence wrote a letter to the Clerk of the Peace in which he bitterly complains against Mr. Tracey, on the subject of the adjournment of the Poll, when that Candidate complained of the refusal to take the votes of those who came forward to vote for him; a circumstance of which he had not dreamt of saying a word in his letter of the Saturday. He referred to Mr. Bagg's letter and others as the motive for the new communication which he addressed through the medium of the Clerk of the Peace.

It is possible that the contents of Mr. Bagg's letter may have acted powerfully on the imagination of the Returning Officer. These two letters deserve the more consideration at this moment, as they were the cause of the catastrophe which took place the next morning.

According to the Returning Officer's letter, unwilling as he states, to submit to Mr. Tracey's interpretation of the Law, or that of his partisans, a disturbance ensued,

and he was very near being assaulted. That Mr. Tracey himself insulted him, and threatened to compel him by force to submit to his wishes, and that an Irishman had jumped into the Hustings, and that prudential motives had induced him to defer to another tribunal that justice which was due to him as a Public Officer.

There is not again a single precise fact alleged in that letter. He had been merely assaulted and threatened; if any offence was committed, if the threats were of a nature to create serious alarm, surely there were means of guarding against those who were the authors of it, after the adjournment, the Returning Officer did not think proper to take measures against the Irishman who had jumped into the Hustings.

Again, how comes it that the Returning Officer did not think of communicating his terrors to the Clerk of the Peace the evening before, at the time when their impression must have been more lively, instead of waiting till the next morning to write a letter on that subject? A letter that he has just received, says he, and which he annexes to his, to shew the necessity of the interposition of the Magistrates, explains this mystery. He requests the Clerk of the Peace to call a meeting of the Magistrates without delay to submit them his letter. He says it will be impossible to continue the Election, without having within the place of the Hustings, a sufficient Constabulary force having *Constable Staves to distinguish them*, and that if one of the Magistrates would head them, it would be of great assistance.

This must be done, says he, with the utmost despatch. Let us now look at the information which rendered those measures so pressing. It was a letter from Mr. Bagg and from some of his warmest partisans in the following words:

"In consequence of the acts of violence committed yesterday at the Poll, and of the certain information which we have received from Captain Spence, who lives opposite to Mr. Tracey, that Mr. Tracey intends to place himself at the head of a numerous party of persons disposed to commit the most violent outrages, we find ourselves under the necessity of calling on you to take the measures necessary for our protection, being persuaded that without an imposing Constabulary force, placed in the immediate neighbourhood of the Poll, and ready to act at a moment's warning, our lives will be in danger. You must yourself be convinced by what took place yesterday, and by all that has occurred during this Election, that it is absolutely necessary that vigorous measures be adopted to preserve the peace and to protect the friends of Mr. Bagg. It is even currently reported in this city, and the opinion of all the respectable persons who support Mr. Bagg, that greater attempts at violence will be made to-morrow than have yet been made since the commencement of the Election. In case you should deem it necessary to call a meeting of the Magistrates, we are ready to testify on oath to the insulting manner in which you have yourself been treated by Mr. Tracey, and there is no doubt that they will be ready to employ all the means which the Law has placed at their disposal, to support you in the exercise of your functions."

It is now proper to remark:—

1o. That neither the letter of the Returning Officer or that of Mr. Bagg and others, allege a single positive fact, or specific offence.

2o. If any had been committed, a Magistrate might have been applied to, his interposition required, Warrants obtained, and in short proceedings might have been taken against the parties offending according to Law.

3o. It must have been repeatedly observed that the Returning Officer had jurisdiction to maintain peace at the

Hustings, and it is not even stated that his authority was resisted.

40. If there existed any positive information as to the contemplated violence alleged, it was easy to bring up those who had a knowledge of it, to cause them to attest it upon oath, so as to proceed against the parties accused, and send them to Gaol or compel them to give Bail.

50. The only thing which is offered to be sworn to, is the insulting manner in which the Returning Officer was treated; not a word is said of threats.

60. In short, in that denunciation so full of words, and so empty of things founded on report or opinion, there is no idea of requesting a military force: every thing is confined to Constables with Constable Staves.

70. Let it be admitted at once and by anticipation that the idea that such a proceeding might be followed by a requisition for an armed force, had so little entered the Returning Officer's mind, that he thought himself in honor bound formally to deny the report which afterwards spread in Town that he had demanded it.

None of those reflexions appear to have occurred to the Magistrates, who did not even think of calling before them those who had written that letter, much less to examine the nature of its allegations. They resolved at once 1st. To send seventy-five Constables to the Hustings, at seven o'clock the following morning, to be at the disposal of the Returning Officer, and accompanied by the High Constable. 2d. That one hundred, or as many as possible, but not less than that number, should be stationed in front of the Parish Church, under the direction of two Magistrates who were appointed for that purpose for the morning, and two others for the afternoon as well as for the following day; then that the Watchmen should be notified to attend there at the same hour.

So far, the Magistrates, excepting their presence which was not required to direct the Constables and the Watch, did not go beyond the requisition which had been communicated to them. But they also adopted a resolution to request the Commandant of the Garrison to reinforce the guard by a Company of the 15th Regiment, commanded by a Captain, with instructions to keep in readiness to act whenever he would be required so to do by a Magistrate, in aiding the Civil power to suppress a riot which might occur in consequence of the Election which was going on. Of the ten Magistrates who were present, there was only one who opposed it.

After the foregoing remarks relative to the probable disposition of part of the Magistrates, it may be useful to observe here, that it was the Councillor Magistrate, who made the motions upon which the resolutions of the 5th of May were adopted, who was directed to apply to the Commandant, and to take charge of the Constables on the 21st.

But can one avoid being surprised at the zeal and excessive foresight of the Magistrates in requiring an armed force, which no body had thought of, upon the alleged reports and opinions mentioned Mr. Bagg's letter and others, relative to every disturbance which might take place, without taking the trouble of making the least inquiry to establish at least the probable necessity of such a measure. They were asked for Constables, and they adopted the resolution of having Soldiers and fire arms.

We have now arrived at the conclusion (*denouement*) of that unfortunate scene which is to be the subject of legal discussion before a Court of Justice, before which those to whom may be imputed the immediate cause of the death of the citizens who were killed on the 21st May, will have to answer for their conduct. I will therefore confine myself as to what took place on that occasion, as much as possible, to the exposition of facts, without any other

remarks that those which will arise in a manner from the subject in itself, independently of what may relate to the conduct of the Military, who on that occasion acted under the authority of the Magistrates who had required their assistance.

On the 21st May, no disturbance appears to have taken place at the Hustings until two o'clock in the afternoon. It was far away from the Hustings that a disturbance took place, which was the result of a quarrel between two opposite partisans in the Election, and was followed by blows from each other, and which as is commonly the case on such occasions, attracted a great number of those who took a part in the Election, and who also took a part in that scuffle, according to their respective inclinations.

Some Constables interfered, they struck several persons with the sticks or staves I have mentioned, and this mode of endeavouring to restore peace had the effect of increasing the disturbance. While this was going on in the vicinity of the Hustings, one of the Magistrates went to get the armed force, which was in readiness in consequence of the resolutions of the previous day, they came forward a little before three o'clock in the afternoon.

The disturbance could not however be of a nature to produce serious alarm, since tranquillity was restored in a very short time. It was in a great measure restored when the troops arrived; and the combatants dispersed. It was then, it is said, that the Riot Act was read.

At that time tranquillity reigned at the Hustings, nevertheless, the troops were not sent back to their quarters, they were stationed under the portico of the Church on that side of the Place d'Armes opposite to where the Poll was held, at the entrance of St. James street, which faces the Place.

The troops were kept there until between five and six in the evening. It does not appear that any disturbance took place between three o'clock and the period of the adjournment of the Poll. When it took place Mr. Tracey had gone, accompanied by a great number of Electors, who were conducting him home.

I do not think I am mistaken when I state that the disturbance originated in a quarrel which arose from a cry of Huzza, in favor of Mr. Tracey, from a man upon whom the Constables wished to impose silence, and who refused to comply and received strokes with sticks which stretched him on the ground, whence he was taken away senseless.

A fresh disturbance arose in consequence, in which those who were on the spot took a part. That place was then being macadamised. The combatants took stones to attack or defend themselves. It will be conceived that panes of glass were broken. Such was the state of things when the Company of Soldiers advanced, and crossed the Place d'Armes; and after having gone in a different direction, returned and entered into St. James street, the distance of several hundred feet, preceded by the Constables, where, the latter having gone in rear of the Soldiers, half of them fired on the people, which resulted in the death of three individuals who were killed on the spot, not including several wounded.

I have not wished to enter into any details on this subject, I am aware it is stated that the troops were provoked by stones that were thrown at them and which struck them. I am not aware at this moment of the discussions that may arise on this subject. The Officers who commanded were acting with Magistrates and under their direction.

I will content myself with adding to this statement, some facts which I believe are not doubtful. When the troops fired, the crowd in front of them could not be as considerable as it had been at three o'clock. It has

already been seen that the crowd must have dispersed at the adjournment of the Poll, and the Electors who were Mr. Tracey's friends had accompanied him in great numbers.

It is also a fact that those who were fired at were at more than one hundred and eighty feet distance, which at least excludes the idea of any great danger from their throwing stones. The individual of the three who were killed, that was nearest to the troops when they fired was distant more than three hundred feet from them, the other two were at a still greater distance.

Another circumstance also which cannot be contested is that those who were fired upon had no arms offensive or defensive of any description, whilst the Constables who were marching in front of the troops, until they fired, were armed with sticks, such as I have already mentioned (1.)

But I must turn my eyes from that unfortunate event in order to follow the proceedings of the Magistrates, who assembled in the evening to the number of fifteen. Their proceedings at present deserve all our attention :

1st. They adopted the resolution to summon before them two of the King's Counsel. 2d. To summon before them the Returning Officer. 3d. The affidavit of an individual relative to facts imputed to persons whose names were unknown, was shown, which stated besides that groups of people were collecting in the Suburbs. Such is the prelude to the following resolution. 4th. The Civil power being inadequate to maintain peace in the Town, it is necessary to require the Commandant to provide a strong picket to patrol through the streets of the Town during the night. 5th. To send for Mr. Gregory, Major of Militia, to know if some Cavalry men could be procured to act in concert with the Commandant of the Garrison. 6th. That three Magistrates do join the Officer commanding the Military force during the night, to consult with him as to the safety of the Town and to maintain tranquillity.

In fine, the Returning Officer having arrived, stated he did not know as yet whether he would close the Poll or go on with the Election, but that perhaps with the assistance of three or four respectable citizens, he might proceed without Constables.

It will be seen that having reflected, he took the resolution to go on with the Election, Mr. Jobin and Mr. Roy having promised to use their efforts to maintain peace at the Hustings; and of which he informed the Magistrates by a letter, but requesting them to keep the Constables in readiness, notwithstanding the statement he had just made that he could proceed with the Election without them.

The day following the 22d May, the Poll opened at nine o'clock in the morning, and terminated early in favor of Mr. Tracey, who had a majority.

It does not appear that on that occasion, the least disturbance took place in Town. Nevertheless, there was a fresh meeting of the Magistrates in the afternoon.

The Election being over, they did not trouble themselves any more about the Returning Officer, but resolved: 1st. That a list of the persons who were present at the riot on the Place d'Armes and in St. James street on the 21st, should be sent to the Coroner to obtain the truth

from them as to the causes and issue of that riot. 2d. They authorise the Clerk of the Peace to communicate to the Coroner, if he is requested to do so by that Officer, the proceedings of the Magistrates during the Election with divers communications from the Returning Officer, this is also another remarkable instance of foresight, considering those of the same nature which we have so often seen on the part of the Magistrates. What could the communications of the Returning Officer have to do with the Coroner's inquest? What reflexions does this subject not call for.

But here is one of their resolutions which attests a fact that is hardly credible. I have already observed that the letter from Mr. Bagg and his four partisans, to the Returning Officer, of the 20th May, does not alledge any precise fact, and that moreover, it confines itself as well as the Returning Officer's letter, to a demand for Constables. Nevertheless, the Magistrates had resolved upon requiring an armed force! On that day, the 22d of May, the Magistrates order, that those who signed the letter of the 20th May, transmitted to the Magistrates by the Returning Officer, be requested to make in conformity with their offer so to do, a statement upon oath of the facts therein stated, and also to request Captain Spencer to give his affidavit to the effect stated in the letter, that is to say that it was on the day after the event that they thought for the first time of procuring depositions upon oath, to establish the necessity of the measure they had adopted two days previously, and the result of which had been the loss of life of three of their fellow citizens! What are we to think of the zeal by which they carried were away when we consider their ingenious precautions upon all the rest? Those Magistrates have since been engaged in laying before the Governor, reports of what had taken place when the military were called out, brought to the place where the event took place, and when it occurred. I must repeat here, without pretending to sift the motives or intentions of the Magistrates, it may be asked from what has been seen of their proceedings, if it is possible to be convinced that information taken from such a source can be exempt from all suspicion and prejudice, when they were obliged to give an account of a measure of which it was their duty first to establish the necessity before adopting it, which they did not do.

Let us now collect a few facts which are subsequent to the Election. By their resolutions of the 20th May, the Magistrates had in some measure placed the police of the Town under military authority. It was on the eve of the catastrophe. They continued it in that state by fresh resolutions adopted at five successive meetings from the 21st to the 26th May, inclusively. They caused the Commandant of the Garrison to strengthen the guard and cause military patrols to be made. They added a great number of Constables to the Watch. In fine, they even procured Militiamen from Major Gregory of the Militia, to join their patrols. They went so far as to summon before them the Honorable Mr. Gagy, Sheriff of the District, and the Honorable Mr. Guy of Montreal, Colonel of Militia, to induce them, the former to organize a troop of Constables, the latter a troop of Militiamen to the number of fifty or fifty to patrol; and which neither one or the other thought he could or ought to do,

According to the resolutions, the object of all these proceedings was to provide for the safety of the Town and the preservation of the peace.

It is stated in addition, that in the evening of the 23th of May, upon a signal to that effect, some Cannon was brought from the Island of St. Helen into Montreal,

(1.) Extract of a letter: "I arrived (in Montreal) on the 21st in the evening, in going from the Steam Boat to my lodgings, I met Sentries at the corners of the streets, and in St. James street, a guard and three or four pieces of cannon. I thought the Town was in a state of siege."

and the troops put under arms close by. (1.) I do not think I am mistaken in adding that that system was only abandoned upon a letter from Colonel McIntosh; addressed to the Magistrates, to know from them if they considered it necessary to adhere to those measures of precaution, as the Garrison was affected by the prevailing malady.

