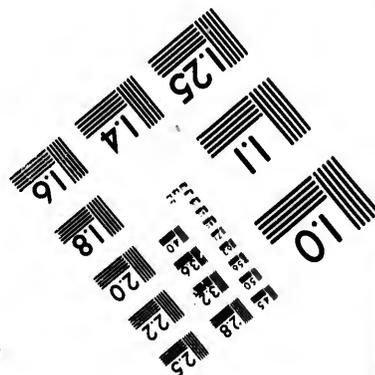
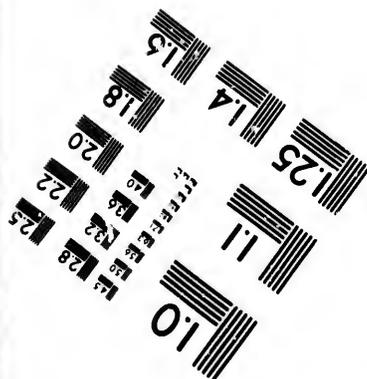
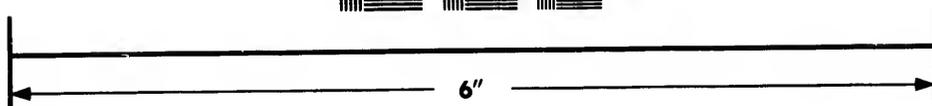
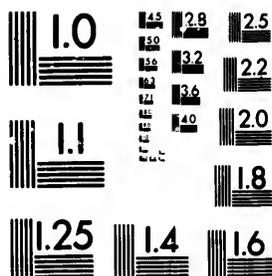


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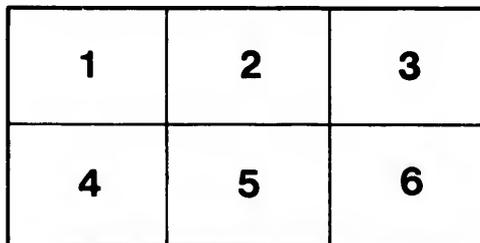
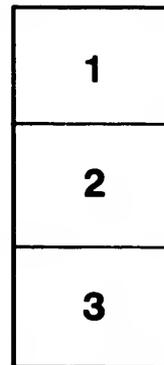
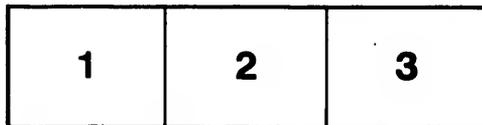
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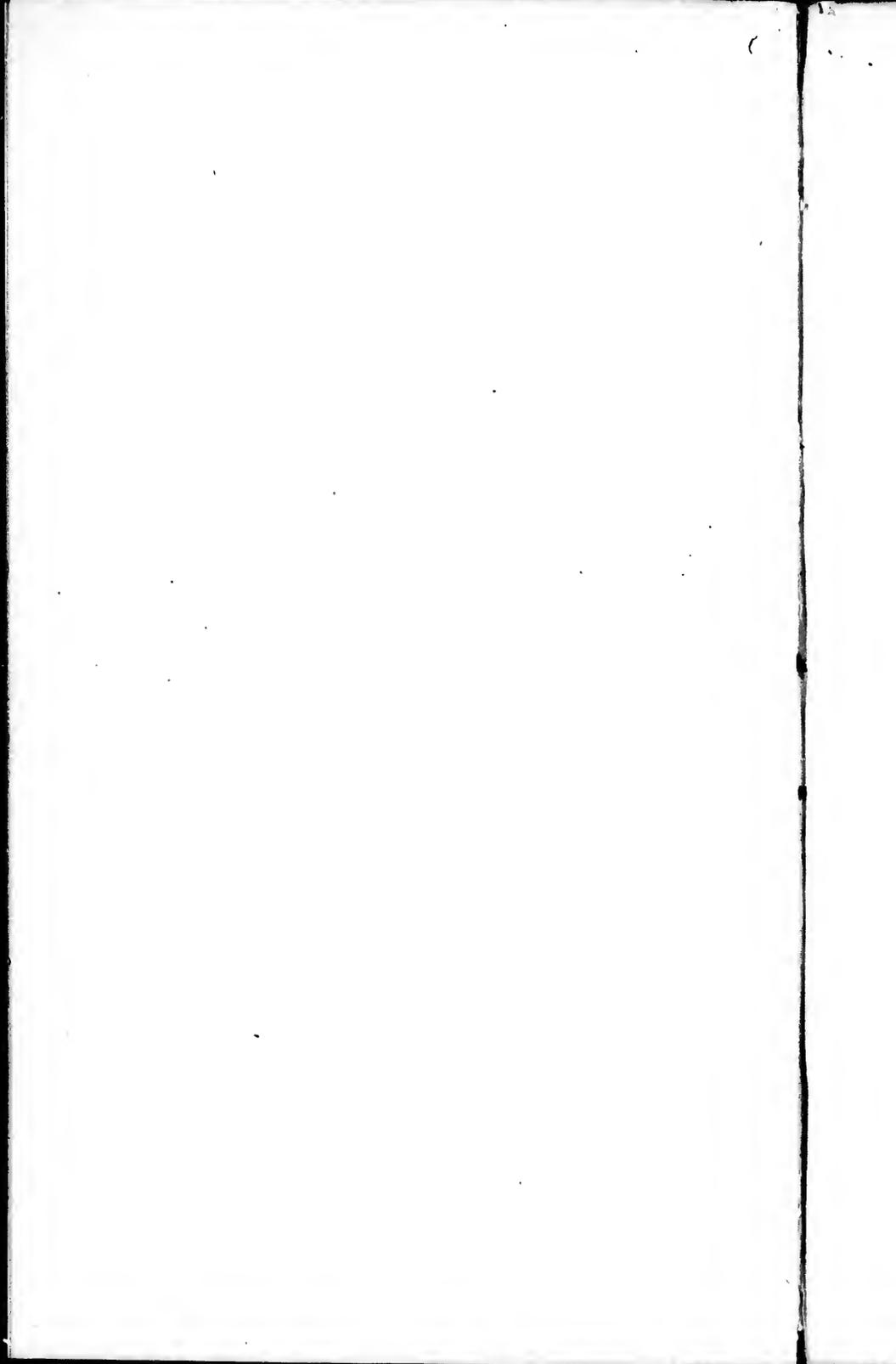
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LORD BROUGHAM'S SPEECH

