

1127

THE CANADAS.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 24th April 1837;—for,

COPIES of the REPORT of the HOUSE of ASSEMBLY of *Upper Canada*, to whom was referred the Letter from Mr. Speaker *Papineau* to Mr. Speaker *Bidwell*, enclosing Copies of certain Resolutions adopted by the House of Assembly of *Lower Canada* during their Session of 1835-6; and also a Copy of the ADDRESS of the ASSEMBLY of *Upper Canada* to His MAJESTY, adopting this Report;

Of the ADDRESS to His MAJESTY from the LEGISLATIVE COUNCIL and ASSEMBLY of *Upper Canada*, praying that steps may be taken for procuring the co-operation of the Legislature of *Lower Canada* in the Improvement of the Navigation of the *St. Lawrence*; and,

Of the ADDRESS to His MAJESTY from the HOUSE of ASSEMBLY of *Upper Canada*, praying for the Annexation of *Montreal* to that Province.

Colonial Office, Downing-street, }
3 May 1837.

G. GREY.

SCHEDULE.

- No. 1.—Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg, dated Upper Canada, Toronto, 4 March 1837 (three enclosures) - - - - - p. 1
- No. 2.—Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg, dated Upper Canada, Toronto, 4 March 1837 (two enclosures) - - - - - p. 7
- No. 3.—Copy of a Despatch from Sir F. B. Head, K.C.H. to Lord Glenelg, dated Upper Canada, Toronto, 4 March 1837 (two enclosures) - - - - - p. 8

— No. 1. —

My Lord,

Upper Canada, Toronto,
4 March 1837.

I HAVE the honour to transmit to your Lordship, in compliance with the request of the House of Assembly, to be laid at the foot of the Throne, the accompanying Address to The King from that House, together with a printed copy of the Report of a Select Committee of the Assembly, relative to a letter and resolutions of the Assembly of Lower Canada, forwarded by Mr. Speaker *Papineau* to the Speaker of the last House of Assembly of this province during its last session.

I have, &c.

The Lord Glenelg.

(signed) *F. B. Head.*

Enclosures in No. 1.

(No. 1.)

To His Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, beg leave to acquaint your Excellency that we have passed

2 THE CANADAS :—PAPERS RESPECTING DISCUSSIONS

an Address to His Majesty on the subject of certain resolutions received from the Speaker of the House of Assembly of Lower Canada, by the late House of Assembly of this province at its last session, and humbly request that your Excellency will be pleased to transmit the same to His Majesty's principal Secretary of State for the Colonies, together with a copy of the Report of the Select Committee of this House, to which was referred the letter of L. J. Papineau, Esq., Speaker of the House of Assembly of Lower Canada, to be laid at the foot of the Throne.

Commons House of Assembly,
3 March 1837.

(signed) Arch^d M^cLean, Speaker.

(No. 2.)

To The KING's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to acquaint your Majesty, that, during the last session of the Legislature, certain resolutions which had been adopted by the House of Assembly of Lower Canada were transmitted to the Assembly of this province, accompanied by a letter from the Speaker of that House, soliciting the concurrence of this House therein.

After a careful examination of those resolutions, and an investigation of the principles they involve, we have deliberately adopted the Report which we beg leave to transmit herewith; and we also feel it our bounden duty to disavow the sentiments contained in those resolutions, and to assure your Majesty, that we earnestly deprecate any departure from the principles of our Constitution, or the adoption of any course of policy calculated to weaken the ties which attach this colony to the British empire.

Commons House of Assembly,
3 March 1837.

(signed) Arch^d M^cLean, Speaker.

(No. 3.)

To the Honourable House of Assembly.

Your Committee, to whom was referred that part of the Journals of last Session containing the Letter of the Speaker of the House of Assembly of Lower Canada, with certain Resolutions of that House accompanying the same,

Beg leave to submit the following Report :

THE subject to which the attention of your Committee has been directed can be most conveniently treated under two distinct heads:

- First—The resolutions of the Honourable the House of Assembly of Lower Canada.
Second—The letter of Mr. Speaker Papineau.

Those resolutions, it seems, were adopted by the House of Assembly of the Lower Province in February last, and apparently with the expectation and hope that similar views were taken, and a co-operation for similar purposes might be obtained, in the sister colonies of North America, but more especially in this province.

The first of these resolutions declares, "That this House, in its exertions to procure a redress of the various grievances under which the people of this province labour, and to introduce a good and responsible system of local government, have, in addition to the other weighty and substantial reasons by which it has been guided, been greatly encouraged by the hope and expectation that any amelioration in the political institutions of the colony would be followed of right by similar advantages to our brethren inhabiting the sister provinces of British North America."

The introduction of what is termed "a good and responsible system of local government," and the extension of "similar advantages" to other colonies, are the main points of this resolution. With regard to the former, your committee are at least able to form a conclusive opinion of the form of government which is to be set aside in favour of some other, which the Assembly of Lower Canada style "good and responsible;" since the Constitutional Charter of the two colonies is identical, and although the laws relating to civil rights and property differ (and that difference can be no cause of complaint for the Assembly of Lower Canada), the machinery of the local government and the general principles of its administration are the same in both provinces.