One does not know what to think, to see those Magistrates wait until that moment to declare that the peace of the Town was sufficiently established, and that it was no longer necessary to strengthen the guard.

What then could be the motive of such extraordinary display. I am aware that mention was made of a fear that some Irishmen and Canadians would assemble together in the neighbourhood of the Town, that there was even a plan to set it on fire; and perhaps of some other reports equally unworthy of faith.

Here again, a man who is unacquainted with the country must find himself under the necessity of making a considerable effort to convince himself that the fears entertained by those who induced the Commandant of the Garrison to make such a display were sincere. I am not called upon here to discuss the causes of that Civil discord which may have soured the temper of the people of Ireland. In Canada at least, that source of demoralisation does not exist, and up to this period the conduct of the Irish at the Montreal Elections exempts them from that suspicion which national prejudice might excite against them in that respect. After all, those reports are as worthy of contempt as the comparison which was attempted to be made between the state of Montreal on that occasion, and that of Bristol at the period of the pillage and burning of a part of that Town last year.

The absurdity of such pretences relative to the old inhabitants of the country in particular, is too evident to deserve any observations on that subject. With respect to the Irish, there is a fact which is conclusive. It does not even appear that there were any in the group upon whom the troops fired with such murderous effect. All those who were struck, killed, or wounded were Canadians, born and bred in the Country. I will not notice the vociferations of which certain periodical papers have been the echo, nor the praise which has been bestowed upon the awful results of the intervention of the armed force as if it were an act of heroism to have carried death in the midst of a collection of men who had not even arms of any description in their possession. If I point out those features, it is because in the first place it is those same papers who have been the constant vehicle of the calumnies to which the country has been a prey, that they have also been the organ of those who have been at the head of the system of measures against which the inhabitants of the country have made such just complaints since so many years; because moreover, up to a very recent period, that was the only source whence the British public could derive any information upon Canada; in fine, because those are still the only papers which are daily hawked about on this side of the ocean, and according to which certain persons would pretend that the state of things in Canada is to be judged.

Without entering further into this matter, I will ask what is to be thought of those who have made use of

(1.) And nevertheless, I think I am correctly informed in stating the report of the Watch of that night and the following was, that there was nothing extraordinary. I do not exactly know on which of the two nights it was that some one of the Watchmen brought a drunken Indian to the Watch-house. Such were the dangers with which the Town was threatened.

them to express loudly their approbation of the issue of that species of expedition, the result of which is calculated only to inspire a sentiment of profound pain in the virtuous citizen, the faithful subject, even admitting he was convinced that the most imperative necessity required that sacrifice of the life of his fellow citizens.

OMITTED IN THE LIST.

Of the danger of partiality in the decisions of the Tribunals.

We have seen that the danger of partiality in the decisions of the Tribunals was one of the principal subjects of grievance mentioned in the petitions from Canada. It is sufficient, I apprehend, from what has been seen as to the composition of the Executive and Legislative Councils and of its results, the pretensions of the former and the attributes of the latter, to see whether that danger is not almost inevitable in the present state of things. The sketch which I shall presently offer of what took place during as well as after the Election at Montreal last year, will exhibit facts of a conclusive nature on that subject.

But before entering upon them, it is proper I should acquaint you with some traits in the conduct which has been previously pursued in the Province in relation to one of the Principal objects of the recommendations of the Committee of the House of Commons in England, in eighteen hundred and twenty-eight, which has immediate reference to that matter. The consideration of the facts which will be afterwards related will naturally lead to the consideration of those which I am about to offer.

Their connexion with each other will be the more felt in proportion as they will be developed, without its being necessary that I should point it out in a particular manner.

Without alluding to the complaints of the inhabitants of the country, several of the measures of the Assembly consisted among others, and particularly since a great number of years, in solemn complaints against the abuses in the mode of selecting the Jurors. On reference to the evidence adduced before that Committee on that head and also by its report, it will be seen to what extent those abuses were carried.

It may also be said, that whether considered in themselves, or with reference to their duration, no example will be found in the history of any country in which that institution is known and practised, where the rules prescribed by Law and the principles of jurisprudence and which from the nature of the thing itself, apply to that fundamental part of the administration of justice in criminal matters have been so long and constantly forgotten.

Since, and in consequence of instructions from His Majesty's Government which that report had occasioned, Bills have been passed in every Session of the Assembly to regulate it.

They have constantly failed in the Council up to last year, that is to say, that three years elapsed before their concurrence could be obtained in that measure. Besides, it is only in relation to Civil matters and with amendments which are at variance with those principles. It was moreover, by adding a clause limiting the duration of the Act to three years, as if the object had been to secure beforehand the means of foiling the wishes of the country as well as the views of His Majesty's Government.

I am exposing myself to the suspicion of exaggeration, perhaps to imputations of a more serious nature, in cu-

encouraging the idea of the possibility of a return to the illegal practice, to say the least of it, which leaves indefinitely the choice of those who decide on the lives, liberty, honor and fate of the accused, to the Sheriffs of a country where, according to what principle I know not, they are exclusively appointed by the Executive, absolutely dependent upon it by a Commission held during *good pleasure*, with emoluments which are equal to or exceed the income of the most extensive landed properties; in fine, that a trap may be laid in some measure to those who govern and expose them to the most dangerous temptations, by allowing them the means of again becoming possessed of the monstrous power of making that selection in the interest of power. But it will be seen presently, that after the passing of that Law, one of the first acts of one of the Officers directly charged with its execution, was at variance with its manifest and most essential dispositions, and upon an occasion especially where it was the more necessary to observe them. It was in one of the two great tribunals of the Province. The other public functionaries, who are specially charged to superintend the execution of that Law, and to cause it to be respected, did not even complain, neither did a renewal of the same offence cause any complaints from them. On the contrary, the proceedings of those whose duty it was to repress those violations of duty amounted more or less to a connivance at or marked approbation of his conduct on both occasions. The same may be said with respect even to the conduct of a portion of the citizens of Quebec, to which that of the Legislative Council, of which I have spoken, gave an impulse. These facts which will be disclosed in the following articles, and many others analogous to them, will afford a criterion to judge whether the fears of the country deserve to be considered as chimerical.

No. 3.

Election in Montreal in eighteen hundred and thirty-two.
Catastrophe of twenty-first of May.

SUMMARY.

Conduct of the Magistracy relative to that Election, and during its progress.

Resolutions of the Magistrates, and proceedings adopted on the twentieth of May, to obtain from the Commandant of the Garrison the assistance of an armed force.

Requisition made on the twenty-first May, to bring the troops to the place of Election.

They are brought and kept in the vicinity of the Hustings.

Request to march them upon the people after the adjournment.

Several citizens killed by the Military.

Reasons given by the Magistrates to the Commanding Officer, in support of their requisition.

Examination of those reasons.

Opinions of that Officer, in consequence of those reasons.

Proceedings of that Officer in consequence.

What is to be thought of those opinions and reasons and proceedings.

Some other circumstances relative to that event.

The catastrophe which has been witnessed by the inhabitants of Montreal, and of which several of them have been the victims, in the month of May of last year, was without example in the country.

The following remarks which are the commencement of this work, relative to the state of society in Lower Canada,

are sufficient to shew that an event of that nature is of a very different importance there to what it would be in many other countries. It therefore became on my part the subject of observations in which I acquainted the Secretary of State with a part of the circumstances which brought it about, as well as of those which followed it, and which had reference to that deplorable event.

I have successively shewn in my observations, how a majority of the Magistrates composed in a great measure of Legislative Councillors, had taken a part in that Election in favor of a Candidate, and seconded the system of violence which he had put in operation. The greater number of those who composed it had taken a part in the Election. They had exercised a jurisdiction which was foreign and repugnant to their functions, had usurped that of the Returning Officer and of the Watch, had employed the Peace Officers, the Watch; had moreover, appointed and employed several hundred Special Constables, chosen for the most part among the partisans of that Candidate. In short, after exhausting all the resources of that new description of authority, they ended by adopting the resolution of requiring an armed force, whose intervention terminated in the death of several citizens. I have shown in fine, that that dire resolution was not even a pretence.

The people, the friends and relations of the deceased raised their voice; private accusers came forward to compel those who had spilt the blood of their fellow citizens, to give an account of their conduct before a Court of Justice. But in Canada the system of exclusive privilege is to be found every where.

The Crown Officer maintained that he alone had a right to be heard, and consequently to oust those who came to seek that justice of which he claimed the monopoly. And those pretensions were carried with success! Supported by the authority of the Judges, he succeeded in bringing them to silence.

He took upon himself loudly to proclaim the innocence of those against whom public opinion desired that proceedings should be taken, and by the most strange contradictions, he did not bring forward any accusation against them. But, he referred them to a body of Grand Jurors, taken in contradiction with the principles of common Law, with every rule of justice, in short in contradiction with most formal Provincial Law; from a particular class and locality, instead of taking them from among that body of citizens qualified to perform that duty. As might be expected from such a composition, those jurors rejected the Bills of Indictment; but they did not stop there.

They thought proper by means of a presentment, to constitute themselves the panegyrists of the accused, whom the Governor after the proceedings which I have mentioned, thought proper on his side to cover with eulogium. I must add, that being himself a stranger to the Laws and the jurisprudence of the country, to the inhabitants and to those events themselves, he ought to have taken advice and relied upon the exactness of the information upon which it was founded. This short analysis will suffice for the moment, leaving aside several traits which are little less extraordinary; I beg to refer to those communications.

Before going further, I must renew an observation which is to be found in several of my communications on other subjects. Before looking at the dark yet strong colouring which is given to this picture, I may be suspected of exaggeration, at all events of error if not of falsehood. I must at present declare, especially as to the one in question, that far from retracting any thing I have stated, I have it in my power, if necessary, to point out a number of other facts equally extraordinary.

and not the less true, however incredible they may appear at first sight.

In that respect here are a few circumstances upon which I had it not in my power to speak in as positive a manner as I can do at present.

The number of Special Constables who were appointed and sworn by the Magistrates at the time, amounts to three hundred and fifty, of whom two hundred and forty-six acted at the Election, besides the other Constables and Watchmen under their orders. Among those Special Constables who were sworn, there were more than twenty who formed a part of the Bullies, notoriously known as such, who were employed and paid by the Magistrates at the expense of the favourite Candidate, to keep the entrance to the Hustings free to his partisans, and to close it by violence against his adversaries.

Besides this number of Special Constables, the duty of Constable was performed by two hundred and thirty-three other individuals, without being sworn, among whom were also some of those Bullies I have mentioned. In fine, the number of those strange conservators of the peace when united, does not fall far short of one half of the Electors of that Ward.

With regard to the conclusion of that tragedy, in my former communications I have already observed that on the 20th May, before adopting the resolution of requiring the intervention of an armed force, or its appearance at the Hustings the next day, it did not occur to the Magistrates to take a single deposition, not even to take a single step to establish the necessity of measures, the effect of which was to spill the blood of His Majesty's subjects, nor did this engage their attention on the 21st, before marching the troops upon the people. It was only after the sacrifice had been consummated that they took steps to procure depositions. It will be easy to see, as I have already remarked, that it was without success. Nevertheless, it was necessary to state reasons to Lieutenant Colonel McIntosh, who commanded the Garrison, to obtain from him in the first place, a compliance with the requisition to furnish the troops, and in the second place, his consent to march them against the citizens. There are two epochs which it is proper carefully to distinguish; we shall now see how the Magistrates behaved in that respect:—1st. Before the troops were under march to go to the place of Election, at about three o'clock in the afternoon.—2d. After the adjournment, when they requested the Commanding Officer to march them, and to make them fire on the people, after five o'clock in the afternoon.

The two Magistrates who were directed to apply to that Officer on the night of the 20th of May, particularly expressed their fears to him of a riot at the adjournment of the Poll. I will abstain from making any observations upon the sagacity and foresight of those Magistrates in pointing out beforehand with such exact precision the period itself of the conclusion of that tragedy, like a part to be performed and regulated beforehand. In order also, not to lengthen those considerations, I will lay aside a great many other very remarkable circumstances; I will content myself with observing that on the day of the event itself, before the troops were put under march to go to the place of Election, one of the Magistrates with whom that Officer had had the interview of the night before, repeated to him several times, "that the Civil authorities had received the most positive information, that a plan was formed to set fire to different parts of the Town and Suburbs of Montreal, in order to divide the troops in different and opposite directions and in small numbers, in order to overcome them the more easily." (1.)

(1.) Deposition of Lieut. Colonel McIntosh.—2d. affidavit of the seventh of June, eighteen hundred and thirty-two.

That declaration could not be more formal. It must undoubtedly have appeared to Colonel McIntosh as worthy of his entire confidence, when given on so solemn an occasion. It was made by a Magistrate who insisted on the necessity of the steps which he was required to take, and in order to remove all cause of fear which his honor suggested and which he had communicated to him and his *confrère* or brother Magistrate the night before when he alluded to the danger the lives of the citizens were exposed to in the event of a collision between them and the Military.

The effect of that declaration must have been all powerful on the mind of that Officer. We shall see presently that the fear of that danger for the property of the citizens and the safety of the troops overcame him, that it continued to prey upon him and induced him to take steps which otherwise would be totally inexplicable. And nevertheless, those who know how much those ideas were chimerical, are obliged to make a considerable effort in order to convince themselves that the pressing declaration of that Magistrate was merely the fruit of illusion; and that is the only consideration which can palliate that bitter feeling which he must experience. *That positive information remains yet to be divulged.*

I have already observed that the Magistrates had nothing before them to justify them in requiring the intervention of an armed force. The register of their proceedings affords demonstrative evidence to that effect. (1.)

I must beg further to observe, that that information is not even alluded to in the report of the 23d May, made to the Governor by the Magistrate in question, and acquiesced in by his brother Magistrates, acquainting him with the circumstances relative to the event of the 21st. He has preserved the same silence in a deposition upon oath, relative to the same objects. Neither is it alluded to in a report also made to the Governor by another Magistrate, and also acquiesced in by His brother Magistrates. In fine, several of the Magistrates and a great many other persons, have likewise since, made depositions upon oath, in support of the conduct which was pursued on that occasion, and notwithstanding that lively interest which ought to have induced those who gave those depositions as well as those who collected them, to adduce evidence of so important a fact in justification: not a word is mentioned about *that information*, tho' it is stated it was *positive*. Assuredly here is enough to appreciate the pretence which was relied on to request the intervention of the armed force; we shall now see what is to be thought of the pretences which were relied on to request the Commanding Officer to march them against the people.