UPON

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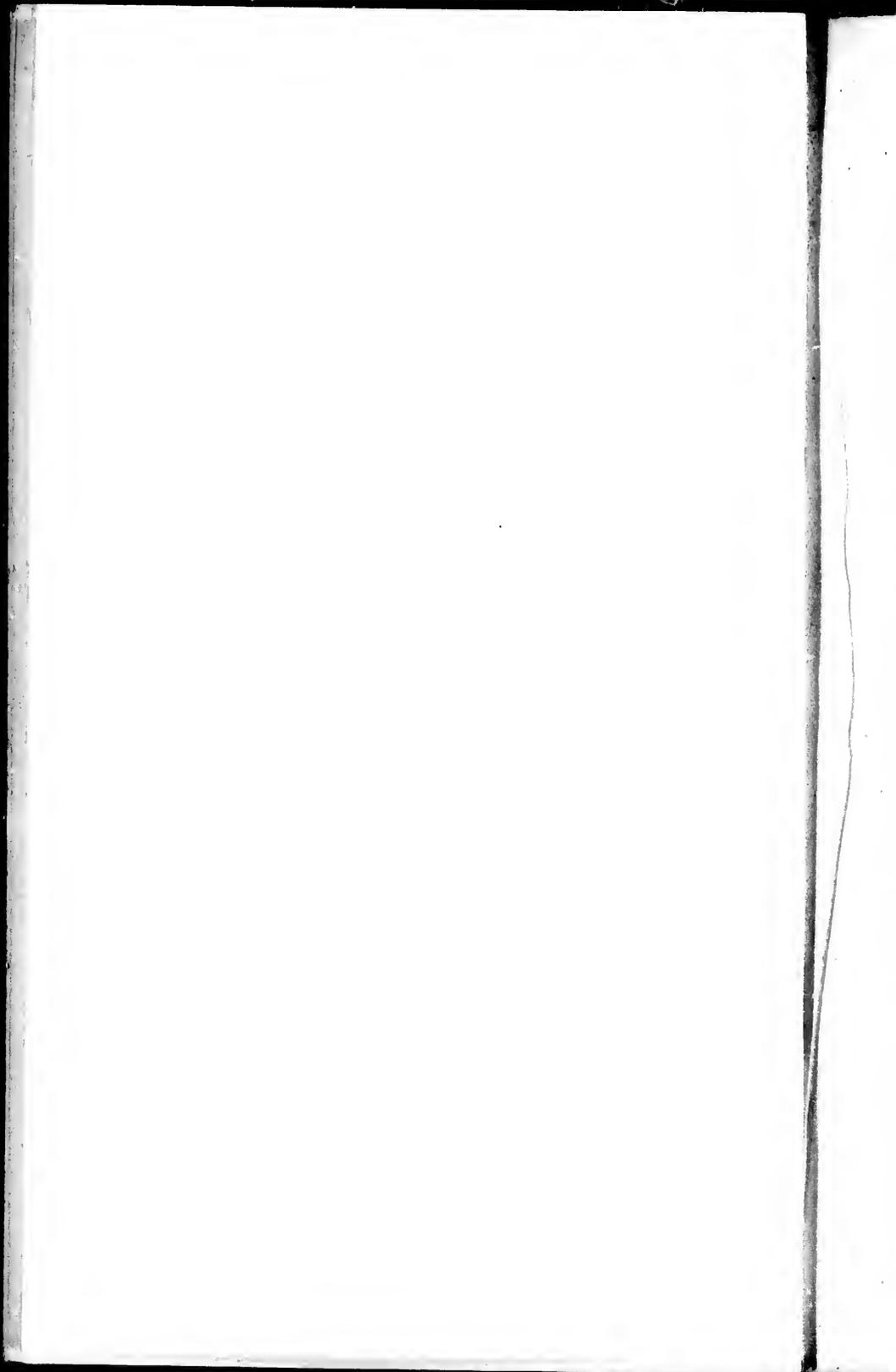
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BARON BROUGHAM.

LORD HIGH CHANCELLOR.

LONDON: T. NORTH: 40, FLEET STREET.



W.R.

LORD BROUGHAM'S

SPEECH

IN THE HOUSE OF LORDS,

THURSDAY, JANUARY 18, 1838.

UPON

CANADA.

LONDON:
JAMES RIDGWAY AND SONS, PICCADILLY.
1838.

1880

PREFACE.

It has been considered right by many of the friends of peace and of liberal policy, to publish this Speech separately, chiefly in order that the attention of men may be directed to the important questions connected with the future lot of the North American Colonies, when the ferment excited by late unhappy events shall subside. The whole history of these transactions is calculated to throw light upon the inevitable mischiefs of extended Colonial empire; and there is a further argument of the same kind derivable from the unquestionable fact, that in even the Reformed Parliament the misgovernment of a remote and unrepresented Province, has encountered but very little opposition from many of those who are always found most reluctant to suffer the least oppression if attempted upon any portion of the Mother Country.

The comments which this Speech contains upon the conduct of the Government have been complained of—as if Lord Brougham had some duty to perform of suppressing his opinions upon the most important questions that can occupy the attention of Statesmen; and as if especially the Colonial Minister had a right to complain of strictures openly made upon his public conduct.

It is, however, well known that Lord Brougham never shewed any disposition to censure the present Government until they adopted a course wholly at variance with his oftentimes recorded opinions. As long as he could support them, the history of Parliament shews that he rendered them every assistance in his power; nor did he ever while in office exert himself more or spare himself less than in their defence in 1835, and in carrying through the House of Lords the great measure of Municipal Reform.—In the Summer of 1836, he refrained from all complaint when he saw his measures for preventing pluralities and non-residence abandoned, and a bill introduced upon opposite principles.—In 1837, he continued to lend them support on all but one or two occasions, when it was impossible to approve their conduct—and on the Canada Resolutions especially, last May, he was compelled to oppose them—a duty which he performed with manifest reluctance. He had during that Session, 1837, expressed his opinions upon the necessity of altering the Reform Bill in essential particulars, and especially of extending the Elective Franchise. The present Session was unhappily opened with a declaration on the part of the Government as a body, that they took a view wholly different from that of most Reformers; indeed, of the great body of the Liberal party throughout the country. To this has been added their support of a policy by which the rights

of the subject are invaded, and the maintenance of peace itself put in jeopardy. They who complain of Lord Brougham—(the Ministers themselves are assuredly not of the number)—for adhering to his declared opinions, are respectfully requested to assign any reason why he should abandon his own principles—those which he has maintained, without the least deviation, throughout his whole life—merely that he may support the Ministers who have most conscientiously no doubt, though for the country most unfortunately, seen fit to adopt other views. Thus much as to the claims of the Government at large, not only to form new opinions, and follow an altered course, but to carry along with them others whom their reasonings have wholly failed to convince.

