

CIVIL AND POLITICAL RIGHTS,  
(UPPER CANADA.)

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**Copies of**

ADDRESSES, VOTES, and RESOLUTIONS, of the *House of Assembly*, relative to the question of Civil and Political Rights, in the Province of *Upper Canada*.

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Ordered, by The House of Assembly, to be  
Printed. 12th February, 1840.

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Mackenzie, Printer.

J.P.

in Reply to the  
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**CIVIL AND POLITICAL RIGHTS,  
(UPPER CANADA.)**

**Copies of certain Documents.**

1. An address of the House of Assembly to His Excellency the Lieutenant Governor, requesting His Excellency to transmit to the Secretary of State for the Colonies, an address of that House, thanking His Majesty for the gracious manner in which he has exercised his royal prerogative upon the bills respecting the civil and political rights of the people of this province.
2. His Excellency's Reply.
3. Resolutions passed in consequence thereof.
4. An Address to His Majesty, founded on said resolutions.
5. An address to His Excellency the Lieutenant Governor, requesting him to transmit the Address to the King and Resolutions, to the Secretary of State for the Colonies.
6. His Excellency's Reply.

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Ordered, by The House of Assembly, to be Printed, 12th February, 1828.

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( No. 1. )

**ADDRESS TO HIS EXCELLENCY.**

*To his Excellency Sir, Peregrine Maitland, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General commanding His Majesty's Forces therein, &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 this House has passed an address to His Majesty, thanking him

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for the gracious manner in which he has exercised His Royal Prerogative upon the Bills respecting the civil and political rights of the people of this Province, and request your Excellency to transmit the same to His Majesty's principal Secretary of State for the colonies, that the same may be by him presented to His Majesty.

*Commons' House of Assembly,* }  
5th February, 1828.

J. WILLSON, *Speaker:*

( No. 2. )

HIS EXCELLENCY'S REPLY.

*Gentlemen of the House of Assembly :*

I shall take an early opportunity of transmitting your Address to His Majesty, and in order to vindicate the Government of this Colony from the groundless imputations contained in the petition to which Lord Goderich refers, I shall deem it proper to call the attention of the Secretary of State to the circumstance, that the instructions of which you now so warmly approve, do but suggest a measure which in whatever form proposed, was rejected by the House of Assembly in the second Session of this Parliament in the desire to obtain a declaratory Law, which His Majesty has determined to be wholly inadmissible.

( No. 3. )

*Friday, 8th February 1828.*

THE HOUSE IN CONSIDERATION OF THE ABOVE REPLY

MR. ROLPH, seconded by Captain Matthews, moved a series of resolutions, which being read, Mr. Jones of Grenville seconded by Mr. Morris, moved, as an amendment to the same, the following resolution:

*Resolved*, that an humble Address be presented to His Excellency the Lieutenant Governor of this Province, thanking His Excellency for his uniform exertions in favour of a considerable portion of the inhabitants of this Province, who labor under serious disabilities in exercising the civil rights of Subjects of His Majesty, since the Question first arose in the Assembly of this Province, in the Session of 1817—18, by which it appeared that many inhabitants of this Province claiming to be subjects, could not be legally so regarded.

On which the House divided, and the YEAS and NAYS were taken as follows:—

YEAS—Messrs. Attorney General, Burnham, Cameron, Clark, Coleman, Gordon, Ingersol, C. Jones, Jones of Grenville, Morris, Thompson of York, Vankoughnet, & Watson,—13.

NAYS—Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lafferty, Lyons, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Scollick, Thomson of Frontenac, White, Wilkinson, & Wilson,—21.

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IN UPPER CANADA.

The question was decided in the negative by a majority of 8.

Mr. Rolph's resolutions were then put and carried, as follows :--

1st. *Resolved*,--That from the answer of His Excellency, to the address of this House, it appears that in attempting to vindicate the Government of this Colony from groundless imputations alleged to be contained in the Petition to which Lord Goderich refers, he intends to represent to the Secretary of State, that the instructions of which this House now so warmly approve, do but suggest a measure, which, in whatever form proposed, was rejected by this House in the second Session, from the desire to obtain a declaratory law; although in attempting such vindication against any supposed imputations contained in the said petition, it was obviously unnecessary, irrelevant, and unprovoked, to censure, much less to misrepresent, the past conduct of this House.

YEAS,--Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lyons, Lefferty, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Wilkinson, and Wilson,---19.

NAYS,--Messrs. Attorney General, Burnham, Cameron, Clark, Coleman, Gordon, Ingersol, C. Jones, Jones of Grenville, Morris, Scollick, Thompson of York, Vankoughnett, Walsh, and White --15.

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2nd. *Resolved*,--That this House at the second Session did not reject the measure, in whatever form proposed, from the desire to obtain a declaratory law, but the declaratory law adverted to by His Excellency, was an amendment of a Bill sent from the Legislative Council for concurrence; which bill professed to give only the right to hold land, and which, had it further professed (as it did not) to confer the rights of voting and of being elected at any election in this Province, would have been, so far, utterly void.