In the first place it must be observed, that the reason assigned for having brought the troops to the place where the Election was going on, was a riot which took place at about three o'clock in the afternoon. I can now state in a more positive manner than I have been able to do in my previous communications, that that riot was caused by the acts of violence of the Peace Officers, that it hardly lasted a quarter of an hour; that it ceased as those acts of violence ceased; that, as I already observed, it had subsided when the troops arrived. In fine, that instead of sending them back to their quarters, they were kept in the vicinity of and opposite the Hustings. I will not notice the strange appearance which those circumstances present, I will content myself with adding, that up to that moment, tranquillity had not been disturbed, and that afterwards it continued to prevail until the adjournment of the Poll, when the troops were called inconsequence of a fresh disturbance; now comes the second

(1.) See the Register of the Magistrates of the 20th May, and following days.

occurrence upon which it is proper to bestow a moment's attention.

It is an established fact, that immediately after the adjournment, the Candidate to whom the Magistrates were opposed, had withdrawn. The greater number of his partisans were doing or had already done the same, when the riot which is given as the pretence for marching the troops broke out. A Magistrate who was present, went away to the Place d'Armes, crying out, "for God's sake to bring the troops, because the populace was massacring the people and attacking the houses. (1.)

Those are the motives upon which the brother Magistrate of the latter required the Officer who commanded the troops to march them against the citizens, and that he in consequence made them fire upon them; let us see what the pretences of that requisition turned upon.

It is true that a man had been struck and left for dead; but in the first place, it was by the Peace Officers, armed with short sticks instead of those which they generally carry as the badge of their office. He was a partisan of the Candidate to whom the Magistrates were opposed. An acclamation in favor of that Candidate was the crime which had caused such treatment. That act of brutal violence formed part of an attack made under the direction and at the instigation of that same Magistrate, who was running up at the time to the troops in *God's name*, to bring them against those of the partisans of that Candidate who were a match for them if they only used their sticks.

The streets were then being macadamised. A party of those upon whom that attack had been made were returning and having no other means of defence, made use of the stones which were in the streets to repel the assailants, who on their side did the same, but who however had the worst of it. They took flight before the people who pursued them, and continued throwing stones in the direction of a house into which part of those who were running away were entering, whilst another part took refuge in the inclosure where the troops were; it was in consequence of those occurrences that the Officer who commanded them was required to advance them.

I will presently shew that that attack upon the house, may go hand in hand with the information relative to setting the Town on fire. But before proceeding any further, I must state that for the same reasons which I mentioned in my previous communications, I will abstain from entering into a discussion of the conduct of the Military, when they carried death in the ranks of the citizens. I will content myself with observing that in marching towards the spot where that sad event took place, the troops were accompanied with those Peace Officers and others who had been engaged with the people, and that their department at the time was that of men going to battle. Many of them were armed with sticks such as I have mentioned; several of them were in front of the troops until they got ready to fire upon the people, at which period they were made to retire in the rear or on both sides, in fine, several Magistrates also accompanied the troops.

The people were withdrawing from before them, and it is now established that those who were marching with the troops were throwing stones at the people, who on the other hand threw some also, by which the Military were struck. But I must repeat, among the people there were no instruments used whether offensive or defensive, not even sticks. One may therefore ask how they could have thought of combating against men who were armed with sticks and supported by a troop of soldiers marching in battle order?

Leaving aside the consideration of the catastrophe in itself and of the conduct of the Officer who, while he

commanded the troops, acted under the direction of the Magistrates, I will relate a few facts and circumstances which will throw the greatest light upon the other portions of this drama.

We have seen that there was nothing in the documents I have mentioned to support the declaration relative to the project of firing the Town. Neither does the pretence upon which the Officer in command of the troops was required to march them against the citizens, after the adjournment of the Poll, rest upon a more solid foundation. The efforts of so many persons of all ranks, interested in exculpating themselves by a justification of the conduct of the Magistrates on that head, have also failed. Since the event, witnesses have been collected from all parts, depositions have been taken on the spot, among which are those of several Magistrates themselves.

They were duly communicated to the Governor as had been done with the two reports which were laid before him for the same purposes. In all those Documents there is an inexplicable vagueness, a confusion which appears to be the offspring of a preconcerted system.

Two facts so striking, so ample as the attack upon a house, the murder of man falling under the blows of the populace in the presence of thousands of witnesses, among whom is to be found a large number of persons interested in establishing them, were certainly susceptible of being easily proved. Nobody could be ignorant of the necessity of presenting them in a clear and precise manner. Quite the contrary has been done. In those Documents nothing is to be found except general assertions; not a single detailed fact. Those assertions themselves are at variance with the facts which are apparent through that chaos.

I have already myself made some precise statements relative to those two facts in particular, in my previous communications, altho' I was not at the time in possession of that information which enables me at present to do so in a more formal manner, and with that degree of assurance resulting from an exact knowledge of all the circumstances relative to that event. I must add that independently of that assistance and in spite of the difficulties resulting from the absence of any medium of comparison on this side of the ocean, in relation to objects of that nature, it would be easy for me to show that that fabric of evidence will not bear the test of examination even in its details. I shall always be ready to enter on that subject again if the opportunity be afforded me. In the mean time, I deem it necessary to introduce here a few observations which will serve to throw some light upon it.

If there is a Document in which it was necessary to point out in a clear, exact and precise manner the two facts which were submitted to the Officer who commanded the troops as the motives for marching them against the people after the adjournment, it was certainly in the report drawn up by the Magistrate who had made the statements which I have alluded to, before they were led to the place where the Election was going on,

In that Document, one can hardly distinguish between the disturbance which served as the pretence for bringing the troops at about three o'clock in the afternoon, from that in consequence of which that Officer was required to march them against the people after the adjournment of the Poll. With respect to this last disturbance, mention is made of *tumultuous movements, great noises, battles, also noises and vociferations, increasing to a frightful extent, Constables and other people running away in every direction and pursued by a crowd throwing stones at them, the noise of broken panes of glass or iron shutters; of a man stretched on the ground as if dead, near the Grocery Store which was the house that was attacked.* And without specifying any thing, it is added that the Magistrate in question *crossed the Place d'Armes and cried out "for God's sake,*

(1.) See the first report to the Governor, and the depositions.

" send the troops out, the mob are assassinating the people and have commenced attacking the houses."

The author of the report adds, " that at the same moment, he saw another Magistrate making all haste towards him, and as he thought, beckoning to them with his hand to advance " It was upon those data that he requested Colonel McIntosh to bring out the troops to quell the riot, and save the lives and property of the citizens that were then in danger.

That is what the statement contained in that Document is confined to. Moreover, the author gives an account in his own way of the expedition in which he accompanied the Military.

Neither does the report of the other Magistrate of whom I have already spoken contain any thing more positive; he is still more vague upon the same subject. In short, the depositions of those two Magistrates, of several of their brother Magistrates, those of all the other witnesses, whose affidavits have been communicated to the Governor, particularly on that subject, are of the same character.

But here is something still more strange and inexplicable. The Magistrate who according to the first report and the depositions of some of his brother Magistrates, ran up in *God's name*, to get the troops to advance, ought to have been able to swear as to those facts upon which he had so formally relied to get them to do so. He was with those Officers of the Peace when the man who was left for dead was struck, and he himself was running away with the Constables when they were driven back towards that house, the pretended attack upon which served as a pretence to cry out that the property of the citizens was in danger. It is in those reports as well as in several of the depositions as to what he said at the time, that Colonel McIntosh was requested to advance the troops. And the deposition of that Magistrate is not to be found in those Documents, tho' numerous. What is to be thought of such an omission?

Here are some other facts which are obvious. The people had ceased throwing stones towards the house in question.

Admitting that this fact could be denied, which is not to be doubted, let it be observed that in those reports as well as in those depositions, the people at that period are represented as being in a state of fury almost of delirium, and this is to tell us afterwards, without detailing the facts, that they were attacking the houses. But those with whom they were engaged in this contest were running away; several of them had gone in that house to protect themselves from the stones which were thrown at them; the others had taken refuge in the inclosure where the troops were. Those who pursued them must therefore have been strong. They were masters of the field of battle, if they were not content with throwing at their adversaries the stones which broke twenty-three panes of glass, if their intention was to attack the house itself, why should they not have rushed into it with those who were running away? A Grocery and Liquor Store was kept there; why should not the mob, as it is called, have gone into it? Had it not committed excesses. How is it that furious men should not have forced the door open? It does not even appear that it was forced. What magical power can have stooped them? How comes it that they did not attack the neighbouring houses which remained untouched?

It is true that one of the witnesses states that the mob had already commenced demolishing the house; that assertion is contradicted by the facts; besides he is the only One. He testifies as to a fact which took place in the presence of thousands of people, of whom as I have already observed, as a great number had an interest in establishing that important fact for their own justification.

But again, the idea of that attack upon the house and of the danger for property, is as chimerical as the one relative to the project of firing the Town; therefore will I content myself with adding a few observations in relation to that testimony.

In those depositions much stress is laid upon the fact of the Candidate to whom the Magistrates were opposed, and his partisans having taken a direction rather different from that which he had taken the previous days. That circumstance is represented as indicative of a desire to cause a disturbance. Truly they had deviated by a few feet. It is now ascertained that it was to avoid a small puddle caused by the rain which had fallen abundantly on that day.

One of the witnesses who speaks in relation to the catastrophe, says that he was standing in an elevated position from which he could see all that was going on; and nevertheless his deposition is confined to a rather general statement, that he saw the crowd in the street engaged in throwing stones. He saw the soldiers advance. The crowd which was ahead continued throwing stones at the soldiers in such large quantities, that the atmosphere was black with them! These are his words; and in conclusion, he thinks, in his conscience, that the people were in such a furious state, that without the intervention of the troops, a great number of persons would have lost their lives.

Another of those perrons speaks of a collection in the street, in front of the house of one of his neighbours, in which he happened to be, but this was more than three weeks previous to the 21st of May. Among those who composed it, he names individuals well known in Montreal. He represents their conduct and conversations as violent and threatening, so much so as to inspire just apprehensions in the minds of the persons of that house, into which he had gone, says he, to protect them. According to his deposition, he shewed a cane to that collection of people which he represents as furious, as if it had been a musket with which he had intended to fire at them; and that upon that they had dispersed, and he adds that he sincerely believes that without that, an assault would have been committed upon the master of that house and upon his family, and that in all probability serious damage would have been done to the house.

This happened on the 28th of April. Two days afterwards he again heard a noise in the same place, this time he was stopped by fright, he did not venture out to the relief of his neighbour, he was afraid for his life. He does not say whether he had lost that magical cane of his.

After this sample I may dispense with commenting upon the deposition of the individual to whose relief that witness pretends to have gone. Moreover, in that affidavit nothing is mentioned but isolated facts, which have reference to a period of upwards of three weeks previous to the catastrophe and with what they have no connexion. I will only add one word of observation in relation to the riot which at about three o'clock in the afternoon served as a pretence for bringing the troops. (1.)

In the report as well as in the deposition of the Magistrate who had stated as a certainty that the *Civil authorities had received positive information* of a project to fire the Town, and also in the depositions of the other witnesses, *tumultuous movements*, battles, cries and violence, &c. are spoken of without alledging any precise facts, they are represented as imperatively requiring the intervention of the armed force in order to repress the excesses of the desperate mob.

Nevertheless, besides what has already been seen, that Magistrate who is the author of the first of those

(1.) Depositions of Fraser, Stanley and LaChance.

reports; previous to the arrival of the troops, went in the midst of that furious mob, read quietly the Riot Act, returned to his station without molestation, and peace was restored when the troops arrived! Let it be observed that no Proclamation was made to the people, and that the Riot Act was not read afterwards. (1.)

Such is the character of allegations, of assertions which are appealed to with gravity to support the conduct of the Magistrates. I might add a great many analogous traits; I will only observe, that among the Documents relative to matters worthy of such particular attention, there is one among the depositions which is neither signed nor sworn to.

I do not allude to the depositions of the Military. If some attention be paid to the ideas of the person who commanded them, then it will be seen with what an eye they beheld a people; men to whom they were all strangers, and who must have been represented to them in such dark colours. I must also observe that one of the Officers on service with the troops, noted by the Commanding Officer for his activity, had during the Election attended the meetings of the partisans of the Candidate who was favored by the Magistrate. I need add that he was not in uniform; without alluding to other circumstances the consideration of this one is sufficient to judge of what his feelings must have been in marching towards that description of combat.

To return to the Commanding Officer; the strange notions which he had formed of the inhabitants of Montreal from the statements which were made to him, can alone account for his proceedings, which without that, would be a perfect enigma. For example, we see that the apprehension with which that Magistrate had inspired him, relative to the property of the citizens, in consequence of the imaginary project of firing the Town, continued to remain on his mind after the 21st of May. It is formally mentioned in his letter to the Military Secretary, the day after the catastrophe. He remarks upon the danger arising from the manner in which the houses are situated; the precautions necessary to guard against it, and the insufficiency of the number of men composing the garrison.

From this, one feels rather less surprised on seeing that Officer, in giving an account of the event of the 21st, express himself as if he had been called upon to encounter disciplined men, experienced in the art of War, prepared in such a way as to undertake and able in order to overcome his troops, according to the expressions of the Magistrates whose words I have quoted, to take advantage of the slightest error he might commit. He commenced by marching his troops in a direction opposed to that of the place to which he intended to march them. This was in order to station himself in front of a house, and protect himself from an attack in the rear. It was after those precautions that he directed them to the spot which he finally chose to range them in battle order. (2.)

During that march, he thought he saw on the part of what he styles the *mob*, movements that were managed with skill. *They acted he says with a great deal of system, skirmishing and retiring as they advanced, and then renewing the attack*, according to him the troops were in imminent danger. He lays a stress upon the *firmness* with which they advanced. Those courageous efforts, those skillful manœuvres were directed against men who were retiring in confusion, who were throwing a few

stones, because those who were with the troops were themselves throwing some at them, who as I observed, had not in their possession any instruments to attack or defend themselves with, not even a stick. That is the combat of which a description is given. Those are the dangers to which were exposed the soldiers who were ordered to fire with such murderous effect. And of three individuals who were killed, the nearest was at a distance of upwards of three hundred feet. Here is more than is necessary to be convinced that his sentiments with regard to the people whom he was driven to pursue, were evidently the offspring of a foreign influence.

Besides, those illusions are not more extraordinary than his apprehensions derived from the same source, to see the Town burnt by its own inhabitants. Independently of the considerations which have reference to the public morals and to those habits of order and submission to the Laws which result from an equality in the distribution of the right of property in the Province, a still more lively feeling of interest strengthened in the inhabitants of Montreal, the respect for that order which is its safe guard, in a Town where half of the Electors is composed of proprietors, and the great majority of whom is among the Canadians.