Now, as to the Colonial Secretary, the party whose conduct is principally involved in the question of Ministerial responsibility for the present state of the North American Provinces:—It is well known that Lord Brougham never shewed any backwardness in coming down to his defence when he observed him unjustly attacked. No one can be better aware of this than the Noble Lord himself; with whom, however, it is understood that Lord Brougham never had any intercourse save that of an official nature while a Member of the same Government. But they who complain on the Noble Secretary's behalf (he himself, assuredly, is not of the number), are respectfully requested to assign

any reason why full licence having been always allowed him, and some of his principal Colleagues, to form their own opinions—with them to oppose Parliamentary Reform up to 1st March, 1831—to defend the Manchester Massacre—to support the Six Acts—to remove Lord Fitzwilliam from office for attending a Parliamentary Reform Meeting at York—to oppose Lord Brougham's motion on the case of Smith the Missionary—why, those Noble Persons having without any blame whatever been suffered formerly to hold such courses—and having, so happily for the Country, and so honourably for themselves, adopted a different line of policy from Nov. 1830 to Nov. 1837, Lord Brougham alone should be complained of, for continuing since Nov. 1837 to abide by the very same principles which he had not taken up for the first time in Nov. 1830, but held in all former times? It is respectfully asked what right they who now complain of Lord Brougham for differing from the Noble Secretary of State, have to expect that he should rather differ from his former self, than from his former colleague; and while yet unable to partake of the convictions that have come over others, should abandon that devotion to the cause of freedom, and of peace, to which his public life had been consecrated?

The accident of members of a Party feeling themselves under the necessity of opposing, upon some great occasion, those with whom it is their general wish to act, although unfortunate, is by no

means unprecedented. When, in consequence of their friends being in office, almost all the Whigs, were found, during twelve months of the last war to relax in their desire of peace, retrenchment and reform, Mr. Whitbread—a name never to be pronounced without reverence and affection by Englishmen—alone opposed the measures of the administration, that he might adhere to his principles. In 1820, Lord Brougham declared in his place that he stood wholly aloof from his party, on all that related to the case of the late Queen, because there appeared a danger of her interests being, without any blame, sacrificed to other, possibly more important, considerations. There seems no good reason why he should not pursue the same course, when it is understood that he now very sincerely, though perhaps quite erroneously, believes a like sacrifice is made of principles, incomparably more important—the most sacred principles which used to bind the Liberal party together; and when so many men are firmly persuaded that, but for the accident of the party being in office, they would have joined in pursuing the same course which Mr. Fox and Mr. Burke followed with such signal glory in the former American War.

It is probable, that Lord Brougham, in choosing to continue in that course, has had little fear of thereby impairing the strength of the present Government—That may be greater or it may be less; but there can be very little chance of any dimi-

nation befalling it, while its party supporters, be they more or less numerous, both in Parliament and in the Country—more especially in many of the Corporations—appear to be so firmly held together by the common principle which guides their conduct. That principle is one in some respects well grounded, and forms indeed the foundation of all party connexions. When not pushed too far, it is justifiable and it is useful. It teaches men to overlook minor differences of opinion, for the purpose of effecting common objects of superior importance; and warns them against the fatal error so well described by Mr. Fox, of giving up all to an enemy rather than any thing to a friend.—It is, however, equally manifest, that the abuse of this doctrine may lead to a justification of the very worst misconduct—may be used as a cover for the most sordid speculations of private interest—and may sap the foundation of all public principle whatever. It is to be hoped that the party zeal of those above referred to, may not lead them to such excesses. But for the present it does appear to have made the most grave questions of national polity—Retrenchment—Slavery—Colonial rights—Constitutional principle—Peace itself—all sink into nothing compared with the single object of maintaining a particular class of men in power—and invested with the patronage of the Crown, as well as entrusted with the affairs of the Empire.

SPEECH ON CANADA.

MY LORDS,

THE part which I had the honour to bear last summer in this House, when the Commons sent up those ill-fated resolutions to which I trace the whole of the present disasters, impels me to present myself thus early, and to obtrude upon your Lordships my sentiments regarding the important question before you. And, my Lords, I wish that, in following my Noble Friend over the ground which he has just trodden, I could confine myself to the space he has travelled over without trespassing upon other more delicate parts of it. But it never seems to have struck him that when a Minister of the Crown comes to Parliament with a proposition, not merely such as the address contains, but such as we are warned is to follow swiftly upon the address—a demand of extraordinary aid for the executive Government—measures of a high prerogative and unconstitutional kind—it never has struck him, that the Minister who resorts to Parliament for the help of its extreme powers, in applying remedies of the last description—has something more to do than merely to ask for those remedies and shew their necessity—that he has to explain

whence the necessity arises; to defend the conduct which has led to this crisis in our affairs; to repel from himself and the Ministry whereof he is parcel, the charge of having brought the Colonial Empire committed to his care, into such a state, that we are assembled at this unwonted season, for the purpose of quelling a rebellion in the principal settlement of the Crown, preventing if we can the recurrence of disaffection, and suspending the free Constitution of the Province, in order to secure its peace. Are these every day occurrences? Are revolt and civil war of such an ordinary aspect that they pass over us like a summer's cloud and be regarded not? Are the demands of despotick power by the Crown, and the suspension of the whole liberties of the subject, mere matters of course in the conduct of Parliamentary business? Are such demands as these to be granted the instant they are made, without any question asked—without one word said upon the antecedent parts of the novel and ^{or} protentous case—without any attempt whatever to explain or to defend the maladministration which has terminated in the necessity of those demands—without even one allusion to the obvious questions—who caused this disastrous state of things?—whose fault is it that such powers are become requisite?—whose misconduct caused the rebellion to burst forth?—whose neglect of all timely precautions fostered discontent till it ripened into disaffection?—whose unpolitic councils first stirred