YEAS--Messrs. Baby, Beardsley, Beasley, Bidwell, Coleman, Fothergill, Hamilton, Hornor, Lefferty, Lyons, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Walsh, White, Wilkinson, and Wilson,---22.

NAYS---Messrs. Attorney General, Burnham, Cameron, Clark, Gordon, Ingersol, C. Jones, Jones of Grenville, Morris, Scollick, Thompson of York, and Vankoughnett,---12.

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3rd. *Resolved*,--That His Excellency, in the second Session of this House, by message, recommended Provincial Legislation upon a subject of vital importance to the liberties of the people--when this House could not constitutionally engage in it. And had this House in compliance with such advice professed to pass a law securing the political rights called in question, it would have been utterly void, and therefore would have been a Legislative declaration against those rights so long enjoyed by the people, with the knowledge and sanction of the three branches of the Provincial Legislature, without affording any remedy for disabilities which would have been thereby mischievously admitted and confirmed.

YEAS--Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, Lyons, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson, and Wilson,---26.



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NAYS---Messrs. Attorney General, Burnham, Cameron, Clark, Coleman, Gordon, Ingersol, C. Jones, Jones of Grenville, Morris, Scollick, Thompson of York, Vankoughnett, and Walsh,---14.

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4th. *Resolved*.---That the prevailing belief of their right to exercise the elective franchise, and of their capacity to become seized of lands, by inheritance or otherwise, was encouraged and sanctioned by His present Excellency, in giving the Royal assent (instead of reserving it for the signification of His Majesty's pleasure thereon) to an act passed in the 58th year of George the Third, entitled, "An Act for vesting in Commissioners the estates of certain Traitors, and also of the estates of persons declared Aliens,"---by an Act passed in the 54th year of His Majesty's reign, entitled, "An Act to declare certain persons therein described, Aliens, and to vest their estates in His Majesty," inasmuch as the said Acts recognize and approve the very principle contended for by this House in the said declaratory bill---and His Excellency in his message on that subject, in the second session of this Parliament, admitted that a difference of opinion had prevailed in favour of the civil rights of the persons in question.

YEAS---Messrs. Baby, Beardsley, Beasley, Bidwell, Coleman, Fothergill, Hamilton, Hornor, Lefferty, Lyons, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson, and Wilson,---21.

NAYS---Messrs. Attorney General, Burnham, Cameron, Clark, Gordon, Ingersol, C. Jones, Jones of Grenville, Morris, Scollick, Thompson of York, Vankoughnett, and Walsh,---15.

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5th *Resolved*.---That this House, in the second Session, being called upon to legislate without the power, could discreetly adopt no other than an Act declaratory of the prevailing construction of the law as acted on for thirty-five years, without making a parliamentary admission which would vacate the seats of several sitting members, authorize returning officers at another election to deviate from the long established usage in favor of voters and candidates, and seriously disturb the peace, happiness, and welfare of the Province.

YEAS---Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, Lyons, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, Wilkinson, and Wilson,---19.

NAYS---Messrs. Attorney General Burnham, Cameron, Clark, Coleman, Gordon, Ingersol, C. Jones, Jones of Grenville, Morris, Scollick, Thompson of York, Vankoughnett, Walsh, and White,---15.

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6th *Resolved*. That the Imperial Legislature in subsequently passing an Act, enabling the Provincial Legislature to naturalize Foreigners,---did not express disapprobation of the course taken by this House, under the critical and embarrassing circumstances into which they were thrown:---and that notwithstanding any misrepresentations which may be transmitted against the people of this Province, and their representatives, this House will not cease to repose, as they have full reason to do, every constitutional confidence in the exalted justice of His Majesty, and His Majesty's Government.

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IN UPPER CANADA.

YEAS---Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Lefferty, Lyons, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson, and Wilson,---20.

NAYS---Messrs. Attorney General, Burnham, Cameron, Clark, Coleman, Gordon, Ingersol, C. Jones, Jones of Grenville, Morris, Scollick, Thompson of York, Vankoughnett, and Walsh,---14

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7th. *Resolved*,---That the Petition referred to by Lord Goderich, does not, in the opinion of this House, contain any groundless imputations against the Government of this Colony.

YEAS AND NAYS, SAME AS ON LAST RESOLUTION.

8th. *Resolved*,---That an humble address be presented to His Majesty, praying him to take the foregoing Resolutions into his Royal consideration, to put the most favourable construction upon the conduct of his faithful Commons, and representing the circumstances under which the above resolutions were adopted; and that Bidwell and Perry be a committee to draft and report the said address.

YEAS---Messrs. Baby, Beardsley, Beasley, Bidwell, Fothergill, Hamilton, Hornor, C. Jones, Lefferty, Lyons, Matthews, McBride, McCall, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson, and Wilson,---21.