How can so extravagant a project have been attributed to them? Could it be well possible, as that Officer appears to have been made to believe, that they had the intention of calling in the inhabitants from the neighbouring country parts; of pressing their fellow countrymen, their friends, their relatives, to come in and complete their ruin by setting fire to every part of the Town at once?

It is again true that this is not more strange than a few other traps that were laid to good faith, and appeals to prejudices, by comparisons drawn from a state of things unknown in Canada. I will content myself with quoting in that report a trait, which will serve to judge of the weight which is to be attached to clamours of that kind.

It was endeavoured to spread a belief that every thing was to be apprehended from the Irish who are established in Montreal; that those measures were indispensable to repress their violence. I must again refer to the observations contained in my previous communications on that subject. I shewed that that pretence was more than chimerical, that there was nothing to reproach them with. Under those circumstances it assumes a character of oddity which would be amusing, if one could lose sight of the tragical part of the event. Hardly were there any persons of that nation among those in whose ranks death was carried. Canadians only were stung by it!

It is however upon pretences such as I have mentioned, that it was considered necessary to bring Cannon even in the night time, in Montreal, and in the day time to cause them to be drawn with an air of affectation through the streets, to reinforce the garrison, to distress the troops by making them patrol at night for about a month, to add to them the Watchmen and even the Militia Cavalry. (1.)

Those precautions as well as that display of force, would only have created a smile of irony or pity, if they had not amounted in the eyes of the citizens of Montreal, to a daily repetition of outrages, added to the injustice which had been committed, by trampling under foot their most precious and essential rights.

(1.) See in particular with respect to the reading of the Riot Act, the report of the other Magistrates.

(2.) Affidavit of the 7th of June, eighteen hundred thirty-two.

(1.) The troops were not dispensed from that service until they were affected by the malady which committed such ravages shortly afterwards.

CONSIDERATIONS, &c 3d. Series. On the selection of Grand Jurors in the District of Montreal after the catastrophe of the 21st of May, 1832.

Sir,

I was fully sensible how the improbability of the facts which I had to lay before you in the considerations which I addressed you on the 2d instant, would be startling at the first blush. I was also sensible how those sketches would appear marked at the corner of more than exaggeration. I therefore thought I could take upon myself to beg that you would guard against the impressions which they were calculated to produce in the first instance, and suspend your judgment until an examination had put it in your power to see if the truth hath been really outraged, if justice had been violated.

On the tenth, in addressing you some fresh considerations, in which among other things I alluded to a part of the events relative to the Montreal Election, I thought proper to point out in a particular manner how illusory the reasons were which were communicated to the Officer commanding the Garrison, when the intervention of the armed force whose assistance was required of him was insisted upon. This is in fact one of the traits which must have appeared the most revolting and consequently the most incredible. The assurance with which I spoke upon that subject must also have astonished you. I might, perhaps I ought to have pointed out the pretence upon which that Officer was required to march the troops against the citizens, but so glaring a part could not escape you. You may also, I apprehend, have convinced yourself that I did not rest upon illusions in soliciting, with regard to the first, your attention in rather a pressing manner.

I must now beg you to observe that in order to facilitate the means of forming correct ideas with respect to the nature of those events, it was necessary to enter into some details, to give some explanations, and to point out the principal characteristic circumstances. That was what I then endeavoured to do; I flatter myself it was not without some success.

Fortunately I have been spared that trouble with regard to the subsequent events, which will be the subject of fresh considerations which you will receive with this letter. It is sufficient to present them in all their simplicity. The manner of viewing them cannot admit of more doubt than the facts themselves, which are not only of public notoriety, but are established by Documents of the highest authenticity.

Besides, far from being susceptible of contestation on the part of those against whom they contain serious imputations, they have become on their part the subject of avowals more or less formal. They are even, in some measure, offered as if acts which involve a violation of the Laws the most clear and essential, were a part of the duties of functionaries, with respect to whom the oath of office ought to have strengthened that sense of moral obligation imposed upon all citizens, to respect them, and adopt them as their rule of conduct. I need not add that those circumstances which are not less extraordinary than the facts in question, perhaps more so, deserve the most serious attention. They afford a means of comparison to judge of the state of the public morals, and in that respect of the sentiments of a part of that class of people in the Province, a subject upon which I have already been under the necessity of laying a few observations before His Lordship Viscount Goderich, in my letter of the 11th of December last. They besides indicate the extent of their knowledge in relation to those rules of the

administration of justice which are intimately connected with the principles of the Government, which are the pledges of the security of the citizens, and without which all their rights would be but a name, and authority the blind power of force.

Considered in that respect as in many others, those facts, though they do not present themselves under as dismal an aspect as the catastrophe itself, and the proceedings which brought it about or immediately succeeded it, are not of a nature to produce reflexions less serious, perhaps are they calculated to produce more painful ones. It was allowable to attribute a part of the violences committed during the Election at Montreal to the blindness of the passions of the moment. The conduct in question presents itself to the view in the shape of a combined system, meditated before hand, in order to screen it from examination, to insure impunity, give it the glare of triumph, to impose on the Government of the country, and finally on His Majesty's Government. Whether it was the fruit of prejudice or of the error of passion, it was not the less calculated to produce the most sad consequences.

Admitting the requisition of the Military force and the sacrifice of the lives of the citizens to have been called for by the most rigorous duty, in the eyes of the inhabitants of the Province, those proceedings assumed the character of crimes in which those upon whom it devolved to resent them and demand punishment for them, would have been accomplices. Independently of what refers to the vices already pointed out in the organisation of the administration of a part of the Government, this would be sufficient to judge of this dismal character of those reflexions.

You have already seen that the discussions which have arisen in the Province since so many years, have reference to the two great principles which form the basis of our constitutional edifice. You may also have seen whether the opinions and sentiments of a great portion of those who proposed to maintain them as their system of conduct, would not tend to subvert them. The Canadian people on their side wish, that the expenditure of the taxes they pay, as well as the rules of conduct which are imposed upon them should receive the sanction of their chosen representatives, that no individual should be punished upon a pretence of the violation of those Laws themselves, unless with the consent of a Jury selected without exception, from the body of their fellow citizens. If there are any traits in their conduct which shew the progress of their political education and give them incontestable claims to esteem, it is the value they attach to their rights which alone can constitute liberty and serve as the basis of authority; it is the energy of their representations, their constant firmness in resisting the efforts of arbitrary power to despoil them of it, at the same time without having laid themselves open for an instant to the charge of having lost sight of the submission they were bound to yield to the Laws; that is again the most noble homage to the constitution itself, and affords the most striking proofs of the happy results which it can and must produce.

And it is nevertheless on those grounds that the majority of those who compose one branch of the Legislature of the country, of public functionaries and their partisans; breathe sentiments of hatred against them and even endeavour to consign them to contempt; that while they accense them of ignorance, they claim the superiority in point of learning and boast of their origin to claim the power of becoming the arbiters of their destinies.

In entering into these fresh considerations, I have thought proper to return to some of the observations contained in the previous considerations in relation to this matter. Permit me again to beg you will place yourself in my situation, and consider the feelings you would yourself experience, if under similar circumstances, a similar class of men were to put forth the same ideas, and propose the same lot for those of your fellow citizens who partook with you those affections and interests, those habits and morals resulting from birth and education in a common country..... let us say the word, who would openly pretend to fix the seal of slavery upon them?

It may be that such language as this is not exactly adapted to the rules prescribed for this species of communications; but these are evidently of a different nature from those to which these rules are strictly applicable. It is however in accordance with the rules of honor. I also venture to say that I am only the echo of those whose sentiments it is my duty to make known, and who might again claim a right to the protection of His Majesty's Government, if they had none to its justice.

I beg you will accept the assurances of the profound respect with which I have the honor to be

Sir,
Your very obedient and
Humble Servant,
(Signed,) D. B. VIGER,

London Coffee House,
Ludgate Hill, 27th Sept. 1833.

To the Right Honorable
E. G. STANLEY,
His Majesty's Principal Secretary
of State for the Colonies,
&c. &c. &c.

Considerations, &c. 3d Series.

On the selection of Grand Jurors in the District of Montreal, after the catastrophe of the 21st May, 1832.

I must here brave the reproach of repetition, by asking what would be thought in London, if it were possible that a portion of its citizens having come from some part of the empire, for example from Ireland or Scotland, and having upon an occasion similar to that of the Montreal Election, adopted the plan of seconding the Magistrates and other persons invested with authority, a selection of Grand Juries had been made from one or the other of those classes, in such a manner as to give to those composing it more than an absolute majority so as to render the presence of the smaller number of Jurors taken from the body of the citizens, something more than an injustice, a ridiculous formality, an insult to the mass of the population.

What would it be if such conduct far from producing representations on the part of the public authority or other functionaries under whose eye it had been pursued, became the object of approbation or eulogium, even of representations to the Executive in order to support it and induce it to adopt proceedings with Parliament to obtain in a measure the sanction of that violation of every principle upon which the rights of the Government and the liberties of the nation depend.

In short, what would be said if individuals of either one or the other class, were to assemble together and openly claim, as a right inherent to their origin, the power of life and death over their fellow citizens of

England? These suppositions which I have already qualified as monstrous, have become facts in Canada.

Those are the proceedings of a part of the Public Officers. With regard to those of another portion of the citizens whom I shall presently refer to, no other interpretation can be given to them.

In my communications addressed to the Secretary of State during last year, and in particular in my letter of the tenth November, eighteen hundred and thirty-two, I acquainted him with the strange manner in which the selection had been made, and the materials not less extraordinary which had been chosen, to compose the body of Grand Jurors named for the Criminal Term of the Court of King's Bench at Montreal, after the 21st of May.

The facts therein contained are undeniable; I must add that it is not more possible for a Statesman than it is for a Lawyer, to deny the exactness and truth of the principles which are appealed to in support of the observations contained in that letter upon that important subject. I must therefore refer to it, rather than uselessly dwell here upon a subject which is already sufficiently developed in it.

I must also refer to those observations, with respect to the conduct of the Crown Officer in relation to the accusations brought before that Court in consequence of that catastrophe, and as to the manner in which those accusations were treated by those Grand Jurors. In fine, to my subsequent communications, which I have already alluded to, in respect of the conduct of the Crown Officer and the proceedings which relate to that deplorable event. (1.)

But I must state that when I gave an account of them, I was naturally liable to the suspicion of putting forth for facts the conjectures of those through whom I received information, else my own. In considering my proceedings in the most favorable point of view, it was reasonable to suppose that that attachment to our country which is almost always deeper or at least more exclusive, in individuals born and bred in a country such as ours, than it is in a more advanced state of society, might possibly deceive me; that a feeling of indignation against those whom I thought I could reproach with the death of fellow citizens, might carry away my reflexions and lead me astray. Happily for myself, independently of that information as well as the local knowledge which enabled me to appreciate it, I can now appeal to the very Documents transmitted to His Majesty's Government upon those matters, which have moreover become a subject of the greatest publicity in the Province. If it were possible to entertain any doubts in that respect, it would be easy for me to remove them.

I must now return to a fact to which I must have already appealed to, and point out others more recent, equally calculated to exhibit the importance of the observations which those communications contain, as well as those which are involved in the present considerations.

As I observed in my letter of the 11th December last, it is only in the District of Montreal that a deviation has taken place from the rules prescribed by the Provincial Act relative to the selection and summoning of Jurors, whilst their dispositions appear to have been faithfully observed in the other parts of the Province. What is not the less astonishing is, that in the District of Montreal, they were deviated from only in respect of the selection and summoning of Grand Jurors; and the thing is the more extraordinary in as much as the dispositions which regulate the selection and summon-

(1.) See the letters already quoted.

ing of the Grand and Petit Jurors are contained in the same clauses of the Law, are absolutely common to each other, without any distinction except the qualification of those amongst whom the first and second are to be taken.

Upon reflecting on all that has taken place in relation to that object, previous to the year eighteen hundred and twenty-eight, then and since, and to the principles of Law, I will own that when I heard that circumstance, it appeared so mysterious, so inexplicable, that I deemed it expedient, notwithstanding my conviction that I had not mistaken the sense of the terms or expressions of that Law, to read it again and again several times, even to examine it with enlightened persons to see whether it did not present some difficulties. How can one make up his mind to believe those functionaries capable of misunderstanding obligations so sacred? Those doubts are impossible.

Here are some subsequent facts which ought to appear incredible. The representations which have been made in the Province against that choice of Grand Jurors ought to have awakened the attention of the Executive Government, of the Public Officers who were witnesses to such conduct, especially of the Crown Officer, and in particular, that of the Officer charged with the execution of that Law. They ought at least to have been sufficient to prevent a repetition of the same thing. Without entering into the consideration of the possible or probable motives of the conduct which was observed in relation to the choice of the Grand Jurors summoned for the ensuing term of the same Court at Montreal, I must state that they were taken from some particular localities instead of being taken according to the rules, and moreover the precise dispositions of the act in question, that is to say from among that body qualified to fulfil that duty. It is true that on that last occasion, they were not taken in a very large majority from that particular class of men who by their birth are strangers to the country, even though the contrary was done, and this is another mystery which it is no part of my present subject to explain. I will confine myself to pointing out the use which was attempted to be made of them, which is not less extraordinary than that proceeding itself.

In consequence of that fresh deviation from the Law, inconveniences resulted which might have been easily and certainly avoided, if the rules prescribed by it had been followed. Details upon that subject would be out of place here; but who could now believe, if it were not a fact of public notoriety, and moreover established by authentic documents, that instead of making a representation against an error which under the circumstances was so flagrant, the Crown Officer made those inconveniences the subject matter of a representation as if they had flown from the dispositions of the Law, in a letter written to the Governor who himself thought proper to make it the subject of a message to the Assembly.

This is the way in which Public Officers in Canada, conform to the views of His Majesty's Government, respect the Laws and see to their execution! Such is the manner in which the Governor is informed of what is going on in the Province, and in some measure, under his own eyes. Such is in fine the information which is officially communicated to him that he may himself inform Ministers? Leaving aside several other circumstances which it is not essential to disclose, relative to the object of these considerations, I will content myself with asking if those are the proper means by which a Government can become informed and respected, and its authority endeared?

Of the Proceedings, Resolutions and Petitions of a portion of the citizens of Quebec.

So far we have seen figuring in these considerations, men connected with the constituted authorities or public functionaries; they have not alone taken a part in the events which I am about to relate.