up that discord—and whose misapplication of the national resources fanned the disaffection into a flame? Yet, strange to tell! looking from the beginning to the end of my Noble Friend's statement, distinct and lucid as it was—to this hour I cannot descry one explanation offered—one justification attempted—one position taken or defended with the design of protecting himself against the charges which have rung all over the country for weeks, from one end of it to the other, and all pointed against him and his colleagues in the service of the Crown! But, my Lords, I cannot consent so to abandon my duty, as to pass this matter thus over. I feel myself bound to enter upon the subject of these charges at once. I cannot follow the Colonial Minister in the course which he has found it convenient to take of flying away from the real matter in discussion, or allow him to claim the extraordinary and unconstitutional powers which he asks, as if he were discharging some common duty of mere official routine—moving for yearly returns—laying sessional papers before the House—or calling for a vote to supply the yearly expenses of his department in the ordinary circumstances of tranquil times. There was, indeed, one remark made by him that might seem an exception to the account I have given of his speech. He attempted some defence against the great and leading accusation of having sent over the offensive resolutions, and providing no force to support them. But I shall presently shew

your Lordships that the explanation he gave made his case much worse, and that he left the charge more grave and formidable if possible than he found it.

I will now come to the course of his proceedings at large, and first of all to the interval alluded to by the Noble Baron opposite (Lord Ellenborough), when we last met—the period which elapsed between the dispatch of the 20th of November, 1836, promising instructions to the Governor of Canada, and the 11th of March, 1837, the date of the next dispatch.—It is not true, says the Noble Lord, that near four months elapsed between the promise and the non-performance (for the dispatch of March gives no instructions); a small interval only occurred; a letter was written about the middle of February, but it was private and cannot regularly be produced or even alluded to, says the Noble Lord. A shorter production than that of March—shorter in point of physical dimensions, for one falling shorter of its purpose there could assuredly not be—but mathematically smaller.—

LORD GLENELG.—I beg pardon; I did not say a shorter dispatch.

LORD BROUGHAM.—Really, then, I must say, this is the most extraordinary mode of selecting papers for the information of the Parliament or the exculpation of the Ministers, that in my whole life I ever heard of. The dispatch of March, which is of no value whatever, which tells absolutely nothing, is produced. The dispatch of July, which may be of

some value, and may tell something, (I cannot know that it does till I see it), is withheld. Why is it not here with the other? My Noble Friend affirms, that it has something in it; at any rate that it is long; and he is exceeding wroth with me for curtailing it of its fair proportions. Anxious, like a good parent, for the credit of his offspring, he extols its size, without however letting his natural partiality carry him the length of asserting that its value is in proportion to its bulk. Nevertheless, I will, if he pleases, assume it to be so. I will suppose that instead of containing nothing, like its predecessor of November and its successor of March, and indeed, that long train of phantom letters which followed each other "stretching out to the crack of doom," it really told the Provincial Governor something of the intentions of the Ministry, something of the course he was to pursue;—then, I ask, why we have it not produced, that we too may know what that something was which was thus conveyed across the Atlantic at a critical moment a year ago?—Why are we not to see that which tells something, and only that which tells nothing at all? That is my question; a simple one, and I should think easily to be answered; and if my Noble Friend will give it an answer, I shall readily pause in order to be spared the necessity of dwelling longer on this point of debate, willing enough, God knows, where there remain so many others which it is impossible to pass over, that I should be spared the

task of dealing with any one which is superfluous. The mysterious description of this letter, is to me incomprehensible, as given by my Noble Friend. It was a private one. But what can that signify? Whether a dispatch begins My Lord, or My dear Lord, and ends with "the Honour to be,"—or with "Your's truly"—I had always thought made no kind of difference in its nature, provided the matter of it was public business. The test of production is the letter relating or not to the affairs on which the Parliament has been convoked, and the Sovereign is to be addressed. Nor did I ever yet hear of any Minister refusing to produce a paper, whatever its form might be, which bore that relation, unless indeed he had his own reasons for suppressing it. But to refuse it on the pretence of its being private, and yet to use it as a proof that the promise of November was fulfilled in February, while the only papers produced shew that it was never fulfilled at all, is one of the most extravagant draughts ever made upon the unsuspecting confidence of Parliament.

It is on the 20th of November, then, that a promise of ample instructions is given to the Governor. The next dispatch produced, is on the 11th of March; when, instead of fulfilling the promise, now four months old, new promises are made, new hopes of instructions held out, to be realised as soon as the decision of Parliament shall be pronounced upon the case. The promissory letter of November,

and the promissory note of February, are as it were, renewed, but at an uncertain date. When was the decision of Parliament asked? As early as the 6th of March, and after passing some of the principal resolutions, including indeed the most material of the whole, that refusing an elective Council, the Easter recess comes to the relief of the Colonial Department, and Parliament is adjourned. But it meets again on the 6th of April, and assuredly neither before nor after the vacation does it testify any great reluctance to comply with the ministerial desires. From all parts of the country the Members flock to their support against the hapless Province which has been denounced. From all parts of the empire the Parliamentary host assembles. Does there appear in any quarter a disposition to be over-nice about the votes given—over scrupulous as to the principles asserted? Do any of the ministerial supporters, of that staunch and trusty band to whom the Government is indebted for its majority—betray any squeamishness what measures they shall sanction—what votes they shall give? Is any wish betokened to scrutinize very narrowly the plans or the propositions of the Cabinet before they declare them unexceptionable?—On the contrary, so the Ministers leave the concerns of the Sister Kingdom untouched and administer its more practical affairs to the taste of its representatives—there is no inclination whatever evinced to make any kind of difficulty about any

kind of measure—how violent soever, how coercive soever,—that may be propounded for quelling the spirit and completing the misgovernment of any other portion of the whole empire. I confess myself then quite unable to comprehend why all this delay of the necessary orders should be made to turn upon the affected ignorance of what course Parliament was likely to take upon Resolutions which were sure to be carried through the one House by unexampled majorities—through the other with scarce a single dissentient voice. Yet still not a word is wafted across the ocean more substantial for the guidance of the unhappy Governor, than empty promises of orders—notices that some instructions will hereafter be sped towards him. This system, I own, puzzles me not a little. I can well understand the use of notices where there is to be debate and resistance to your propositions. When a question is to arise upon what you propose, that its merits may be discussed, and that its adversaries may be warned to attend the controversy, I can easily conceive the use of giving them intimation; though even then such intimations as the dispatches give, specifying no time at all, would be of no great avail. But what sense can there be in giving your servant a general notice of orders to be afterwards issued, when all he has to do must be, not to debate but to obey? Does he require notice in order to make up his mind to comply? Or is he called upon to consider