By the Treaty of Paris in 1763, Canada, with its dependencies, (then in the possession of Great Britain by conquest,) was ceded to His Majesty George the Third, who, by that treaty, guaranteed to the Canadians the liberty of the Catholic religion, and also permission to any of them who were desirous to do so, to sell their property, and emigrate at any

The resolutions adopted with the expectation of similar views in the sister provinces.

This expectation expressed in the first resolution.

It is evident to this committee what form of government was to be set aside in favour of the new one recommended.

Machinery of government the same in both provinces, although in some respects the laws differ.

Liberty of the Catholic religion guaranteed to Lower Canada by the treaty of Paris in 1763.

time within 18 months from the ratification of that treaty. The population at that time did not exceed 70,000. The great acquisition of territory in North America which Great Britain gained, rendered the creation of additional colonial governments necessary for these newly conquered countries; and at the same time, with a view of encouraging settlers in them, lands were offered to officers and men who had served in the late war. In the proclamation of 7th October 1763, provision was made for the civil government, which was entrusted in each colony to a governor and council, who had power to erect courts of judicature to determine in all cases, civil or criminal, according to law and equity, as near as might be in conformity to the laws of England, giving an appeal to the Privy Council. The government of the province of Quebec was thus administered until the year 1774, when the statute 14 Geo. 3 was passed. The inhabitants at that time amounted to about 90,000, the principal part of whom were of French extraction. The objects of that law appear to have been to provide a council for all the affairs of the province, except taxation, in which council the French Canadians were eligible to a seat; to establish the French laws, and trial according thereto in civil cases, and the English laws, with trial by jury, in criminal; to secure to the Roman-catholic clergy (with certain exceptions) their estates; as well as tithes from those of their own persuasion. A most cursory examination of the details of this Act cannot fail to lead to the conclusion that it was passed with an earnest desire to give to the French Canadians the free enjoyment of those laws to which they had been accustomed; to secure to them the full exercise of their religion as it had existed prior to the conquest; and to extend to them the right of being members of the council appointed to advise the governor in the conduct of their local affairs: it was an Act, in short, full of benefits and privileges for those newly acquired subjects of the Crown; and it was complained against at the time of its passing, as depriving those persons of British origin who had or might thereafter become inhabitants of Canada of the (to them) highly valued privilege of trial by jury in all cases civil or criminal. Between this period and the passing of the Act of 1791, a change gradually took place in the population of the province of Quebec: British capitalists became engaged in its commerce; British emigrants began to settle on its uncultivated lands; while numbers of those whose unconquerable loyalty had kept them faithful to the British Crown during all the vicissitudes of the American revolutionary war, were induced to emigrate to that province as a refuge, where they might enjoy that government and those rights which they had sacrificed all to sustain. Each of these classes of persons was strongly attached by habit and principle to the laws and constitution of the mother country; and indeed different proclamations had from time to time promised, more particularly to the U. E. Loyalists, that in Canada they should still enjoy the benefit of that constitution to which they were so warmly attached. Pledged, however, as the faith of the government was, and bound by every consideration to fulfil the just expectation of such settlers, the interests of the French Canadians were not overlooked; and with a view to do justice to the former classes without infringing on anything that had been granted or promised to the latter, the province of Quebec was divided into Upper and Lower Canada. The Act of 1791, the Constitutional Charter of these provinces, was passed, by which, in addition to the advantages already secured to the French Canadians, they had power further conferred upon them to provide for the establishment of such laws, for their own peace, welfare and good government, as they should consider most advisable. In granting this legislative authority there was a power of revision, however, reserved to the Crown; to prevent any particular measure injurious to the public welfare being inconsiderately adopted. The degree of independence necessary for the freedom and prosperity of the people of both provinces was unreservedly granted, while the connexion with Great Britain was secured, the King himself being one of the branches of the legislature of each province, and thereby ample security was afforded for the prosperity and safety of the provinces and of the whole empire.

That such a constitution ought to have been considered a boon by any people, and more especially by one who, prior to the cession to Great Britain, appears not to have had the smallest share in self-government, can scarcely be questioned; and your committee could scarcely have supposed that the desire expressed in the first resolution to introduce "a good and responsible system of local government," could have originated in any other cause than that the Constitutional Charter had not been carried into effect: a reference to the second resolution, however, dispels this doubt, and shows what are "the grievances" complained of, and what is understood by the terms "a good and responsible system of local government;" and your committee defer remarking upon the "similar advantages" which this province might expect to gain from the attainment of their objects by the House of Assembly of Lower Canada, until they have examined what these objects are.

These are stated in the second resolution to be:

"To render the Executive Council directly responsible to the representatives of the people, in conformity with the principles and practice of the British Constitution, as they obtain in the United Kingdom.