Every one is aware of the force of example and the power of those doctrines which strengthen the propensity of man for dominion. We have already seen by that of the addresses from the Council which I alluded to in my previous considerations, that those who compose the majority of that body, at the same time that they appeal to the necessity of a special representation in favor of a particular class of men in the Province, claim pre-eminence in its favor as a right inseparable from their origin. They represent themselves as their organ, and it must also have been seen that it is certainly with views and interests different from those of the mass of the people of the country, that they are desirous, in the name of that class, of remaining in possession of the exclusive power of Legislation, as they already are in that of the administrative and judicial powers.

A portion of those comprising that privileged class have not failed to obey the impulse which was given to them by that high authority. Subsequent to those proceedings on the part of the Council, and of the strange message from the Governor founded upon representations from the Attorney General which I have mentioned, they preferred the most bitter complaints against that Provincial Law relative to the drawing of Juries. The Council claims in their name and by reason of their origin, the exclusive power of Legislating, and upon the same grounds they claim the right of life and death upon the rest of their fellow citizens.

I have already stated that no other interpretation could be given to the clamours of a portion of the citizens of Quebec, as well as to their resolutions and petitions against that Law. And in truth, what man unacquainted with the history of the country could, on beholding those solemn proceedings, doubt that that net of the Provincial Parliament in so far as it relates to the drawing of Jurors in Criminal matters, is founded upon the same principles as the famous act in relation to the same objects which was proposed and supported by His Majesty's Ministers and passed within the last few years in England by the Imperial Parliament, and that the dispositions of both the one and the other are within the rules of the strictest analogy? Nothing more is required to appreciate the weight of those clamours, which therefore it is useless to discuss.

But what is worthy of remark is, that that portion of the citizens of Quebec have covered themselves with ridicule, by appealing on that subject to the ignorance of the Canadians, as if they had that superiority over them in point of education and knowledge which they assume to themselves by reason of their origin. From what has been seen of the opinions of those who pretend to represent them, and with whom they make a common cause for the moment, upon a number of other subjects of constitutional right in the discussions which have taken place in the Province, it is easy to see whether their pretensions to that superiority of information rest upon a very solid foundation. But by adopting as a medium of comparison, the complaints in question, I would ask which of the two, the Canadians or those who insult them are stamped with the seal of inferiority? Whether it is those who wish for an administration of justice founded upon principles of impartiality by means of juries, who are the organs of the public conscience, or those who would make it the

subject of a monopoly, of a privilege of origin, in the hands of a cast ?

On the other hand, if that reproach of comparative ignorance were at all founded, it would be the strongest reason that could be urged in favor of a Law, the necessary effect of which is to spread with rapidity the most useful knowledge, to shew the necessity of it, to create and foster the desire of acquiring and spreading it, and above all, to teach to the people a knowledge of their duties and rights, to inspire them with a sense of it, to strengthen the sense of order and submission to the Laws, by confidence in their protection and in that of the Government which knows how to make them respected.

That very ignorance in the mass of the citizens would condemn the system which would go and still goes to give to the class of those who utter those browlings, the ascendancy in one of the Branches of the Legislature, whose acts they are in all the departments of the administration. Moreover, does it properly belong to that domineering class to reproach us with a misfortune which is their deed, and to build a claim upon it to keep the people in a state of vassalage ? They go still further, they would claim the privilege to perpetuate it, and to remedy the evil would be a violation of the rights attached to their origin !

What can be thought also of a system which from one consequence to the other, has so far vitiated the ideas of those composing that class, as not to recede from pretensions which are an outrage upon every principle of public morals, of our Constitution and Government ?

But too much honor has already been paid to those declamations in having seriously commented upon them. Moreover, what man having the slightest acquaintance with the state of the country and its institutions, with their influence on the character and morals of the inhabitants in forming their ideas and sentiments, would pretend that with regard to the qualifications necessary to fulfil the duty of Jurors, they are inferior to those who come and settle among them from all parts of the empire ?

I must also state, that if during so many years that the country has resounded with the complaints of its inhabitants against the abuse in relation to the drawing of Jurors, and especially during the discussions relative to the Bills successively passed to regulate it, not a single word of complaint was even heard against their dispositions enunciating the vital principle of the institution, which prescribes that the Jurors shall be taken without exception from among the body of those qualified to fulfil those functions ; who would not have blushed to have put forth ideas which tend to nothing less than the subversion of that principle, and as a consequence, of those of our Government and of all justice ; which would turn such a masterly piece of Legislation into an instrument of error, of passion, of vengeance and persecution, the inevitable result of which for the people, would be slavery, proscription and brutalisation ?

It would have been dwelling too long upon those clamours of one kind or the other, if all the proceedings in question in the present considerations, were not evidently the immediate result of the system of violence which was put in operation last year in the country, during the Montreal Election, and in the second place, if it were not inherent to the vicious system which prevails in the organisation of the administration and of a part of the Colonial Government which I have pointed out in the previous considerations.

I intended in collecting here all those traits together, to exhibit what is striking in the coincidences and concatenation which that Elective itself presents.

The selection of Grand Jurors which took place after it, in the District of Montreal, their conduct, that of the Crown Officer, his silence or approbation of those proceedings, his pretensions to monopoly in Criminal persecutions, his success in that respect, his representations to the Governor after the second selection of Grand Jurors alike contrary to Law, the consequent proceedings of the Executive with the Assembly, in fact, those of the Legislative Council, and those of a portion of the citizens of the city of Quebec intended to support them.

One can see that this league, this Assembly of men in authority and even of individuals, in their efforts to give a varnish of importance to those subjects of complaint, would only be calculated to deceive on this side of the ocean, did not a lucid examination dissipate at once their injustice and fatuity ; in fine, considering the experience which the country has already had, the apprehensions which are mentioned in some of the previous considerations in relation to that part of the Administration of justice might possibly turn out to be nothing but a chimera.

CHAIN OF EVENTS.

This part of my labour would not attain the end I have proposed, if I did not at this moment call to mind a few traits in the history of the country ; two antecedent events, calculated to exhibit the progressive march of the Colonial administration, in opposition to the views of His Majesty's Government and to those of the people of the country.

It has already been seen that the resolution adopted in eighteen hundred and ten by the Assembly, to charge itself with the entire expenditure of the Civil Government of the Province, was treated as an act of rebellion. Parliament was dissolved, several Members of the Assembly were cast into Prison, several other citizens shared their lot throughout the Province. The printer of a paper in which the interests of the country were discussed and defended was among the number. A troop of armed soldiers was ordered to go to his establishment, and carry off the types for the purpose of being shut up as had been done with that printer. The Press then under the influence of the administration, had nothing to fear from complaints. It had full liberty to lavish, insult and calumny upon all that was respectable in the country, whilst the Elections were every where carried on under the influence of threats. But the blood of its inhabitants was not spilt ; if one of them did perish it was because his incarceration completed the ruin of his already delicate health. He was permitted to die in the bosom of his family ; it was then a favor granted to innocence ! Others experienced the same dangers, they escaped death.

Neither the Legislative Councillors or the Magistrates interfered directly in the elections. The latter did not use their authority to force the citizens to vote according to the views of the majority and to those of the Governor. If Militia Officers were dismissed, it was but a few. Those acts were arbitrary, at least the Militia Laws were in force. These traits are sufficient to give an idea of the state of things in the Province at that period ; let us proceed to the next.

In eighteen hundred and twenty-seven, the Governor after having been in constant collision with the Assembly during nearly seven years, with respect to the expenditure of the public monies, also ended by dissolving the House. In order to influence the elections, he had recourse to the most extraordinary means. The

Bill to continue the Militia Acts passed by the Assembly had been amended by the Council and sent back to the Assembly. The prorogation which was followed by the dissolution of Parliament, intervened; the act expired. The Governor again put it in force, these are his words, the Militia Ordinances which had been declared annulled since upwards of forty years. Armed with this pretence, he dismissed several hundred officers, whose sentiments with regard to public affairs were not in accordance with his own, to replace them by a greater number of persons who were disposed to support his views. He did the same thing with respect to many Magistrates with the same view and for similar reasons. Militiamen were imprisoned for resisting that martial power which was exercised without the authority of the Provincial Parliament, in fine he lavished insult upon the Assembly, upon men of merit in all classes, and upon the country at large. He poured it forth through the Press, especially through a paper at his command, and published by authority, which had been established by him. (1.) I leave aside what took place before the tribunals, which may be seen in former communications, (2.) or in other parts of these considerations.

It was not however impossible now and then to behold with some degree of coolness, a line of conduct which often presented itself in a shape that rendered it comical, and more an object of pleasantry than discussion. It is after the recommendation of the Committee of the Commons of England, and instructions from its Government that the country have just witnessed in the Province so large a number of men armed with power, and of their partisans increasing in their former errors, still more openly mistaking its authority as well as that of the Laws; and their pretensions at once more insulting and absurd, assume a character of dismal gravity. And it is after the blood of its subjects has been spilt to compel them to submit to those pretensions, that they are at present the subject of petitions to His Majesty, praying that he will grant them.

On examining the facts presented in those considerations with the attention they deserve, it will be easy to see that I have not been led away by passion. Before proceeding to a few other objects, I may be permitted to ask if the fresh complaints of the Canadians could be considered as the offspring of injustice or ingratitude.

No. 5.

CONSIDERATIONS relative to the actual state of the Government and of the administration of Lower Canada.

Preliminary Remarks.

If I am not mistaken the Canadians at this moment are reproached with the bitterness of their complaints. It is not sufficient to attribute them to error, it is made a crime in them.

(1.) See the reports of the Militia and Justices of the Peace Committee, and in fine, the report of the Committee of Grievances of the Assembly in 1828, 9.

(2.) See the observations which have already been alluded to, in reply to the answers to the accusations of the Assembly.

Their petitions which it is said were received with benevolence in 1828, have been the subject of a laborious examination, followed by a report of a Committee of the House of Commons, recommending to the most favorable consideration of His Majesty's Government, the subjects of complaint therein contained, in order to remedy the abuses which had given rise to them. Ministers addressed urgent instructions to the Colonial Government to that effect. It has acted upon them; nevertheless, it is stated, the complaints of that people increase in the same proportion that its wishes are anticipated, and are doubly violent; it is both unjust and ungrateful. Those who hold such language conclude that they are worthy of contempt, thaps of chastisement.

Those accusations may at the first blush present appearances of probability of an imposing character. It is even due to justice to acknowledge that during the two years which followed that period, the individual who was then at the head of the Colonial administration, commenced the work of reform with a degree of skill calculated to overcome many difficulties. It remains to be known if his track was followed, if on the contrary a totally different rout was not adopted.

It is loudly maintained in the country that if any efforts have been made to remove some abuses, they have been succeeded by abuses much more dangerous and in greater number; that to injustices that were complained of, violence has lately been added in order to perpetuate them and give a triumph to fresh ones. The representatives point out the source of the evil. They appeal to the justice of His Majesty's Government praying that it may place a barrier to that torrent. These doubtless, are also subjects of serious complaint. Neither are they less worthy of attention than the reasons I have alluded to which are assigned as motives to repel them. It therefore becomes a matter of strict justice to examine those fresh subjects of complaint, and the facts upon which they are founded. And that is what I intend to do. I flatter myself that I will be able to place both the one and the other in so exact a point of view, that it will be easy to feel the importance of the first, and to see at once the conclusions to be drawn from the second. Before entering upon that examination, I think proper at once to point out in relation to recent features in the conduct of a portion of those entrusted with authority in the Province, a few subjects of reflexion calculated to throw considerable light upon the nature and objects of those considerations.

What would be thought in England if nearly one sixth of the House of Lords were in the habit of exercising the functions of Justices of the Peace in London, of assembling with the majority of the other Magistrates, interfering in the Election of a Member of the House of Commons for a Ward of this City; exerting their authority in favor of the Candidate opposed by the majority of Electors, usurping the jurisdiction of the Returning Officer, organising the whole Police under such a system; adding to it a number of men three times as considerable, under the title of Peace Officers, for the most part partisans of that Candidate, and a great number composed of men notoriously known as Bullies paid at the expense of their favorite, to maintain a free passage to the Hustings for his voters, and to keep it closed by violence against those of his rival; if those Magistrates admitted besides in the ranks of those strange conservators of the peace, every one who offered to support them?

In fine, what would it be if all their manœuvres having failed to overcome the citizens, a military force were called under imaginary pretences, kept near the Hustings in order to impose upon them, and even to finish by

being directed against them and covering the streets with the dead. (1.)

These phenomena are however susceptible of explanation by considering what the passions can do to blind men when engaged in a contest of that nature. But if quietness having succeeded to the tempest and left room for reflexion, and finally the public voice having demanded justice, the Crown Officer were to turn upon those who came before the tribunals to claim justice against the authors of those acts of violence, of the blood spilt on the occasion, and were to rely on the judicial authority to silence them; if he were loudly to proclaim the innocence of those persons previous to a legal investigation of their conduct, and in the mean time were to prefer himself accusations against them before a Grand Jury, not drawn from the body of those who are within the limits of the Sheriff's jurisdiction, but who, against the rules and in contempt of a formal Law, being drawn from one class of men, and from particular localities, would finish by throwing out those accusations, and I will stop here, this picture presents suppositions of a monstrous nature. This is in truth but a feeble sketch of what took place in the capital of a District which in itself contains more than one half of the population of the whole Province.

But whatever may be the gravity of those facts in themselves and considered separately, they acquire a very different importance, if it can be shewn that they merely serve as a garnish to an infinity of others similar and analogous, which have taken place at various antecedent periods, and which are inherent to the system of organisation of the constituted authorities, against the people of the country and that branch of the Legislature which represents it: have not ceased to complain, and of which in fine, that unfortunate event as well as many others are only the result. Therefore does it become necessary to cast an eye over that state of things in order to go on successively to the exposition of some of the facts which are appealed to in support of those complaints, and among which this one will figure in its turn and by that acquire additional prominence.

Exposition of some of the subjects of complaint of the Canadians.

The composition of the Legislative and Executive Councils holds the first rank in the grievances which have become the subject of the petitions from the inhabitants of Canada. They have represented it as the primary cause of all the abuses, and at the same time pointed out among other things as its results, the disorder which exists in the administration of the finances, the numerous and repeated refusals of the Legislative Council relative to objects of known utility, even of urgent necessity, such as those whose object was to provide for the civil expenditure of the Government, whilst the Executive was constantly disposing of the Public Revenue, without any legal authority. In short, the repeated refusals of the Governor himself to communicate to the Assembly the documents it required to enable it to proceed upon the subjects of its deliberations.

(1.) If those expressions appear exaggerated, I will beg to observe that the number of persons who lost their lives by the hands of the Military at Montreal last year, is to its population what two hundred would be in London. It would not be sufficient to double that number if one were to reckon the wounded and those whose clothes were struck with balls. Moreover, it would be less painful in a large City of Europe than in a country like ours. In Lower Canada, the state of society comes nearer to that of a family than in the European societies, especially as they are removed from them; this is sufficient to judge of the more lively, deep, and more general sensation which that event must produce.