in the interval, whether he shall resist or do as he is bid? And yet the Noble Lord's dispatches are stuffed so full of mere notices, that I know of nothing in this respect at all equal to it unless it be the order book of the other House of Parliament on the first day of a session after a General Election! The notice however being given and the promise made in November, in the fulness of time, at the end of April, comes the expected dispatch; a six months' child is brought forth,—it makes a cry,—struggles for life—and is heard no more. I defy the wit of man to suggest the purpose of the November dispatch, or of the March one, which instead of instruction conveys merely a report of the divisions in the Commons, as the Newspapers would have done with equal, and the original document, the votes, with greater authority; but still less can any one divine the purpose for which the dispatch of April was called into a premature and precarious existence; for instead of redeeming the oftentimes repeated pledge by letting the Government know what he was to do, it merely brings down the report of the divisions, and adds carefully the yet more useless information of the lists of the Members' Names. The Resolutions, says my Noble Friend, have all been passed, by large majorities, and I enclose, "for your Lordship's information, " extracts from the proceedings of the House, containing a statement of the several divisions which " have taken place on this subject since I last ad-

“dressed you.” Then as to the introduction of the Bill itself, that it seems “must be postponed till after the opinion of the House of Lords shall have been taken;” about which there seems to be entertained some doubt, to me, I confess, rather unintelligible, considering that but one voice was at all likely to be raised in this place against any of the Resolutions. But the Noble Lord adds, “I have every reason to anticipate that the Bill will be submitted to Parliament within a very short period,” and this was written on the 29th of April. Then come promises in abundance. “So soon,” says my Noble Friend, “as the Resolutions shall have been disposed of by the House of Lords, I shall address to your Lordship full instructions on the steps which should be adopted under existing circumstances, especially with reference to the composition of both the Legislative and Executive Councils. Your Lordship may rely on receiving them in ample time, to enable you to prepare for the meeting of the Legislature.” Did he rely on receiving them in time? I know not—but if he did he was grievously deceived. I shall presently shew your Lordships that he did not receive them till long after the Parliament had met and been prorogued, and I shall demonstrate, that most fatal effects were produced by these instructions not arriving. After adverting to the time of the Colonial Legislature Meeting, and stating that the Governor was the best judge of this, the dispatch

goes on to say : —“ I shall, however, distinctly advert to this point in connexion with the other matters on which I shall have to address your Lordship, and I only refer to it now that you may be aware it will not be overlooked.” Really, I can hardly admit that this would be the necessary effect on the Governor’s mind of such a reference; so many things had been so often referred to, all of which had in succession been entirely overlooked, that I am rather apprehensive, the reference to this question (which, by the way, it is admitted Lord Gosford alone could decide), frustrated its own object, and was fitted to make him expect that this point of future instruction would be overlooked like all its predecessors. But another reason is given for the prospective reference—“ and in order that your own attention may be directed to it in the meantime.” To it? “ To what?” exclaims the Governor, “ for as yet you have told me nothing. How shall I direct my attention in the mean time, to that of which you withhold from me all knowledge?” The thing seems incredible, and we must keep the eye steadily fixed upon the original document lest unbelief get the mastery of us. “ With a view,” the dispatch proceeds—for there was a view with which Lord Gosford was to keep his attention fixed upon an unknown instruction, to arrive at an uncertain time, he was to ponder upon the question of the time of meeting Parliament which he alone could

solve, directing his attention to the instructions on that subject, to be sent by those who could form no judgment upon it, and in utter ignorance of the purport of those instructions on which he was to be all the while reflecting. And what think you, my Lords, was this view with which he was to attend and reflect? What was the reason why his attention should be fixed upon nothing, why his eyes should be directed to glare upon darkness or vacant space? "With the view," concludes this unparalleled letter, "to the sound exercise of that discretion"—some faint semblance there is here, the approach, at least, of some definite matter—but it vanishes instantly like all the rest—"that discretion which it may probably be expedient to leave in your Lordship's hands, with regard to it!"—So the Governor is informed that at some future, but uncertain time, he shall be told something of importance which is carefully concealed from him; the reason, however, is given for warning him that he may expect it, namely, that he may be enabled to occupy the awful interval between reading what tells him nothing, and receiving what is to tell him he knows not what, in making up his mind how he shall act in unknown circumstances, upon undisclosed instructions, and exercise "a sound discretion" upon the undiscovered matter, there being a grave doubt intimated in the same breath, whether or not any discretion at all may ever "be left in his hands." To such orders was Lord Gos-

ford's conduct subject; by such instructions was he to be guided; in such circumstances, and leading to such results, was his discretion to be exercised. My Lords, let us in justice towards an absent man—let us in fairness towards one, who, because he is absent, is by the common proverb, so little creditable to human candour, assumed to be in the wrong—pause for a moment, to consider whether one so situated and so treated, even if his conduct had been the most defective, and had the least satisfied his superiors, would justly have been visited with blame, or at least let us say whether the blame must not have been largely shared by his employers? Mark, I beseech you, in what position he is left. Sent to the advanced posts of the Empire—at a distance from the seat of Government—far removed from the wisdom, the vigour, the resources of those councils which rule our affairs—unprovided with any but the ordinary force of the Colony, the force adapted to peaceful times; and with this inadequate force appointed to meet a crisis brought on by his employers, a crisis unparalleled in the affairs of the province—mark, I say, the helpless position of this Noble person, so unaided by adequate resources, so surrounded by extreme perils, and instead of being instructed how he is to act, told by those who first planted him there, then surrounded him with danger, and at the same time refused him help to meet it, that at a future day he shall be