"To extend the principle of election to the Legislative Council, which branch of the provincial legislature has hitherto proved, by reason of its independence of the people, and of its imperfect and vicious constitution, insufficient to perform the functions for which it was designed.

"To place under the constitutional and salutary control of this House the whole of the revenues levied in this province, from whatever source arising.

Population at that time about 70,000. Increase of territory rendered additional governments necessary. U. E. Loyalists invited to settle in the different provinces.

Government of the province of Québec till 1774.

Number of Inhabitants about 90,000. Statute 14th Geo. 3 passed.

Object of that statute. Passed with a view to give to the French Canadians the enjoyment of their laws, the free exercise of their religion, &c., and the right to seats in the Governor's Council.

Act complained of at the time, as being inimical to British feelings.

Between that period and 1791, British emigrants began to arrive, and loyalists who had suffered during the American revolution.

Proclamations had been issued, that in Canada they should enjoy the constitution to which they were attached.

To redeem the pledge given to each party, the province of Quebec was divided into Upper and Lower Canada.

1791. Constitutional Act passed, conferring the further privilege of making their own laws, subject to revision in certain cases.

Constitution formed on the model of that of the mother country.

This constitution should have been considered a boon by the French Canadians.

A reference to the second resolution shows the real object of the Assembly of Lower Canada to be,

To render the Executive Council responsible to the people.

That the Legislative Council shall be elective.

Revenues of the province to be under the control of the Legislature.

4 THE CANADAS.—PAPERS RESPECTING DISCUSSIONS

To abolish pluralities.

“To abolish pluralities, or the cumulation in one person of several or incompatible offices.

To procure the repeal of certain Acts of the Imperial Parliament.

“To procure the repeal of certain statutes passed by the Imperial Parliament, in which the people of this province are not and cannot be represented, which Acts are an infringement of the rights and privileges of the Legislature of this colony, and are injurious to the interests of the people thereof.

To obtain wholesome and necessary control over the internal affairs of this province.

“To obtain over the internal affairs of this province, and over the management and settlement of the wild lands thereof, (for the advantage and benefit of all classes of His Majesty's subjects therein without distinction,) that wholesome and necessary control which springs from the principles of the constitution itself, and of right belongs to the Legislature, and more particularly to this House as the representatives of the people.

Benefits of these reforms.

“Which reforms are specially calculated to promote the happiness of His Majesty's subjects in this province, to draw more close the ties which attach the colony to the British empire, and can in no way prejudice or injure the interests of any of the sister provinces.”

Committee confine their remarks to the leading topics of the Executive and Legislative Councils.

To examine into every one of these “reforms” would extend this Report to a most inconvenient length, and your committee have therefore judged it better to confine their attention to the two leading topics of the Executive and Legislative Councils, because in them is to be found ample reason why, in the opinion of your committee, the people of this province ought not, through their representatives, and would not in their individual capacity co-operate in furthering the views expressed in this resolution.

The late general election decisive of public opinion, with respect to the Executive Council.

The question regarding the Executive Council it is perhaps unnecessary to discuss. Never was the public opinion more clearly, more emphatically expressed, than on that very subject at the late general election. A large majority of your honourable House was, as your committee firmly believe, returned as advocating principles and opinions diametrically opposed to those contained in this second resolution. Your committee, however, cannot let pass the opportunity of expressing their opinion, that the Governor, Lieutenant-governor, or person administering the government of this province, is entrusted with the exercise of the royal prerogative within the same, and that he (and not the Executive Council) is constitutionally responsible, as well to the Sovereign as to the people of this province, for the impartial and upright performance of the duties of his office; a responsibility essential to the preservation of the rights and liberties of His Majesty's subjects in Upper Canada, and which it is the imperative duty of their representatives to maintain and enforce, and not to suffer that responsibility, so far as depends on them, to be weakened or destroyed, by transferring the whole or any portion of it to other parties; and that any attempt to transfer to the Executive Council this responsibility, and as a necessary consequence the power and patronage vested by law in the person administering the government, is in derogation of the Constitutional Charter, and would be dangerous to the liberties of the people, injurious to the stability of our social and political institutions, and utterly destructive of the ties which attach this colony to the British empire.

Opinion of the committee on that subject. His Majesty's representative alone responsible to His Majesty and the people;

and cannot transfer that responsibility without violation of the Constitutional Charter.

Composition of the Legislative Council considered. Union of the three estates the best feature of the British Constitution.