They denounce especially the more flagrant acts of violation of their elective franchises and the organisation of an administration of justice, which left them no hope of impartiality in the decisions of the tribunals. They represented that those public functionaries without responsibility, strong in the assurance of impunity, preserved their functions, although their conduct in exercising them, was evidently prejudicial to the interests of the Government.

Leaving aside a great many of their other subjects of complaint, I will content myself with adding that the constant abuses relative to the concession of lands, were among the number of those upon which they appealed to the Justice of the Government, and which will successively become the subject of these observations.

Of the Legislative Council.

The composition of the Legislative Council has become less calculated than ever to encourage the hope of seeing union and harmony exist between that body and the popular branch of the Government. The new appointments ought to have been calculated to diminish that old spirit of opposition which has been constantly remarked in the Council to the views of the Assembly, and they have produced quite the contrary effect. They have increased the number of Members in that body, but that circumstance is only fit to deceive those who would trust to those appearances.

It is true that several men have been placed in the Council upon whom the public had constantly bestowed marks of deserved confidence. They were transferred at once from the House of Assembly to that other branch of the Legislature. It would seem at the same time as if it had been taken to task to render that step useless and more than useless, since a number of persons were admitted into that body at the same time, who were evidently known to share the views of almost all the old Councillors, and consequently such as were opposed to those of the Assembly, some of whom had made vain attempts to obtain the suffrages of their fellow citizens to represent them, whilst others had no claim to them, in short, strangers to the country as well as to its interests, destitute of other qualifications necessary to become the arbiters of the fate of a people by establishing rules of conduct for them.

I need not state that their individual character is not at all in question here, that these observations relate to them as public men only.

I will now point out a few traits which of themselves will shew whether the picture I have drawn is exaggerated.

As I just observed, the country since a number of years has complained of the constancy with which the Council has refused to concur in Bills passed by the Assembly, providing for wants that were urgent and universally felt. It was an evil for which a speedy remedy was required. Neither can the intentions of His Majesty's Government be doubted in that respect. What then can be thought of the new appointments when it is considered that during the last Session of the Provincial Parliament, the Council threw out more Bills of the Assembly than it had done at any former period.

In my observations which accompany my letter of the 17th June last, I remarked that the Bill providing for the expenditure of the Civil Government was of the number, and stated the motives assigned by the Council itself in justification of that proceeding in the address alluded to in those observations. Such facts as those require no commentary. Nothing more is required to see that those new appointments have not had the intended

effect ; that of restoring harmony between those two branches of the Legislature. Independently of other proceedings of that nature, and leaving aside for the moment the consideration of several events, the picture of which will be unfolded hereafter, I deem it proper to dwell here for a moment upon the consideration of that address which of itself offers decisive evidence on that head, at the same time that the facts I have mentioned are already sufficient to account for the resolution adopted by the Assembly, to solicit an alteration in the mode of nomination which at present obtains with regard to Councilors ; to leave the choice to the citizens.

With regard to the demand of the Assembly, it is that of the representatives of a country in which, differently to what it is in Europe, large proprietors form but an extremely feeble proportion of the population, and where real property is almost the only source of fortune which gives importance. It is moreover generally distributed with so much equality, that though the number of electors is very considerable, they almost entirely consist of landed proprietors.

I need not endeavour to show here what a vast field for reflexion this fact presents to the statesman. It is sufficient to ask, if with such a state of things, it is very possible to expect to find the materials necessary to form an aristocracy in the true acceptation of that term and according to the nature of the thing itself ? How establish an intermediate body of Legislators, irremovable for life or hereditary, calculated at the same time to serve as a balance in the Government, and to accelerate the development of the resources of a country, instead of being an obstacle to it ? This was the true point of the question which presented itself for discussion between the two branches of the Legislature.

To return to the address of the Council, I regret being obliged to observe in the first instance, that that Document, which is the work of the members of a body in which the strictest nicety of ideas and calmness of sentiment ought to prevail, is characterised by exaltedness, prejudices of birth and education, and what ought to be incredible, it breathes national hatred against those who represent the great majority of the inhabitants of the Province, upwards of half a million of men, British born subjects like themselves ! It contains against the Assembly, a series of imputations, of accusations which have nothing in them except the bitterness which is remarkable in that production, of assertions, moreover which are more than hazardous since they are contradicted by the facts. In fine, as I have already remarked, they have thought proper to borrow the recrimination of a Public Officer accused by the Assembly, and the insults which he had been guilty of towards it, in order to lavish them themselves upon that branch of the Legislature in which they make it a crime to have rejected a Bill, the effect of which would have been to constitute them judges to decide between it and that same accused individual.

I must now leave aside every other consideration to remark that without in any manner discussing or even approaching the question of the convenience or necessity of an aristocracy, considered in the point of view in which it presented itself, they claim as a matter of right in their favor the privilege of forming an aristocracy of a description which is novel and totally unknown. According to the received notions, it would not depend upon birth nor upon those reminiscences of glory or public gratitude due to the family of those who would compose it, more than the services they had rendered their fellow citizens. In fine, it would not depend upon talents or learning more than upon property, but solely their origin, and what is still more singular, though that origin should be foreign to the country in which it is constituted ! They wish moreover by those means to re-

main indefinitely the representatives of a portion of the citizens who would compose with them a privileged class a separate cast.

Such are the grounds upon which they seriously rely in their demand that no change shall take place in the present mode of appointing the members of that body of which they form part. That is to say, that they claim in the name of that class the power of constantly paralysing at their will the wishes of their fellow citizens ; in other words, of exercising a sovereign power over citizens, of forcing the mass of the people to submission, instead of being the organs of their wishes : and this dissonance so well calculated to throw the seeds of disorder in society, to destroy the springs of its organisation, would according to them, be the best government for Canada.

On so grave a subject, is it necessary seriously to discuss pretensions which deserve no other answer than to be termed ridiculous.

THE EXECUTIVE COUNCIL.

It may be said that the Executive Council has undergone no change calculated in the least to alter the spirit of the body itself. Nevertheless, besides its other attributes, its members are in virtue of their office alone, Judges of the Provincial Court of Appeals, though by far the greater number of them do not profess the Law, and are absolute strangers to its knowledge, over and above which, with the exception of one only, they were all strangers to the country only a few months ago. I do not know if any others have been recently appointed. Add to this, that this is in a Province where the causes which are brought before the Civil Courts, appealable before that tribunal, are decided without the intervention of a Jury. Therefore the Judges of that Court of last resort in the Province, as well as those of the Court below decide both upon the *Law* and *fact* ; besides that in the cases in which a verdict is taken and which are brought before them by writ of error, the Juries which decide them are in the two great Districts of Quebec and Montreal, exclusively drawn from the Towns and Parishes of that name, that is to say, in the one from a portion of the citizens which does not form a seventh, in the other not a tenth of the whole of those qualified to perform those duties. It is sure not necessary to remark how much that state of collision in which the Council is placed in the country, adds to the importance of the considerations which have reference to its composition.

A few traits of the conduct of the Executive during the last Session of the Provincial Parliament, will suffice to judge, if it is possible, that any change can have taken place in the composition of that Council to satisfy that country.

Among the addresses presented by the Assembly to the Governor, there are twenty in particular, by which it prayed for information and Documents relating to subjects of its deliberations, all more or less of public interest, and which have remained without effect, although the answers to many of them were that he would comply with the desire of the Assembly, those Documents were never laid before it ; as to the others he gave a decided refusal.

By one of the first, a statement of the sales of timber on the waste lands of the Crown was asked, others solicited information relative to commutations of tenure in virtue of the 6th Geo. IV. chap. 59, and to the concession of lands in the Province at stated periods. Another was to the effect of obtaining a copy of the petitions of the Lorette Indians, relative to their claims upon a *fief* forming part of the heretofore Jesuits' Estates. It

may be asked upon what grounds did the administration take the resolution of eluding those demands?

It is very different with regard to the Addresses that were attended with a refusal. To one of them relating to matters of finance, to know from what funds it was intended to defray the expences of what the administration of the Country has stiled as the *Civil List*; as the matter was announced by Message, an answer was given which is in reality, nothing but a refusal, tho' less formal than the one that was given to the demand for a statement of the monies arising during the two preceding years, from the sale of timber cut on the waste lands of the Crown, and that of a detailed account of the charges of levying the duties mentioned under the head of *Land fund, &c.* Equally formal were the refusals to the demand for information relative to the recommendation by the Executive of an augmentation of the Members of the Legislative Council; to that for the communications sent to His Excellency with regard to an officer lately dismissed, and for those he had received from him, in relation to his dismissal, &c. Details upon these matters would lead too far, but there are two which I deem it necessary to relate.

For several years previous, the Assembly had presented addresses relative to vacant lots of land, which it and the public saw the advantage of bringing under cultivation, and in particular the lands comprised in the lease of the Forges of St. Maurice, the price of which forms part of the public revenue. It prayed that measures might be adopted on the subject on renewing the lease, which, however, it would appear has been done by the Executive, since its expiration, without any attention being paid to those representations, nor I believe to the formalities previously adhered to. The House prayed communication of the information which might have been received from His Majesty's Government on that subject. It also prayed communication of the document by which the lease had been continued in favour of the lessee. The two Addresses on this subject were attended with a formal refusal, on the ground that that subject was under the *consideration of His Majesty's Government*, as well as the demand made by the lessee for an *extension of his lease*.

Independently of what is strange in the refusal of these communications relative to objects of that nature, what person cannot see in the very grounds of that refusal, the most decisive reasons in support of the demand of the Assembly? It had on several occasions put forth representations against any prolongation of the lease, without annexing the conditions which were necessary for the interests of the government of the Province, and those of His Majesty's Government in particular.

It was certainly before the execution of the deed by which the interests of His Majesty might be sacrificed, that it was important for the Assembly to be informed of the state of the negotiation in which His Majesty's Government was to incur the risk of being induced in error, from not having before it other representations than those of the lessee, whose views and interests must be and are in fact opposed to those of the public. I repeat that facts of that nature need no commentary.

One inevitable consequence of that state of things, is, so far as His Majesty's Ministers are concerned, the constant danger of error relative to subjects upon which the Members or the Colonial Administration have an interest, in obtaining the support of His Majesty's Government and requiring its intervention in their favor, in the dissensions which arise between them and the inhabitants of the Province. It would suffice to bestow some attention upon several of the dispatches sent to Canada since several years, to show how far the

information which is conveyed to it in that respect, must be erroneous.

I might point out a despatch laboriously composed, after having asked the opinion of the officers of the Crown, some years ago, of which certain parts had for their object to elucidate some difficulties which had never arisen in the Province—to decide points which had never been contested by the Assembly; others at times, related to supposed facts, or considered in points of view foreign to the question under discussion. It would be useless to examine whether the facts had been disfigured by prejudice, error or passion—the result is the same, and necessarily unfortunate. It sometimes produces strange contradictions, which I might prove, if it were not evident, as I have just observed, that the thing is inevitable. I must, however, point out a recent fact of that nature.

During the last Session of the Provincial Parliament, the Assembly thought it advisable to yield to the desire of His Majesty's Government, that it should alter the mode constantly adopted of preparing the *Bill to provide for the civil expenditure of the Province*. In order to judge of the remarkable and important nature of that proceeding and those which brought it about, in their relation with the subject of these considerations, it is necessary in the first place to go further back.

Being called upon to provide for the expenditure of the Civil Government, to which Great Britain contributed up to that period, the Assembly had in 1819, for that purpose, passed a Bill providing for the *expenditure of that year*, as it had been required to do at the opening of the Session, and also at the opening of the preceding Session, and sent it to the Council. That Bill specified by *items*, the sum allowed for the several objects for which it provided; the Council rejected the Bill upon the extraordinary pretence that it was unconstitutional, that the Assembly could not enter into details; it pretended in fine, that the sum ought to be voted in *blocco*.

In the ensuing Parliament, the persons who were the organs of the Executive, gave the Assembly to understand that the Council would pass a Bill, which without specifying the sums applicable to each object of expenditure, would confine itself to making an enumeration of them in chapters, for each of which a sum voted in *blocco* would provide. The Assembly passed the Bill in that new form, notwithstanding the oppositions of a great many members who saw in that alteration a compliance more than useless, which would afford a ground for fresh difficulties on the part of the Council, their apprehensions were justified by the event—the Council threw out the Bill.

Fresh Bills providing for the expenditure of the Government were successively passed by the Assembly during the subsequent Session, up to the year 1828, and rejected by the Council.

Nevertheless, during that period of time, that is to say in 1825, the Assembly in the hope of restoring peace, and to avoid all pretence of opposition on the part of the Council, passed a Bill in conformity with its views, merely enumerating all the objects of expenditure for which it intended to provide, and voting in *blocco* at the end of that enumeration, the amount intended to that effect; the Council passed the Bill in that new form, and it was sanctioned.

The difficulties did not the less commence again in the two ensuing years, they were the same as before. It was only in 1828, that the Bill which was passed by the Assembly in the same form as in 1825, was adopted by the other branches of the Legislature and has since continued to be so up to last year.

In the interval that has elapsed since, up to the Session of the present year, the administration whose views had changed, not deeming it expedient to retrace its steps, thought it advisable to request the intervention of His Majesty's Government to induce the Assembly again to adopt that form of Bill which the Council had for many years rejected by reason of that very form itself. In the last Session, the Assembly yielded to that fresh change, it passed in the same form as 1819, a Bill providing for the expenditure of the Civil Government; it was sent to the Council and thrown out.

The reasons assigned by the Council for that proceeding in their address, and which formed the subject of my observations transmitted to the Colonial Office on the 17th June last, are sufficient to shew the extent of knowledge of its authors in point of constitutional law. In the mean time, I must beg to recall to mind a few other traits of older date, calculated to throw some light upon this matter, and exhibit the gradual results of the system of organisation of the Colonial administration.

The offer made in 1810, by the Assembly, to charge itself with defraying the Civil expenditure, was treated by the Colonial Government as an actual revolt against that of Majesty. The acts of oppression which the country was obliged to suffer, in consequence, have caused the name of the *reign of terror* to be given to that dismal period. From the moment His Majesty thought it advisable to acknowledge that offer, the Local administration was incessant in its endeavours to elude both the views of this Government and those of the Assembly, especially the right of the latter, to regulate the expenditure of the monies levied on the people of the country, and at the same time by the most strange subversion of principle, to dispose of it itself without controul.