NAYS---Messrs. Attorney General, Burnham, Cameron, Clark, Coleman, Gordon, Ingersol, Jones of Grenville, Morris, Scollick, Thompson of York, Vankoughnett, and Walsh,---18.

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The Committee appointed by the last resolution reported the following Address to His Majesty which was finally passed.

( No. 4. )

ADDRESS TO HIS MAJESTY.

*To The King's Most Excellent Majesty.*

MOST GRACIOUS SOVEREIGN:

WE Your Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to throw ourselves upon Your Majesty's Justice, under the following painful circumstances:—

Alive to the very gracious manner in which Your Majesty lately regarded the peace and happiness of all classes of Society in this Province, we passed a humble address of thanks to Your Majesty—And waiting upon His Excellency Sir Peregrine Maitland, in the most respectful manner, and according to the usage in this Province, in all former cases, we requested him to transmit the same to the principal Secretary of State for the Colonies, that it might be by him presented to Your Majesty.—His Excellency in reply promised so to do, and added, that “in order to vindicate the government of this colony,

from the groundless imputations contained in the petition to which Lord Goderich refers, he should deem it proper to call the attention of the Secretary of State to the circumstance, that the instructions of which this house now so warmly approve, do but suggest a measure, which, in whatever form proposed, was rejected by the house in the second Session of this Parliament, in a desire to obtain a declaratory law, which Your Majesty had determined to be wholly inadmissible."

Thus apprised of His Excellency's intention to represent to your Majesty our conduct in this House two years ago, and to ascribe to us feelings and motives which we utterly disclaim, but which in our opinion some evil disposed persons have induced His Excellency to believe; we felt it to be our duty, from an anxious desire to preserve Your Majesty's favour and confidence, to pass certain resolutions explanatory of the critical and embarrassing situation in which we were placed in the second session of this Parliament, and the course which, under such circumstances, we pursued, in the exercise of our honest and upright discretion. To these resolutions, now transmitted to Your Majesty, we most humbly pray your royal attention and that Your Majesty will be graciously pleased, through your principal Secretary of State for the colonies, to give us an opportunity of laying before Your Majesty such further explanations, as from the nature and extent of the charges preferred against us, may be required for our full justification in Your Majesty's sight.

Permit us, most Gracious Sovereign, humbly to beg Your Majesty to be pleased to put the most favourable construction upon the conduct of your faithful Commons, and notwithstanding any misrepresentation which may be transmitted to the prejudice of the people in this Province or of their representatives, we humbly beg to offer our assurance that we shall not cease to repose, as we have full reason to do every confidence in the exalted justice of Your Majesty and Your Majesty's Government.

(Signed)

JOHN WILLSON, *Speaker.*

Commons' House of Assembly, }  
12th February 1828. }

YEAS---Messrs. Baby, Beasley, Bidwell, Fothergill, Hamilton, Hornor, Leferty, Lyons, Matthews, McBride, McCall, McDonald, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson, and Wilson, 20.

NAYS---Messrs. Attorney General, Furnham, Cameron, Clark, Coleman, Gordon, Ingersol, Charles Jones, Jones of Grenville, Morris, Scollick, Thompson of York, Vankoughnett, and Walsh, 14.

( No. 5. )

### ADDRESS TO HIS EXCELLENCY.

To His Excellency Sir Peregrine Maitland, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, and Major General commanding His Majesty's Forces therein. &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

We His Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament

IN UPPER CANADA.

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assembled, request your excellency to transmit the address of this House to His Majesty and the accompanying resolutions, to His Majesty's Principal Secretary of State for the Colonies, that the same may be by him presented to His Majesty.

JOHN WILLSON, Speaker.

*Commons' House of Assembly, 12th February, 1828.*

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( No. 6. )

HIS EXCELLENCY'S REPLY.

*Gentlemen of the House of Assembly:*

I will transmit your resolutions and address to His Majesty's Secretary of State, and not the less readily from the representations they contain respecting my conduct in the matter to which they refer.

The unusual language which appears in them I regret on public grounds, but it can scarcely fail to be contrasted by His Majesty with the assurances which I have so constantly received from the Legislature and from the people whose interests and happiness it has been my study to promote.

When I had occasion to advert to your proceedings, in order, as I stated, to vindicate this Government, it was a great satisfaction to me to feel that I had only to refer His Majesty's Government to the decisive evidence of your Journals, which it is a part of my prescribed duty to transmit.

I have ever had reason to repose with too much confidence in the candour and good sense of the great mass of the people, to apprehend any injurious effect from the attempt to excite a groundless suspicion that they are subject to be misrepresented by me to their Sovereign. However much therefore I may regret them on other grounds, I do not in that point of view feel much concern at the expressions in regard to this Government, which the House of Assembly have thought fit to use in their resolutions and in their address to the King.