On the subject of the extension of the elective principle to the Legislative Council, your committee have equally decided and they trust well-founded views. The union of the three estates, monarch, aristocracy and democracy, in the government, has been always considered the characteristic and most valuable feature of the British constitution; and with a view of securing a free and well-balanced system of government, with the kingly power for its head, the intervention of a third estate, independent of the people, though possessing the same common interests with them and of the Crown, though deriving rank from it, has been found productive of the happiest results; and so far from the creation of legislative councils nominated by the Crown being a new theory or experiment in colonial government, the constitution of other colonies, the date of which is long antecedent to that of our own, abundantly proves, alike, their existence and utility; and your committee find it difficult to conceive how a change, which would make the Legislative Council elective, and so give the people a double representation, each branch being in every respect independent of the Crown, could have any other effect than to render the whole system democratic, and, as your committee believe, inevitably to lead to a separation from the parent state. Where the chief magistrate is elective, there can be no reason why all the remaining branches of the legislature should not be so likewise; but such a state of things would, in the opinion of your committee, be incompatible with monarchical institutions, and, as a necessary consequence, must, if adopted, be destructive of our existence as an integral portion of the British empire.

Nomination of the Legislative Council by the Crown, no new theory.

An elective Legislative Council would give to the people a double representation, and the balanced system of government be destroyed.

Such an experiment would, in the opinion of the committee, lead to a dissolution of our connexion with the British empire.

For reasons already expressed, your committee pass by the other “reforms” suggested, and take up the third resolution, which is in the following words:—

The third resolution.

“Resolved, that it has long been the aim of the enemies of these colonies, by deliberate and unfounded misrepresentations, to engender dissensions and bad feelings between the people thereof, in the hope of preventing all union of purpose among the people, and of thereby preventing the reform of those abuses and evils of which the people have so frequently complained, and which are connived at or upheld for the advantage of a minority hitherto unjustly possessing, and still endeavouring to maintain a political ascendancy in this province, contrary to the principles of all good government.”

Committee trusts that the aim of those who have made misrepresentations

Upon this your committee will offer only one remark. They do not pretend to judge how far the statements therein contained may be true as regards Lower Canada; but with regard

regard to this province, they can with great sincerity assert, that although there have been "deliberate and unfounded misrepresentations," as well before as since the adoption of this resolution by the Assembly of Lower Canada, in regard to the affairs of this province, yet they confidently hope and believe that the aim of those who have made them, to suit their own unhallowed purposes, will be defeated by the firm determination of your honourable House on all occasions, "to maintain our happy Constitution inviolate," and at the same time to correct cautiously, yet effectually, all real grievances."

representations of the affairs of this province will be defeated.

With respect to the fourth resolution, which is as follows:

"Resolved, that this House has seen with extreme concern a speech delivered at the opening of the present session of the Legislature of Upper Canada, by his Excellency Sir John Colborne, late Lieutenant-governor of that province, at a moment when his sudden recal reflected particularly on the merits of his administration, in which it is stated that the affairs of this province had exercised an injurious influence on the interests of Upper Canada, had tended apparently to discourage emigration and the transfer of capital to that country, and had acted disadvantageously in respect to the terms on which the large loan authorized by the Legislature of that province was recently negotiated in England; that such a statement is calculated to misrepresent the views of this House; to prejudice the people of these provinces against each other; to disturb that good understanding which ought to prevail, and which has hitherto prevailed, between the said people; and in place thereof to sow discord and animosity among the several classes of His Majesty's subjects in these provinces."

Fourth resolution.

Your committee feel it right in the first place to remark, that whatever may be the opinion of the House of Assembly of Lower Canada on the merits of the administration of his Excellency Sir John Colborne, the universal public testimonies of respect that was shown to him on his departure from the province have abundantly proved in what light his character and conduct were viewed among us. And your committee would further remark, that in their opinion it would be idle to deny that the dissensions in the Lower Province have produced an injurious influence on emigration, as well as on the financial arrangements of Upper Canada, and will, if they continue, be daily more prejudicial to our general welfare.

Opinion of the Assembly of Lower Canada of Sir J. Colborne's administration incorrect.

The dissensions in the Lower Province very injurious to the interests of Upper Canada.

The next resolution declares, "That strong in the rectitude of their intentions and principles, and moved alone by a desire to introduce order and responsibility into their political institutions, in the place of the disorder and abuse which now unhappily prevail, this House, and the people whom it represents, indignantly repudiate all design to injure the interests or embarrass the exertions of the people of Upper Canada, in whose welfare the people of this province feel a lively interest, and for whose patriotic exertions to improve their political and social condition this House entertains a sincere respect; and this House is gratified to perceive that the representatives of the sister province have done this House the justice to acquit it of being the cause of any dissensions or embarrassments existing in the colony; and this House firmly repeat, that those dissensions and embarrassments proceeded from the defective constitution of the Legislative Council of these colonies, and from the continued unconstitutional exercise by the same persons of executive, legislative and judicial functions; from which causes have resulted the abuses of which the people of this province have so long and so justly complained."

The fifth resolution states, that the Assembly of Lower Canada repudiates any design to embarrass the Upper Province in her endeavours to improve her political condition.

Her embarrassments proceed from the defective constitution of the Legislative Council, and from the exercise by the same persons of executive, legislative and judicial functions.