informed how he is to comport himself; that for the present he is to know nothing; and that he may be making up his mind by guess work how he shall act when he may be told what he should do! But, my Lords! I say it is not Lord Gosford only, whose situation you are to mark and to compassionate—Look to the provinces committed to his care! If you will have dominions in every clime; if you will rule subjects by millions on the opposite sides of this globe; if you will undertake to administer a Government that stretches itself over both hemispheres, and boast an empire on which the sun never sets—it is well. Whether this desire be prudent or impolitic for yourselves, I ask not—whether its fruits be auspicious or baneful to our own interests—I stop not to inquire; nor do I raise the question, whether to the distant millions over whom you thus assume dominion, this mighty and remote sceptre be a blessing or a curse. But of one thing I am absolutely certain; at all events this resolution to have so vast an empire imposes upon you the paramount duty of wakefulness over its concerns—it prescribes the condition that you shall be alive to its administration—vigilant at all times—that you shall not slumber over it, neither sleep, nor like the sluggard fold the hands to sleep, as if your orders were issued to a district, each corner of which the eye could at each moment command—or a kingdom, the communication with all parts of which is open every day and every

hour, and where all the orders **you** may issue, are to be executed in the self-same circumstances in which they were conceived and were framed. That is the condition upon which such mighty empires must be holden—that is the difficulty which exists in the tenure; hard to grapple with—perilous to be possessed of—not wholesome it may be, either for the colony or the parent state, should they long remain knit together—but at all events the condition, *sine quâ non*, of having to administer such arduous concerns.

But let us, my Lords, resume the history of these transactions. The Resolutions were introduced and in part were adopted by the Commons, on the 6th of March. Parliament having reassembled on the 6th of April, they were not brought before your Lordships, till the 9th of May, when you passed them with only my dissenting voice. Now both Lord Gosford and the Parliament had been assured that the Resolutions should be followed up by immediate action, as indeed the plainest dictates of all sound policy required, and that the Bill to make them operative should be introduced without delay. Was it so? Was any thing like this done? No. Nothing of the kind. Day after day passed; week after week glided away; and up to the middle of June, when the lamented illness of the Sovereign ended in a demise of the Crown, no one step had been taken to convert the resolutions into a legislative measure. Yet did any man living doubt

what the inevitable effect of these resolutions must be? They were not conciliatory, they were any thing but conciliatory. They were coercive, they meant refusal, they meant repression, or they meant nothing. They imported a repulsive denial of the Canadian's prayers—a peremptory negative to his long pressed claims—an inexorable refusal of his dearly cherished desires. This might be quite right and necessary. I don't now argue that question—but at any rate it was harsh and repulsive. Nor was there the least accompaniment of kindness, the smallest infusion of tenderness, to sweeten the cup which we commended to his lips. His anxious wish was for an Elective Council. This was strongly, unequivocally, universally expressed. Far from relaxing, the feeling had grown more intense; far from losing influence, it had spread more widely year by year. Instead of being expressed by majorities in the Assembly, of two to one, of the people there represented, after the last dissolution that had increased in the proportion of fourteen to one, the representatives of 477,000 against those of 34,000 only. Never let this fact for an instant pass from the recollection of your Lordships—it lies at the root of the whole argument, and should govern our judgment on every part of the case. It is a fact, which cannot be denied, and it indicates a posture of affairs which all attempts to change must be vain. How were the resolutions formed to meet this state of

the public mind? How did the Parliament, the Reformed Parliament of England, meet the all but unanimous prayer of the Canadian people? By an unanimous vote of this House, by a majority in the other, nearly as great as that which in the Provincial Parliament supported the improvement so anxiously solicited, the people of Canada were told that they had no hope, and that from the Parent State they never would obtain the dearest object of all their wishes. But was there on the other hand no tenderness displayed to soften the harshness of the refusal—no boon offered to mitigate the harsh, the repulsive, the vexatious act of turning to their prayers a deaf ear, and putting an extinguisher on all their hopes? There was. You had given them in 1831 the power of the purse; had told them that they should no longer have to complain of possessing the British Constitution in name, while in substance they had it not; had “kindly and cordially,” such were your words, conferred on them a privilege that should place them on the self-same footing with the British Parliament, secure to them the substantial power of granting, postponing, or refusing supplies, instead of the mere shadow of a free Constitution, which they had before been mocked with. You had told them that in future the means were their’s of protecting their rights from encroachment; that they could thenceforth enforce their claims of right; that they could insist upon redress of their grievances by with-

holding supplies, while the redress was refused. But what do you offer them in 1837, by way of sweetening the bitter refusal of their prayer for an Elective Council? You absolutely mingle with this nauseous potion, not a repeal of the act of 1831, but a declaration that for using its provisions—for exercising the option it gave of refusing supplies—for employing the powers it conferred, in the very way in which you intended, or at least professed to intend they should be employed, to enforce a redress of grievances,—you would set the act and all its provisions at nought, appropriate their money without their consent, and seize their chest by main force, in spite of their teeth, because they had done what you took credit six years ago for giving them the right to do—withheld their money until they had obtained redress! Such were the Resolutions; such their import and intention. I am not now arguing their merits. I am not about proving their monstrous cruelty—their outrageous injustice. But I ask if any human being ever existed in this whole world moon-stricken to the excess of doubting for one instant of time, what must be the effect of their arrival in Canada? Some there may be who viewed them with a more favourable eye than others; some who deemed them justifiable, some even necessary; while others abhorred them as tyrannical and without the shadow of justification; some again might apprehend a more instantaneous revolt to be risked by them than others dreaded, and some might differ

as to the extent and the efficacy of that commotion ; but where was the man of any class, whether among the authors of the Resolutions, and their supporters, or their enemies, or the by standers, among those of liberal principles who were struck with dismay at the shame in which their leaders were wrapt, or among those of opposite opinions who exulted to see the liberal cause disgraced and ruined—where, I demand, among them all was the man endued with understanding enough to make his opinion worth the trouble of asking for it, who ever doubted that the arrival of these detested Resolutions in Canada must be the signal of revolt, at least the immediate cause of wide-spreading discontent and disaffection throughout the Province ? The event speedily justified this universal apprehension. I might appeal to the ordinary channels of information ; to the public papers of America as well as of Canada ; to what formed the topic of conversation in every political circle, both of the Old world and the New ; but I will only refer you to these papers, meagre and imperfect as they are ; for they contain abundant proofs of the fact which I state ; and in the face of these disclosures, reluctant and scanty though they be, I will defy my Noble Friends to gainsay the statement I have made. I may here observe, that as several of the dispatches give so little information that they might without any detriment to the question have been withheld, so some have manifestly been kept back, of which the Government