As I just remarked, during the ten years antecedent to 1828, that of 1825 excepted, no law was passed providing for the Government expenditure. (1.) The Assembly had during two successive years been requested to provide for the expenditure of the year; we have seen here that the Council had rejected the Bill which had been sent up to it; since that, the Governor made a demand which is novel in the colonies, of a *Civil List*; one year of *permanent appropriations*; another of *permanent appropriations during His Majesty's life*. The Assembly refused, but at the same time was passing Bills for the expenditure of the year, which the Council threw out.

Again, the Executive put forth new pretensions to which the Assembly resisted. But finally no Law authorised the Governor to dispose of the public revenue, which he however distributed in a manner and under pretences which varied with the years that gave them birth. It will be conceived that he himself was a mere tool in the hands of the Colonial administration. One can judge from that of the nature of the information conveyed by it to Ministers in justification of that conduct which was its own act.

OF THE INFERIOR DEPARTMENTS.

It becomes almost useless to add that the same anomaly exists in all the inferior departments. The composition of the Councils operates in that respect as a necessary cause. The Colonial administration, in directing the appointment of public officers, must select men disposed to do any thing to forward its views and projects; those are the only means by which they will be

(1.) There was one but only for a small part.

sure of preserving the favors they receive and obtaining fresh ones. (1.)

And in truth have they in general nothing in common with the inhabitants of the country to whom they are for the most part strangers. The same difference of views, the same opposition of sentiments exists. And those are in reality the only materials which the Governor can employ to erect or support the edifice of his administration. It is upon advice taken from that unique source that he is to form his ideas upon a country and upon men to whom he is himself a stranger, and lastly to furnish to His Majesty's Government information upon which Ministers themselves are liable to form their opinions in relation to subjects of discussion which, under such a state of things, must daily arise between the people and their representatives on the one hand, and individuals in authority united together by the bonds of common interest adverse to that of the former on the other, with a certain number of partisans who as they are found in all countries, cherish the authorities of the time being, in the hope of obtaining their favor or support.

We shall see in succession the results which that sort of organisation can produce and has in fact produced, in the new respects which I have pointed out.

No. 6.

Considerations on the new Commission of the Peace.

SIR,

When I sent you the considerations annexed to my letter of the 28th September, I intended afterwards to discuss some of the other matters alluded to in the first. Since that, several pieces of information have successively reached me relative to several of those which the considerations that you have already received refer to. Among the latter, the issuing of a new Commission of the Peace which is alluded to in my letter of the tenth of September, and many of the circumstances which attended it, do not only relate in general to the subjects of the communications in question, they are directly connected with the recent events, the details of which are contained in the second and third parts of this work, which I addressed you with my letters of the 10th and 23rd of last month, and to which the observations relative to that new Commission are naturally a sequel.

Moreover, those proceedings must in the eyes of the Province be of particular importance under present circumstances. Independently of what is striking in them, by carrying back one's attention to similar events of a more remote date, as well as to what took place last year, they have an appearance in the exterior which would induce a belief that they had not been adopted without previous communication with Ministers, and especially that one of the most striking features in that proceeding had obtained their previous sanction.

As far as I am concerned, I believe I can rely upon the correctness of the information I have received, with regard to several of the circumstances, the consideration of which has reference to the proceedings I have just alluded to; it is my duty to reveal so much of it as is calculated to characterise them and to exhibit them in

(1.) A few individuals might be quoted who are an exception to that species of rule. They are scarce and confirm the rule itself. It may also be said that the lot which they have often experienced has not been of a nature to hold out very powerful inducements to those in whom the considerations of duty did not overbalance those which are connected with motives of interest or ambition, to imitate them.

that point of view which will serve to form a judgment upon them. This is what I have endeavoured to do, and I indulge the belief that the considerations which accompany this letter will deserve your attention.

I regret that I should be under the necessity of addressing you these communications, were it merely from their length, and with respect to myself, a labour that can offer nothing agreeable to me. I beg you to remark that what is painful in this double respect does not proceed from any scarcity of materials at my disposal, but from their abundance, and in particular from the difficulty of selecting them so as only to present the facts that are most worthy of your attention, and avoid those whose importance is less essential, or which are consequences to be easily foreseen without its being necessary to point them out in a precise manner.

Without those precautions, every part of this work might produce a volume. I flatter myself that considering the number and variety as well as the gravity of the various objects of those considerations, you will see that I am entitled to the indulgence I claimed; that the form in which I have exhibited them is not too extensive, and that the reflexions they contain naturally flow from the subjects which have called for them.

I think it right to avail myself of this opportunity to recall to your memory the three Bills reserved for the Royal Sanction, which in particular, I have the subject of my letter of the 27th of June last, and which I have since had the honor of mentioning to you, also my offer to afford any explanation in support of those Bills, should any difficulties arise in that respect which I could not foresee, as I shall always be ready to do in relation to all the other subjects of my communications.

I beg you will accept the assurances of the profound respect with which I have the honor to be

Your most obedient and
Humble Servant,

(Signed,) D. B. VIGER.

London Coffee House,
Ludgate Hill, 14th October, 1833.

To the Right Honorable
E. G. STANLEY,

His Majesty's Principal Secretary of
State for the Colonies,
&c. &c. &c.

CONSIDERATIONS, &c.

New Commission of the Peace, erasurement of the names of some of the Magistrates, appointment of the new Magistracy, and other circumstances relative to one of the Magistrates excluded from the new Commission.

Since events of a still more recent date than those mentioned in the previous considerations present themselves in support of the observations which they contain relative to the organisation of the Local administration. The Commission of the Peace which issued under the Government of Sir James Keimpt, has just been set aside and a new one issued. Among other circumstances which go to characterise the system of conduct resulting from that administration, the erasurement of the Montreal Magistrates who were in the old Commission at the period of the Election of last year, the preservation of the names of the others in the new one, the proportion of the number of those Magistrates taken from the respective classes composing the population; in fine, the appointment of the Members of that Magia-

tracy in the different localities of the Province appear to me at this moment to be worthy of serious attention.

As I am driven to conjectures as to the reasons upon which the resolution of issuing a new Commission was adopted, I will abstain from all observation on the subject. Such is not the case with regard to the circumstances which I have just mentioned. They are facts, and the conclusions to be drawn from them admit of as little doubt as those facts themselves.

The names of two Magistrates who had constantly opposed the measures adopted by their brother Magistrates during the Election, are not in that new Commission. With respect to one of them, the motives of that erasurement have not been stated; as to the other it is now known that it was in consequence of a Warrant to apprehend two Military Officers upon depositions taken before him, in consequence of the death of the citizens who were killed on the 21st of May, by the firing of the troops under the command of those Officers.

The fault of that Magistrate, in the eyes of the Executive, consists in having given that Warrant after the Bill of Indictment, which I alluded to in my previous considerations, had been thrown out as has been seen, by the Grand Jury of the Court at Montreal, some time after the catastrophe.

The legality of that order cannot be a subject of examination at this moment. It must be sufficient to observe that that Magistrate did not act of his own accord. He had taken the opinion of an Advocate of distinguished reputation, of known talents in his profession. Those Military gentlemen had not even been made prisoners. The Peace Officer in charge of the Warrant had not even given an account of its execution to that Magistrate. But those against whom it was directed immediately applied to the Judges of the Court of King's Bench at Montreal to be discharged. The Advocate whom I have just alluded to, and one of his brother Advocates, came themselves before the Judges to defend the proceedings of that Magistrate. The Crown Officer formally opposed their request to be heard, upon the pretence which I have so often been under the necessity of mentioning, that he alone had a right to interfere in proceedings relative to indictments, and on that occasion also the Judges yielded to that opinion! He went still further, in seconding the demand of the accused to be discharged at once. No discussion took place. All that the Advocates on the other side were able to obtain, was the liberty of quoting authorities, without observations or commentary, without being permitted to enter into the consideration of any of the circumstances relative to that affair or even to the proceedings of the Coroner subsequent to an inquest which was of no avail, since the Jury which he had summoned after the catastrophe had given no verdict. The authorities themselves which were quoted cannot have been the subject of examination by the Judges in their chamber, since they gave their decision without moving, and immediately ordered the accused to be discharged unconditionally.

The conduct of the Crown Officers at that juncture is remarkable in more than one respect. In claiming and exercising that species of monopoly with regard to Criminal prosecutions, it is astonishing that they should openly have taken a part in favor of the accused. The most they could have done would have been to have remained neutral, as it appears to me. Parties under accusation consult their Advocates as well as private prosecutors. The opposite parties would then at least have been before the Court on a footing of equality. In openly pronouncing themselves in favor of the parties accused, they placed on their side of the balance the whole weight of the influence and importance attached to the functions of

the Crown Officers, and at the same time deprived those who came forward to support the proceedings of the Magistrate of all the means of shewing their legality. Such conduct is the more worthy of attention in as much as with the exception of a recent occasion, and under some other extraordinary circumstances mentioned in some of my previous communications, (1.) the Crown Officers in the Province, have so far been in the constant practice of representing the Magistrates before the Courts, and taking up their defence whenever similar or analogous occasions have offered.

Independently of every other consideration, if it was an error on the part of that Magistrate, it was far from being one of so gross a nature as to be absolutely inexcusable, or as not to appear entirely free from all suspicion of corruption. If it was an error, none could be more worthy of indulgence than it. He omitted none of those precautions which prudence suggested under these circumstances. Neither could he take a wiser precaution than to consult an enlightened Counsel. After receiving his advice, it necessarily became in his eyes an imperative obligation to deliver the Warrant in question; a violation of duty to refuse it: besides that no danger could result from it, and that hardly any personal inconvenience was felt by those whom that proceeding related to. How then could it be made the ground for striking his name from the Commission?

A few subjects of consideration of a very different importance now present themselves in that respect. That Magistrate was required to give an explanation of his conduct on that occasion. He gave it in such a manner as to show the force of these observations. It was after that explanation was given that the new Commission issued which excludes him.

I do not believe I am mistaken in stating that the names of all the other Montreal Magistrates who were in the old Commission, are in the new one, with the exception of another who is a member the Legislative Council, and a Sheriff of the District. It is easily seen that his name was not taken out as a punishment for his conduct, nor by way of censuring it. We find in the new Commission the name in particular of the Magistrate, who on the 21st May last, gave the Commanding Officer of the Garrison of Montreal, the repeated assurance that the Civil Authorities had received the most positive information of a project to fire the Town, in order to overcome the Troops. That alleged information involved the allegation of a fact which it must have been easy to establish. Let it be observed with regard to this matter, that all the Documents relative to that catastrophe, and communicated to the Assembly, have been transmitted to His Majesty's Government: (2) It does not appear that any explanation has been given by that Magistrate relative to that information. The time to do so was certainly immediately after the catastrophe. It was moreover his duty to do so, in giving an account of what had taken place on that occasion, as he was directed to do by his brother Magistrates.

The assurance with which he expressed himself with respect to that information, not only had the greatest influence in relation to that catastrophe; the danger which was supposed to exist for the property of the citizens and for the troops themselves, served as the ground for all those measures of precaution, which were more than insulting to the inhabitants of Montreal, and which were adopted by that officer in order

to preserve the Town from that imaginary danger.— That explanation was never given—it is not to be found among the Documents.

It was upon the assertion of another of those Magistrates, that *the mob was massacring a man, and attacking the houses*, it was on the pretence of *preserving the lives and property of the citizens*, that the Troops were ordered to march, and finally to fire upon the people; neither does it appear to have been advisable to request that Magistrate to give an explanation of his conduct on that occasion; we have seen that his deposition is not even among the Documents communicated to the Assembly and transmitted to His Majesty's Government.

In short, those of the Magistrates who assembled on the twentieth of May, the day before the catastrophe, had adopted the resolution of requiring the armed force, whose assistance nobody required; they had not before them the slightest information calculated to shew the necessity of such a proceeding; they did not even take the trouble of procuring any on that day nor the day following, previous to requiring the Commanding Officer to march his Troops, and fire upon the citizens; they afterwards attempted in vain to obtain depositions in support of that measure. It was especially after blood had been spilt, that the necessity of requiring that explanation from them ought to have appeared pressing and imperative; that they ought themselves to have felt the necessity of affording it in a clear and precise manner; none was required from them, neither did they trouble themselves with affording any, more than it had occurred to them to consider beforehand, if circumstances required the death of the victims whose sacrifice was preparing; and their names are in the new Commission! And upon what grounds have the two Magistrates who opposed that conduct deserved to be excluded from it?

The choice which has been made of Magistrates, among two classes of inhabitants in the Province with regard to the number of each, and the manner in which the appointments have been distributed in the different localities, in proportion to their respective population, are also worthy of attention. The number of Magistrates named among the old inhabitants of the country and those who have come in it from elsewhere, is absolutely in inverse ratio to the number of each, to the prejudice of the body of the people. This disparity is also more strongly marked by the equally strange manner in which the appointment of Magistrates has been distributed in the different localities of the Province.

In a great many places, that of Magistrate is in inverse ratio to their respective population. They exist in several places, especially in a proportion, which, like many other traits exemplified in my previous considerations, would furnish materials for a satire of a burlesque character; did not the circumstances render it the subject of serious reflexion. Some of those places for example, where the settlements are old, and whose population has for a long time amounted to between one and four or five thousand inhabitants, have only one Magistrate or none at all, whilst other localities, which have been settled only a few years since, and in which the inhabitants who come from other parts to settle in the country amount only to a few hundred, have one or two and sometimes three. How can these anomalies be explained?

In increasing the number of Justices of the Peace in those recent establishments, the object cannot assuredly have been to submit their inhabitants to the action of a more rigorous or active superintendance than those who are born in the country. Could it be as a symbol of

(1.) Observations upon a letter from J. Stuart, Esquire, to Lord Goderich.

(2.) Governor's Message to the Assembly of the 18th March, 1833.

pre-eminence, of that superiority of origin, claimed by those who represent themselves as their organ?

Neither must the opposite course which was followed with regard to other parts be considered as a homage paid to the virtues of the Canadians, to their habits of respect and submission to the Laws, which rendered useless in the eyes of the Executive, as far as they were concerned, those precautions which were deemed necessary elsewhere for the suppression or prevention of disorder.—Can it have originated in a desire to affix beforehand the stamp of inferiority, which the majority of the Council and a portion of the citizens of Quebec have this year so loudly pretended to assign to the Canadians in the country which gave them birth? I must say at least that neither one or the other deserved that outrage more than they were entitled to that exceeding honour.