Your committee are not aware that the House of Assembly of Lower Canada have ever been charged with a design "to injure the interests or embarrass the exertions" of the people of this province. The dissensions unfortunately prevailing there have caused, in the minds of most reflecting men among us, both regret and anxiety; and the expression of that feeling is natural and just, when we have reason to believe that our interests have sustained a prejudice in many respects from the peculiar position of public affairs in the sister province. Under ordinary circumstances, your committee would have avoided the expression of any opinion on the affairs of Lower Canada, and they now disclaim all wish to pronounce upon their concerns, further than to the extent of a discussion of matters affecting the interests of this province, and naturally springing from a consideration of the resolutions transmitted to this House.

The committee are not aware that any such design has been imputed to the Assembly of Lower Canada, nor do they desire to discuss the concerns of the sister province, further than as they tend to affect the interests of Upper Canada. Such a discussion naturally springs from a consideration of the resolutions transmitted.

The brief review taken by your committee of the history of the province of Quebec, and its separation into Upper and Lower Canada, and of the amelioration of its political condition by successive acts of grace and favour, has led them to the conclusion, that every disposition has been indicated by the Home Government to provide for the peace and welfare of all classes of His Majesty's subjects inhabiting the Canadas, and to afford them the protection of liberal institutions, and of laws subject to their own revision. That in the practical operation of these institutions some difficulties might arise was naturally to be expected, nor should it be matter of surprise that there may have gradually crept in some abuses which require amendment and reform. To all just complaints, your committee feel assured a ready attention would be given; and the careful investigation by the House of Commons of the affairs of the Canadas in 1828, together with the ample information afforded by Government at that time, proves, to the satisfaction of your committee, that every readiness has been shown by His Majesty and the Imperial Parliament to remove every such abuse, and to give to the people here every redress that circumstances might require. With this belief on the one hand, and strong in their conviction of the excellence of our Constitution as it is on the other, your committee perceive with lively regret and alarm the tone of these resolutions, and the spirit in which these or similar measures have been latterly insisted on by the House of Assembly which adopted them;

Committee arrive at the conclusion, that every disposition has been shown by the Home Government to provide for the peace and welfare of the Canadas.

The investigation by the House of Commons, in 1828, and the information afforded by Government at that time, proves the correctness of this opinion.

Convinced of the truth of the same, they deeply regret the tone of the resolutions transmitted, and the spirit in which they

were conceived and adopted.

Nor can they withhold their sympathy for the treatment shown to their fellow-subjects of British origin in Lower Canada, a province won by British arms.

Situated as Upper Canada is, every material change in Lower Canada must affect the Upper Province also. When a Member of the House of Commons makes such a declaration as Mr. Roebuck is reported to have done, committee think it right to deny their belief of the truth of the assertion.

The high sense of national honour and friendly feelings of the American government, would prevent their lending their aid to any traitorous conspiracy. Committee trusts that whatever course may be adopted towards Lower Canada, the rights of this province will not be endangered by temporizing concession.

Impressed with the conviction that the adoption of the principles contained in the resolutions would inevitably lead to a republican government, recommend an address to His Majesty, solemnly disavowing any participation in the sentiments contained therein.

Committee advert to Mr. Papineau's letter.

The last resolution authorizes Mr. Speaker Papineau to transmit the series.

Under this authority alone, Mr. Papineau wrote his letter.

Mr. Papineau not authorized to insult the Government or Assembly of this province.

Mr. Papineau alone responsible for this violation of courtesy and decorum.

The whole tenor of this letter is such, that it would have been passed over in silent contempt, had it not been found on the Journals of the House.

The late period of the session at which it was reported, alone prevented that consideration of the letter which would have prevented the Journals from being disgraced by its appearance on them.

nor can they withhold an expression of deep sympathy for their fellow-subjects of British origin in the Lower Province, who seem in some respects to be treated, and who have been almost denounced as foreigners and intruders in a colony which was won by the enterprise and heroic courage of British warriors. Geographically situated as Upper Canada is, and governed under the same Constitution with the sister province, whatever change occurs in their form of government, or whatever remedies the Imperial Parliament may adopt for the cure of the evils now prevailing there, must, in some degree, and perhaps to an extent not now contemplated, affect us likewise. When a member of the British House of Commons, the salaried agent of the Assembly of Lower Canada, declared in his place, (as Mr. Roebuck is reported to have declared,) that in the neighbourhood of Lower Canada "there were 13,000,000 of republicans, who, as soon as the flag of rebellion should be unfurled, would rally round it, and trample in the dust the whole establishment," your committee think it right for your honourable House promptly to declare, that, in their opinion, the few traitors in either province, who would desire to hoist the standard of revolt, are so sensible of their weakness, that there is no fear of such an effort being made; and that should they be rash enough to attempt it, in the expectation of foreign support, they would look in vain for aid from the United States, whose government has been actuated by feelings of the most friendly and pacific character towards the British empire, and whose high sense of national honour would always prevent their lending their aid to a traitorous conspiracy. Whatever course may be taken with regard to the affairs of the Lower Province, your committee cannot let slip the opportunity of expressing their anxious hope, that no consideration will induce a departure from the principles contained in the Charter of 1791, and that in any remedial measures which may be adopted, the preservation of our rights as British subjects, and of our intimate connexion with the mother country, as a colony, will never be lost sight of or endangered by weak and temporizing concession.