are unquestionably possessed, and which would throw light upon this part of the subject ; although those produced give us plain indications what has been suppressed. Thus the dispatches of the 2d, 8th, and 9th of September shew to an attentive reader, as strikingly as anything in the late deplorable Gazettes themselves, the progress of that discontent which has been suffered to break out into rebellion. In the first, Lord Gosford states that he thinks it may become necessary to suspend the Constitution—not an indication, surely, of things being in a satisfactory or a tranquil state. In the last of the three letters, he says, “ up to this day (not at once, “ but in a course of time) he has been obliged to dis-
“ miss fifty-three Magistrates and public officers ;” and for what ? The Magistrates for attending unlawful meetings, and the officers for seditious practices. What state of things does this betoken ? And how plainly does it shew that the evil was not of yesterday ? Manifestly the dismissals had been going on for a time, and notice of them had been communicated to the Government at home ; but how happens it that no other intimation is given of so grave a matter except in this one dispatch ? Then in the letter of the 8th September, Lord Gosford describes a Central Committee as having been formed by the disaffected, from which orders were issued to what he calls “ *the Local Committees.*” The Local Committees ! Yet we find no mention whatever of any Local Committees in any of the other letters

produced for our information! The use of the definite article plainly shews that the Governor had in some previous dispatch described those bodies to which he here refers without any description. When in the same sentence, he speaks of the Central Committee—evidently for the first time—he calls it “*a* Central Committee,” and explains its nature. Clearly, then, there has been received some other letter, whether long or short, private and informal, or regular and official, informing the Government of the ominous circumstance, here only alluded to as already well known, of Local Committees having been established throughout the Province. But that other letter is kept back. The information which the supposed dispatch would disclose is not new to me, and it is of deep importance. It points at an organized system of insurrection, and it traces the system to the arrival of the Resolutions in Canada. In each parish, Parochial Committees were formed; in each district, District Committees; and these local bodies were under the orders of the Central Committee. But a judicial system was also established: In each place there were appointed arbitrators, called *amiables compositeurs*, or pacificators, to whom it was required that all having suits should resort, and not to the King’s Courts of justice; or if any party preferred the latter, he was visited by some one who warned him that the Patriots had passed resolutions against suing in the Courts of the State; his cattle were

marked in the night if he persevered ; and a further contumacy towards the courts of the arbitrators was visited with the maiming of his beasts the night after. This system was established and in operation as early as the beginning of September. But there are some plans which cannot be the work of a day, and of these a judicial establishment like this is surely one. We may safely calculate that months had elapsed before the things stated respecting it in these papers could exist. But I know that the plan was not confined to such Committees of Government, and such irregular tribunals. Men were raised, as was said, for the purposes of police ; as, I believe, to be ready for resisting the Government. The pretext was the removal of so many Magistrates from the commission of the peace. So that we have here all the great functions of Government usurped by the disaffected ;—executive administration provided, judicial tribunals formed, and a military force levied ;—and all usurped under the very eye of the Government. Why do I ascribe all these frightful results to the Resolutions ? My reason is plain — it is in these dispatches. Lord Gosford himself tells you what their effect was, particularly that of the eighth, respecting the money ; they who were most attached to the Government, who most reprobated the proceedings of the Patriots, who least favoured the French party, were loud in their disapprobation of that eighth Resolution. I do not marvel at this, my Lords ;

to me it is no surprise at all; I expected it. I contended against the Resolutions; I protested against them; I earnestly, though humbly, besought you not to plunge the country into that civil contention which I saw was inevitable the moment that eighth Resolution should pass. To injury of the deepest character, it added what is worse than all injury, mockery and insult. To tell men that you gave them the British Constitution, and to brag of your bounty in giving it;—to tell them that they no longer had it in form, but that now you generously bestowed on them the substance;—to tell them that they now possessed the same control over the executive Government which we in England have, and which is the corner-stone of our free Constitution;—to tell them that you gave them the power of stopping supplies, for the purpose of arming them with the means of protecting their rights from the encroachments of tyranny, and of obtaining a redress of all grievances;—bragging of your liberality in thus enabling them to seek and to get, by these means, that redress;—and then, the very first time they use the power so given, for the very purpose for which you gave it, to leave them nominally in possession of it, to pass by it to disregard it, to act as if you never had given it at all, and to seize hold of the money, to send a file of soldiers and pillage the chest of that fund which you pretended you had given them, and them alone, the absolute power over

—this surely is a mockery and an insult, in the outrageous nature of which, the injury itself offered merges and is lost. But I am not now arguing the merits of these ill fated proceedings. Let them have been ever so justifiable, I have nothing to say against them. They were adopted by the wisdom of Parliament, and it is too late to discuss—it is unavailing to lament it ; but this at least we may say, that when such a course as this was taken, known before hand to the Government, to its advisers who could not be taken unprepared by it—who had been deliberating on it from the 20th November, 1836, to the unknown date of the suppressed dispatch in July, and thence to that of the next not very instructive but at least forthcoming dispatch of April 29—the Ministers were aware of the measure they had conceived,—they knew its tendency,—they must have made up their mind to its effects,—they had resolved to inflict the grievous injury and offer the intolerable insult yet worse than the injury. Was there ever yet imbecility—was there ever confusion or want of ideas—ever yet inexplicable policy, (if I might prostitute such a name to such a base use,)—was ever there seen in the history of human blunders and incapacity anything to match this of wronging and mocking and insulting, and yet taking no one step by way of precaution against the inevitable effect of the outrage offered, and to prevent the disaffection into which you were goading them from bursting out into

revolt, and the revolt from proving successful? The Canadian People are told—You shall be defeated, and oppressed, and scorned, and insulted, and goaded to resent, but care shall all the while be taken that nothing is done to prevent the irritation we are causing from bringing on rebellion, and should rebellion peradventure ensue, no means shall be used to prevent the shedding of blood,—to protect the loyal and restrain the insurgent. My Lords, there have been before now at various times, men inclined to play a tyrant's part; to oppress the unoffending, to trample upon the liberties of mankind; men who had made up their minds to outrage the feelings of human nature for somefoul purpose of their own, aggravating the wrongs they did, and exasperating the hatred they deliberately excited by insults yet more hard to be borne. These courses have had different fortunes,—sometimes the oppressor has prevailed,—sometimes he has been withstood, and punished by the people. But I will venture to assert that this is the first time such a course ever was pursued without some foresight, some precaution to enforce the policy resolved on,—some means provided to preclude resistance, and at least to guard against its effects. Tyranny and oppression has here appeared stript of its instinctive apprehension and habitual circumspection. Compared with the conduct which we are now called to contemplate, the most vacillating and imbecile, the most inconsistent and impotent rulers, rise into some station

commanding respect;—King John, or Richard Cromwell himself rises into a wise, a politic and a vigorous prince.