I think it right at present to leave aside several traits of conduct of the same description; the statement of these is sufficient to enable one to judge of what the details would present. What man of learning, the fruit of study and experience, can be ignorant of the fruitfulness of error and injustice? I will confine myself to observing that the connexion between those proceedings and the acts of violence of last year, cannot escape attention, at the same time that they are an unhappy imitation of those which the country reproaches to previous administrations, the turbulent character of which has left such deep traces. What can the people see in this but illusions without consequence? How can they be convinced that those whose ascendancy in the government of the Province can bring forth results of that nature, are imbued with sentiments corresponding in elevation with the rank they occupy? that they are strangers to national prejudices and hatred, the necessary appendages of domineering pretensions?

As the conduct of the Magistrates which I have just now particularly alluded to, appears to have been the subject of some communications on the part of the Executive of the Province with the Secretary of State, it now becomes my duty, before quitting this subject, to acquaint you with some other circumstances, the consideration of which has reference to that of the omission of his name in the Commission of the Peace; also with another subject of complaint which was put forth against him, and which appears to have been since abandoned, and something as to what took place before the Judges, subsequent to the Warrants he issued for the arrest of the Military.

Whilst the latter were applying to the Judges for their discharge, the Clerk of the Crown informed that Magistrate in a letter that *the Judges of the Court of King's Bench required him to lay before them the depositions he might have in his possession upon which he had given the Warrant in question.* (1.) The Magistrate who was not even informed of the proceedings adopted relative to the accused, answered that they had not been brought before them, that he was only waiting until the Warrant should be executed, to put the Judges in possession of the depositions and of all other information he might have received in the further discharge of his duty. And this is all it amounts to.

But since that, in an official communication from the high authorities, that proceeding on the part of the Magistrate has been qualified, as a *refusal to obey the demand to produce the information* upon which he had given that Warrant, and it is in that respect that an explanation of his conduct was required from him, (2.) and he gave them the one I have alluded to.

(1.) Letter of the 15th September, 1832.

(2.) Letter of the Civil Secretary to the Governor, of the 17th January, 1833.

Those are matters which are certainly worthy of remark; what follows is equally so.

We have already seen that the accused were discharged. Whilst they were before the Judges, the Solicitor General on the one hand, said openly that the proceedings of the Magistrate could not be justified, that the innocence of the accused was established by the declaration of the Grand Jury; he mentioned those who had lost their lives on that occasion, as men whose crime had been established; and it was when the Counsel who represented the private accuser attempted to address the Court that he found means to reduce them to silence. On the other hand, the King's Counsel, with the same degree of confidence, put forth the opinion that that Magistrate was, in virtue of the dispositions of a Provincial Ordinance, liable to a penalty of £500, for having given that Warrant. That opinion is as untenable as the idea that the letter from the Clerk of the Crown was an order which it was a crime in that Magistrate not blindly to submit to.

It is added that one of the Judges appeared to be of the same opinion as the Counsel; it was under those circumstances that the Counsel of the private prosecutors were prevented from speaking.

I will again leave aside the details, I will content myself with observing that the Public Officers who thus take a part in public discussions, are those from whom the Governor, a stranger to the country, must receive information and take advice, in relation to those very subjects of discussion which may be again referred to him for information and advice to His Majesty's Government. I entrust the rest to the reflexions which grow out of the subject.

No. 7.

Downing Street,
15th February, 1833.

MY LORD,

I have received Your Lordship's Despatch, No. 101, dated the 1st December last, enclosing a series of resolutions passed by the House of Assembly on the subject of a despatch which I addressed to Your Lordship on the 25th January, 1832, respecting the case of Mr. Christie. These resolutions state that the House of Assembly duly appreciates His Majesty's acknowledgement of the right of all his subjects to such assistance as he can afford for the redress of any grievances under which they labour, but that the House has seen, with regret, that His Majesty has been advised to act upon his gracious intention in this respect in a case where the privileges of the Assembly are concerned. The resolutions further state that in expelling Mr. Christie, the House exercised a privilege frequently exercised by the House of Commons, and by representative bodies in the Colonies—that the House is the sole judge of the cases in which it ought to exercise this privilege—that the resolutions transmitted with Your Lordship's Message, and purporting to be resolutions of Freeholders and Electors of the county of Gaspé are false, scandalous and malicious—finally that these resolutions passed in the county of Gaspé, and the letter from Mr. Christie by which they were accompanied, should be expunged from the Journals of the Assembly. With respect to that resolution which expresses the regret of the House that, in a case where the privileges of the Assembly are concerned, His Majesty had been advised to act upon His Gracious intention to acknowledge, the right of all his subjects to such assistance as he can afford, for the redress of any grievances under which the labour, I have to assure

Your Lordship that I shall always feel concerned in being informed that the Assembly regrets any step which His Majesty may be advised to adopt respecting the affairs of Lower Canada. On the present occasion, however, I must observe that unless it had been thought proper to recommend the total suppression of a petition from one of his subjects, His Majesty could scarcely have been advised to pursue any other course than to refer the alleged grievance to the body by which it was said to have been inflicted, in order that if unfounded, it might be declared to be so—if well founded, it might be redressed. In this single observation is comprised the whole of what I have to remark to your Lordship on that part of the resolutions, which regards the propriety of having communicated to the Assembly Mr. Christie's petition.

But I will not conceal the general regret with which I have received the resolutions of the Assembly on this subject. When I addressed to Your Lordship my despatch No. 74, of the 26th January, 1832, I could not but suppose that there was some erroneous statement in the case of Mr. Christie as represented by himself. I could not until the Assembly had considered his representations, and had supplied such information on them as it might seem meet to convey to His Majesty, assume that the House had pursued a course which certainly did to my apprehension appear opposed to principles solemnly recognized by the Parliament in this country. Now, however, I learn that the Assembly distinctly asserts its right to expel one of its members, on no other ground than that on which he was expelled by a former Assembly. A former House having expelled Mr. Christie, the present House in three successive Sessions renewed the expulsion without the assignment of any new cause; and finally, has declared that this proceeding is the exercise of an unquestionable privilege belonging to the Assembly. According to this doctrine Mr. Christie can never be admitted to the House, the ground of exclusion being always the same, there will be no reason why he should be admitted on the occasion of his next Election more than on any previous occasion; and the Assembly if it act consistently must continue to expel Mr. Christie as long as his constituents shall continue to return him. If to pursue such a course be one of the privileges of the House of Assembly, the House is possessed of a privilege not merely to expel a Member for any one Session, but virtually to declare him disqualified for life, and to disfranchise, until one party or the other shall abandon the contest, the body of Electors by which the same Member is continually selected.

The resolutions state that in expelling Mr. Christie, the House exercised a privilege frequently exercised by the House of Commons. I am not aware how this opinion is reconciled with the principle established by the resolutions on Mr. Wilkes' case, passed by the House of Commons on the 3d May, 1782.

The decision there recorded appears to me sufficiently explanatory of the doctrine adopted by the House of Commons for its own guidance on the great constitutional question which is now raised by the Assembly of Lower Canada. But it is said that the occasion of the original expulsion makes a difference, and that if the offence be flagrant, then a repeated expulsion on the same ground is justifiable. I cannot admit that this proposition is consistent with the doctrine to be drawn from Mr. Wilkes' case. The principle established in that case appears to me to be plainly and beyond all controversy this, that the House of Commons is the judge whether the offence committed by a Member is a sufficient ground to disqualify him from sitting after the occurrence of an opportunity for a new Election. When the House of Commons acknowledged the existence of

error in its previous proceedings on Mr. Wilkes' Elections, and by the precedent established in its resolutions on that subject disclaimed, for the future, the power of rendering an individual permanently incapable of sitting in Parliament, no condition respecting the nature of the original offence was implied. Had the power of repeated expulsion not been totally disclaimed, but only been implied to be conditional upon the gravity of the first offence, it would in fact have received no effectual limit at all. For under the most violent proceedings against any individual Member, it could not be denied that the House signified by those very acts its own opinion that the offence justified the visitation. The truth is, that the House of Commons has, by its own decision, excluded all questions respecting the occasion of the first expulsion. In times of political excitements those who are subject to its influence will probably always believe the particular occasion in which they are interested to be one of special importance and peculiar character, and it is not to the judgment of parties in such moments of agitation, that the rights of Electors have been left in this country. If the original ground of expulsion be really flagrant, it is to be hoped that the good sense of the Electors themselves, whether in Great Britain or in Canada, will afford the best security that the expelled Member will not again find a seat among the Representatives of the people.

In the preceding observations I would by no means be understood as questioning the constitutional right of the House of Assembly to be the sole judge of its own privileges. I quite admit that the Assembly of Lower Canada, in like manner as the House of Commons in this country, is alone competent to determine its own privileges—and that if it resolve to expel a Member on any ground whatsoever the resolution is irreversible, except by the Assembly itself. In all free states, the supreme Legislative Chambers are unavoidably entrusted with power to which there is no strictly assigned limit, not indeed because the abuse of those powers is impossible, but because there do not exist in such states, any higher authorities to which the control of the Legislative Bodies can be committed. I cannot too clearly express to Your Lordship my entire acknowledgement that it is not for the Executive Government to interfere with such privileges. The exercise of the high but irresponsible powers of this nature, with which the Imperial Parliament and the General Assemblies in the British Colonies are entrusted for the common good, is always watched by the public at large with a careful scrutiny, and it is only in the public opinion, thus formed, and in their own sense of justice, that there can be any control over those exalted bodies which the Law exempts from all direct interference with their proceedings.

Considering therefore the undeniable right of the Assembly to follow whatever course it may deem meet respecting Mr. Christie, it would neither be decorous nor conducive to any useful purpose that the Government should enter into a discussion on the subject. His Majesty has fulfilled the task that he deemed incumbent on him, by referring the alleged grievance of a Petitioner to the body by which it could most appropriately be examined, and if found just be redressed. That body has decided that there is no grievance. His Majesty's Government has not any power to alter nor consequently any obligation to question this decision. Being of opinion, therefore, that it is not fitting to originate any new communication to the Assembly on the subject. I do not instruct Your Lordship to transmit by Message the present despatch; neither, however, do I instruct you to withhold it, if the Assembly shall apply to you for copies of any communications received respecting the resolutions passed on the 30th November last. There is nothing in the observations I have made which I wish to conceal; and

I have deemed it my duty to acquaint you explicitly with my sentiments respecting an affair which is so important to the inhabitants of Lower Canada, and on which altho' it is not a proper subject for further discussion with the Assembly, the Members of His Majesty's Government are liable at any time to be called upon by a Petition from the inhabitants of Gaspé, to declare their opinion in their places in Parliament, I should have been guilty of an omission not to have acquainted your Lordship with the grounds on which, should I be thus called upon in Parliament, I should feel bound to state my opinion, that the Electors of Gaspé have been placed under an inconvenience to which no Body of Electors in this Kingdom could be subjected.

I have the honor to be,
My Lord,
Your Lordship's
Most Obedient Servant,
(Signed,) GODERICH.

No. 8.

Sir,

The number and diversity of objects to which I have been obliged since some time to give my attention, have put out of my power sooner to send you the copy of several letters hereunto annexed. They form a portion of my correspondence with the Colonial Office, relative to matters upon which I have laid before the Secretary of State, observations which have already been communicated to the Assembly. It was of a more pressing interest to acquaint it with the latter than with those portions of my correspondence which I now address you. With regard to these no inconvenience could result from delay.

I beg Sir, that you will beg the House of Assembly and yourself to accept the assurances of the profound respect with which I have the honor to be,

Your most obedient and
Humble Servant,
D. B. VIGER,

Lodon, 6th April, 1833.

To the Honorable

L. J. PAPINEAU,
Speaker of the House of
Assembly of Lower Canada,
&c. &c. &c.
Montreal.

MY LORD,

The contents of the Despatch which Your Lordship has been pleased to communicate to me on the 2nd inst. appear to me to suppose in the Assembly views different from those by which it was governed in relation to Mr. Christie. As my silence might possibly be construed into an assent in this respect, I have thought that Your Lordship would be willing to receive a few remarks calculated to throw some light on this subject.

It is not opinions and sentiments put forth by Mr. Christie in writings, to be condemned on account of their immorality, or by reason even of flagrant insults towards the Assembly, which have served as a motive for his expulsion on this occasion.—It is facts which I shall leave to others to qualify by their proper epithet, and which are not susceptible of diversity in the inferences to be drawn from the facts themselves.

Being a servant of the Assembly of which he was one of the first Officers—an elected Representative besides—the head of the Magistracy in Quebec, in quality of President of the Quarter Sessions, he successively made use of the credit and influence attached to those important offices, to cause his confederates who were at the time Members of the Assembly, to be deprived of their Commissions as Justices of the Peace, on account of their opinions in the House.

It is not necessary for me to say, that this is a double betrayal of the confidence of that Body, and of many of its Members in particular—of his fellow Magistrates, and of the Governor himself, whom he induced to adopt that measure.—That these proceedings tended to destroy the freedom of debate in the Assembly—to annihilate its independence—to enslave it—to burst all the bonds of union—to terminate all communication between this branch and the Executive branch of the Government—in fine, to throw the country into anarchy.

Such was the description of facts with which the accused was charged. There was nothing complicated in them. They were simple, clear, precise as was also the proof which supported them. It was never attempted to deny them, nor even to explain them, in order to diminish their gravity. Those were the motives for the first expulsion of Mr. Christie after he had been fully heard.

I must now add that the situation in which they have placed him in relation to the House of Assembly, has never experienced any alteration, and that it is exactly to-day the same as it was at the date of the first expulsion.

It is then I think evident that his re-expulsions have been grounded on the respect which the Assembly owed to itself, dictated by feelings of honour, that they were the consequence of the necessity that existed to watch over and provide for its own preservation, rules of conduct which it could not more dispense with than any other body, nation, society as well as individuals, who cannot be forced to submit to dishonour, or to expose their own existence to any danger by fostering in their bosom, or leaving entirely free among themselves a man who, after having laboured for their destruction, does not even take the trouble to deny the intention, or the facts which prove it.

From these data, it is easy to see what opinion ought to be formed of the tender interest with which a certain number of individuals have thought it their duty to raise their voices in favor of the person expelled, and to complain as being an infraction of their rights of decisions which could have no other design, or object than assuring their preservation.

Details would be of no use except to serve as relief to some of those features of the case which I have just sketched relative to a question which is at present under discussion.

I dare hope that this simple statement will cause Your Lordship to appreciate the motive of the offers which I made on the 30th February to give some explanations on this subject, and which I requested Lord Howick in my letter of the 4th of this month, to recall to Your Lordship's recollection, as likewise the observation that the facts could not have been presented to Your Lordship altogether, nor placed in an exact point of view.

I have the honor, &c.

D. B. VIGER.

London Coffee House, &c.

9th March, 1833.

To LORD VISCOUNT GODERICH,
&c. &c. &c.