Your committee, after this examination of these resolutions, have arrived at the conclusion, that to pursue the course which has been followed in the Lower Province, and to espouse the principles avowed and insisted on by the House of Assembly there, would be contrary to the wishes as well as the interests of Upper Canada, would shake our system of government to its centre, and would rapidly and inevitably tend to establish a republican form of government among us. Impressed with this conviction, your committee feel it their duty to submit to your honourable House the propriety of presenting an humble address to His Majesty, solemnly disavowing the sentiments contained in these resolutions, and earnestly deprecating any departure from the principles of our Constitution, or the adoption of any course of policy calculated to weaken the ties which attach this colony to the British empire.

After their review of the resolutions, to which your committee have felt it their duty to devote their best attention, there remains little for them to do, but to advert to the letter of Mr. Speaker Papineau.

By the last resolution, he was authorized to transmit copies thereof to the several assemblies of Upper Canada, and of the other sister provinces, "and to express the desire of this House cordially to co-operate with the said assemblies in all constitutional measures calculated to promote the mutual interests of these colonies."

It is under the authority of this latter clause that Mr. Papineau has assumed to write this letter, which, in addition to a lengthened commentary on the resolutions, contains some expressions to which your committee beg to draw the attention of your honourable House. In reference to one of the Imperial Statutes, imposing certain duties, Mr. Papineau remarks, "It is true that the government of Upper Canada induced a bribed or unwary Parliament to petition for the revival and continuation of those taxes." Your committee find nothing in the resolutions giving authority to Mr. Papineau to use language insulting to the government of this colony, or to a former house of assembly; nor do they believe that the House of Assembly of Lower Canada ever designed such an unwarrantable and indecent course should be followed. For this violation of decorum and of the courtesy due from one legislature to another, Mr. Papineau stands solely responsible; but your committee think it beneath the dignity of your honourable House to take further notice of so base and unfounded a calumny. The tenor of the whole letter is, in the opinion of your committee, of a purely rebellious character; and the sentiments of the writer will find nothing but execration from the inhabitants of this province. It carries its antidote in itself, and is so utterly revolting to a loyal and well-disposed mind, that while deserving of every punishment, it requires no confutation, and would have been passed over by your committee in silent contempt, without even this brief notice, if it were not to be found on the journals of your honourable House. The late period of the past session when it was laid on the table of the House, two months after the resolutions were adopted, and rather more than one month after the date of the letter, prevented the late House of Assembly from taking the subject into consideration. This delay is unaccounted for, and is to be regretted; for your committee are satisfied that had there been time for consideration, the journals of the Assembly would not have been disgraced by the letter of Mr. Speaker Papineau.

All which is respectfully submitted,

Henry Sherwood, Chairman.

Committee-room, House of Assembly,
February 22, 1837.

— No. 2. —

Upper Canada, Toronto,
4 March 1837.

My Lord,

At the request of the Legislative Council and House of Assembly of this province, I do myself the honour to forward to your Lordship, to be laid at the foot of the Throne, the accompanying joint Address to the King, relating to the necessity of improving the navigation of that part of the River St. Lawrence within the boundary of Lower Canada, in a manner to correspond with the improvements now carrying on by this province in the navigation of that portion of the river within its boundary.

I have, &c.

The Lord Glenelg.

(signed) *F. B. Head.*

Enclosures in No. 2.

(No. 1.)

To his Excellency Sir *Francis Bond Head*, Knight Commander of the Royal Hanoverian Guelphic Order, and of the Prussian Military Order of Merit, Lieutenant-governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of the Province of Upper Canada, have agreed to an humble Address to the King, on the subject of the navigation of the St. Lawrence, which we respectfully request your Excellency will be pleased to transmit to the Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Legislative Council-Chamber, }
4 March 1837. }(signed) *J. B. Robinson*, Speaker.Commons House of Assembly, }
4 March 1837. }(signed) *Arch^d M^r Lean*, Speaker.

(No. 2.)

To The KING'S MOST EXCELLENT MAJESTY.

Most gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Upper Canada in Provincial Parliament assembled, most respectfully beg leave to represent,

That the Legislature of this province having witnessed the loss of a great part of the commerce of the western country, bordering on our extensive inland water communication, by their connexion with the Hudson River in the state of New York, by means of canals, appropriated in 1833 the sum of 350,000 *l.* for the purpose of constructing a ship or steam-boat canal on the St. Lawrence, on a scale commensurate with the magnitude of that noble river.

That during the ensuing year, or succeeding one, those works will be so far completed as to admit the passage of a steam-boat from Lake Ontario to the Coteau du Lac, within the boundary of Lower Canada.

That although a canal of only 12 or 14 miles in length is necessary to connect that point with the ocean, thereby rendering those great inland lakes to all intents and purposes a sea-coast, the Legislature of Lower Canada have as yet taken no steps to forward that improvement.

That as the products of this province for exportation or consumption will be subject to tolls for the repayment of the outlay thus made, and as the Legislature of Lower Canada have as yet manifested no interest in the prosecution of this work, it is not reasonable to expect they would oppose the work being carried on and finished, through that part of Lower Canada above the navigable part of the St. Lawrence, at the expense of the Legislature of this province.

We, your Majesty's faithful subjects, the Legislative Council and House of Assembly, therefore pray your Majesty may be pleased to recommend to the Legislature of Lower Canada to adopt such measures as may enable this province to complete such portions of the work within the province of Lower Canada as may be necessary to effect so desirable and important an object.

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That whatever portion of the American trade we may regain to the original and natural channel of the St. Lawrence will tend to cheapen the tolls for the products of your Majesty's subjects within this province, and tend to promote the general interests. That it will in no way interfere with the shipping interest or commerce of the mother country, or any of her colonies, as it will only have a tendency to divert the American transit, from New York and their canals to their ports bordering on Lake Erie, through the waters and canals now constructing within this province.

We therefore pray your Majesty will be pleased to call the attention of the Imperial Legislature at an early period to the subject-matter of this Address.

Legislative Council Chamber, } (signed) J. B. Robinson, Speaker.
2 March 1837. }

Commons House of Assembly, } (signed) Arch^d M^r Lean, Speaker.
2 March 1837. }

— No. 3. —

Upper Canada,
Toronto, 4 March 1837.

My Lord,

I HAVE the honour to transmit to your Lordship, in compliance with the request of the House of Assembly, the accompanying Address of that House to the King, praying that the island of Montreal may be annexed to Upper Canada.

I have, &c.

The Lord Glenelg.

(signed) F. B. Head.

Enclosures in No. 3.

(No. 1.)

To his Excellency Sir Francis Bond Head, Knight Commander of the Royal Hanoverian Guelphic Order, Knight of the Prussian Military Order of Merit, Lieutenant-governor of the Province of Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, beg leave to inform your Excellency that we have passed two Addresses to His Majesty on the subject of the annexation of the island of Montreal to this province, and on the subject of the reduction of certain duties on exports from this province to the United Kingdom, and on the commercial relations with the United States, and humbly request that your Excellency will be pleased to transmit the said Addresses to His Majesty's Principal Secretary of State for the Colonies, to be by him laid at the foot of the Throne.

Commons House of Assembly, }
3 March 1837. }

(signed) Arch^d M^r Lean, Speaker.

(No. 2.)

To The KING'S Most Excellent MAJESTY.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, beg leave most respectfully to represent to your Majesty, that the establishment in the year 1791 of the boundary between the provinces of Upper and Lower Canada, by bringing the line about 30 miles above any sea-port on the St. Lawrence, and thereby fixing the limit of the province so remote from the ocean, displayed a deficiency of information as to the geographical position of the country, inasmuch as it passed by a natural and obvious boundary, and seems to have entirely overlooked the probable future increase of population, commerce, wealth and importance of this part of the then province of Quebec.

That, as the boundary line now exists, your Majesty's subjects residing within this province labour under great disadvantages, which bear with unjust severity on their trade and intercourse, because their staves, lumber, flour, beef, pork, pot and pearl ashes, and every exportable article, are subject to inspection, and their packages to be altered and repaired

repaired at the expense of the owner, at prices imposed by a Legislature who are interested in making as many and as high charges as the article will bear, and thus a serious drawback to the productive industry of this country is created.

Every boat, raft or craft passing down to the Lower Province is compelled to take a clearance from some port here, and to make a custom-house entry on arriving in Lower Canada, under nearly the same restrictions as if going to a foreign country, in consequence of which regulations our boats actually pay a duty of from 2s. 6d. to 5s. each trip, to avoid the unnecessary delay at the Coteau du Lac, and from 5s. to 20s. in case they should have any produce of the growth of the United States, although those very articles are admitted into this province free of duty, under the Act for regulating the colonial trade.

Your Majesty's subjects arriving from Great Britain and Ireland are obliged, after undergoing the inconvenience and misery occasioned by severe quarantine laws, to pay a heavy tax for the mere privilege of passing through the Lower Province, a restriction imposed by no other government, and which tax your Majesty's subjects in this province have always declared to be unconstitutional as well as oppressive.

The profit made on the importation of foreign goods or British manufactures consumed in this province, or the sale of produce raised therein, and sold by the Lower Canada merchant for consumption in any sea-port in British America, or beyond sea, together with the profit on shipping, commission and other incidental advantages, is retained in Lower Canada, and consequently that province obtains the principal benefit of a trade which but for the industry and enterprise of Upper Canada would scarcely have an existence.

Your Majesty's subjects consider the general division of duties unfair, and that the inhabitants of this province have been deprived of their proportion of the duties collected under the statutes of 3 Geo. 4, c. 44, 45 & 119, which have been and still are, up to the present moment, wholly withheld; that no account of the expenses for collecting the same is furnished, and great and unnecessary expenses have been incurred from time to time in negotiating for the proportion due to Upper Canada, without arriving at any satisfactory result.

A further injury to the interests of your Majesty's subjects in this province is also occasioned by this state of things, inasmuch as a tax is necessarily imposed on the inhabitants in each district for the erection of gaols and court-houses, and all other internal and local purposes; whereas that part of your Majesty's subjects residing in the Lower Province are wholly exempt from any taxation for these objects, their portion of the revenue derived from foreign commerce being ample to defray these expenditures.

That your Majesty's subjects residing within this province, in their approach to the ocean, are subjected to a most serious expense in the transportation of their produce and merchandise by the St. Lawrence: they have made every exertion for the last four years to alleviate this evil, by rendering that noble river navigable; but their efforts are and must be to a great extent rendered unavailing, so long as the portion of the river above Montreal continues under the control of another Legislature, who do not feel the same interest in the completion of this improvement.

Your Majesty's faithful Commons would further represent that the union of the island of Montreal with Upper Canada would be doing no injustice to those of your Majesty's subjects at present residing within that portion of Lower Canada, inasmuch as it is the desire of your Majesty's faithful Commons in this province that the inhabitants should be amply secured in the enjoyment of the privileges they now possess in every respect, except that they shall be under the jurisdiction of this Legislature in all matters connected with trade and commerce.

Your Majesty's faithful subjects in this House are decidedly of opinion that the annexation of a sea-port town to Upper Canada would be productive of greater advantages to the mother country, Lower Canada and this province, than any measure yet proposed in British America; it would arouse a spirit of enterprise in both provinces, which has hitherto lain in a great measure dormant; it would enable this province in a few years to complete the ship canal now in progress from our great lakes to the ocean; it would increase the demand for British commerce and employment for British seamen to an incalculable extent, by the opening of a market for the supply of the southern and western parts of the continent of America; and the port of Quebec would most probably export as great a quantity of grain and flour as all the ports in the United States put together; it would increase the revenue which would be still collected in Lower Canada to a greater amount than is now collected in both provinces; it would double the value of property in that part of Lower Canada which would thereby be attached to this province, and greatly enhance the value of property in every other part of it.

Your Majesty's subjects residing in this province, by the present boundary line, are not only deprived of the natural right they long since should have enjoyed, of free access to the sea, the St. Lawrence being a common highway to both provinces, of the control of a sea-port town, and of the wealth arising from foreign commerce, but in effect the Legislature of this province is rendered powerless; it is in vain to appoint finance committees to raise ways and means; or attempt any improvement on which they are to rely, either on duties or any indirect tax from a sea-port. The principal item to pay the interest on the loan contracted by the State of New York to construct the Erie Canal was two-and-a-half per cent. upon auction duties; this was collected in the city of New York, although it came out of the consumer to the westward. With us, your Majesty's faithful subjects

subjects in this province, are the consumers, while this and similar duties accrue principally in Montreal, and we do not receive any portion of them.

The evil result of this policy, in dividing the country above Montreal, and thereby excluding our province from all control over the sea-port, though entitled to a portion of the duties levied thereat, instead of giving to each province a separate port of entry, under the exclusive control of its Legislature, may be seen by contrasting the effects produced in the State of New York and the State of Pennsylvania, contrasted with the state of the provinces of Upper Canada and Lower Canada. The two former States have never, up to the present moment, had any assistance from foreign revenue, the whole amount having been applied to the purposes of their general government: notwithstanding, by the wealth created from foreign commerce, which centres in all commercial cities or sea-ports, and having the control of those sea-ports under one legislature, they have been enabled to borrow money to any extent, have made many thousand miles of canal connecting their inland waters, and added many millions to the value of the interior of their country: during which period, although we have the most easy, most direct, the shortest and best route to the ocean, only having a distance of 28 miles in length, with 160 feet lockage, to unite those waters, thereby virtually making a sea coast of lakes Ontario and Erie, St. Clair, Huron and Michigan, up to the present moment the Legislature of Lower Canada has not made an attempt to improve this communication; and although the entire commerce of this immense country is being gradually transferred to the atlantic cities of New York and Pennsylvania, they cannot feel or see the necessity of immediate action: and your Majesty's faithful Commons despair of ever having a free access to the ocean until the boundary line is altered so as to give the Legislature of this province the entire control of a sea-port which of right they should long since have possessed.

Commons House of Assembly, }
17th day of January 1837. }

Arch^d. M'Lean, Speaker.

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Ordered, by The House of Commons, to be Printed.

9 May 1837.

(Mr. Patrick Stewart.)

PAPERS
respecting Discussions with the
Houses of Assembly and Legislative
Council.

THE CANADAS.