But it is said that there were various reasons why these Resolutions should not be accompanied with an effective force. And first, because the event has shewn that there were troops enough already in the Colony to quell the revolt. I hope it is already put down—I do not know that it is; but assume it to be so, does not my Noble Friend see how much this proves? The defence, if it means any thing means this—that the ordinary peace-establishment of Canada is quite large enough to meet the most extraordinary emergencies that ever yet happened in its whole history. How then will he meet these economists of our resources—those who are so niggardly and frugal of the public money, and justly complain of every pound needlessly spent and every man not absolutely required for the defence of the provinces? Because if it turns out that you had in times of profound peace so large a force in the Colony, as was enough to meet a most unexpected crisis and to cope successfully with a civil war, how is the question to be answered,—“Why
“an army should be wanted in peace, equal to the
“establishment which a war requires?” Had such a question been put on any other occasion than the present, I well know the answer it would have received, because I have heard it again and again

both while in office and while out of office. The answer would assuredly have been : We keep only just force enough to meet the ordinary demands of tranquil times. Yet according to the extraordinary defence set up this night, there never are fewer troops maintained in Canada, than are sufficient to meet demands of the most unexpected kind. There may a civil war any moment break out, and the Government may occasion and may quell an universal insurrection, without despatching an additional man or gun thither. The establishment is so happily constituted as not to be too great for peace, and also not too little for war. But a second argument has been used more startling still. My Noble Friend tells you that to send more men over would have had a very bad effect, because it would be admitting the Resolutions were wrong, and shewing we anticipated a resistance. Why, my Lords, is it not better to anticipate a resistance, and thereby prevent it than to do nothing and be surprised by one ? Which is the worst and most dangerous course, to be over cautious, or too supine ? Is not the reality of a successful revolt infinitely more hurtful than the appearance of dreading one which may never break out ? Is not a revolt far more likely to happen, and if it happen to succeed, if you omit the ordinary and natural precautions ? And suppose these prevent its happening, what the worse are you for having it said, and said unjustly too, that you were apprehensive without cause ? But then a third defence is

attempted. Sending troops, says my Noble Friend, would have been paying a bad compliment to the loyal zeal of the Canadians ; it would have been treating them as if we could not sufficiently rely on them alone. Now I should not much wonder if these peaceable inhabitants of the province, however loyal, and however devoted, were to say, when they found themselves, through this extreme delicacy, exposed unprotected to civil war, "A truce with your compliments ; send us some troops. Don't laud our zeal and loyalty at the expense of our security. Don't punish us for our good qualities. Give us less praise and more protection. Never heed the imputation you may expose us to by sending out effectual succour to those who are not military men, so that you only secure the settlement against the worst of calamities, the flames of civil war, and should they break out, their laying waste our province." Surely, my Lords, those peaceful and loyal subjects of the Crown are sorely aggrieved when you tell them that their settlement may be involved in agitation and torn by civil broils, but that still no protecting hand shall be stretched forth to stay their ruin,—that you abandon your duty towards them—the duty of protection which alone gives you a title to the reciprocal duty of allegiance—and as surely they are mocked beside being aggrieved when in excuse for thus deserting your duty towards them, they are told that were you to discharge it, you might appear to doubt their

loyalty and their zeal. My Lords, this is not, it cannot be a real defence ; it is an after thought. I am sorry to say that I cannot bring myself to regard it as sincere, and but for the respect I owe my Noble Friend I could not bring myself to regard it as an honest defence. If any man had asked him six months ago, before the event, why no troops had been sent to back the odious Resolutions and render resistance hopeless, he might have given various answers to a very pertinent question. I cannot indeed easily divine what he would have urged in explanation ; but of one thing I am quite certain—I can tell at once what he would not have urged—he never would have uttered a word about the dispatch of troops indicating a distrust of Canadian loyalty or a condemnation of the eighth Resolution. All this is a mere ingenious expedient resorted to after the event, and it is not, permit me to say, characterised by the accustomed candour, fairness, and ingenuousness of the Noble Lord.

Well, then, thus matters went on, and thus to the very last with admirable consistency. No instructions, either as to the Legislative or Executive Council reached Canada before the Parliament of the Province met, although it had been distinctly promised that they should arrive before the meeting, as indeed after it they could serve no kind of purpose. Nay, the Parliament had met and been prorogued before they were even dispatched from Downing Street. I am aware indeed of the dis-

patches which bear the date of July 14, a day remarkable in the calendar of the Colonial Office for unwonted activity—no less than four of these dispatches, being all dated upon that singular day—and I know that one of these appears to contain a good deal about the constitution of the Legislative Council, but when you examine it you find nothing more than a long, a very long extract from the report of the Commissioners—so long as to require an apology in my Noble Friend's letter for the length of the quotation. It seems that on this matter the three Commissioners had agreed. Their general course of proceeding had been to differ upon every thing—so that each reason assigned by the one found a satisfactory refutation in the arguments urged by his able and ingenious colleagues. Nevertheless they had an odd manner of often coming to the same conclusion, not only by different roads, but by travelling in diametrically opposite directions, as if to reach York they took not the Hull road or the Grantham road, but the road by Exeter or by Brighton. However, in this paper they had for a wonder all agreed; therefore my Noble Friend catches at it, and for the edification of the Governor, sends him nearly the whole of it in the form of a dispatch without adding one word of advice or information as to how the Governor should proceed in carrying the propositions into effect, or constructing his council—the whole practical matter being what men he should put upon it. The

Noble Governor was now surrounded by disaffection, and sitting upon the collected materials of an explosion; he was ruling a province on the brink of civil war, and without supplies of force, or a word of information or advice from home. So my Noble Friend sends him a long quotation from the report of the Commissioners, a precaution the less necessary that the Noble Lord himself, being one of those Commissioners, had himself signed that report, and might, one should suppose, very possibly be possessed of some knowledge of its contents. Nay, it was barely possible that he might have a copy of the document at large. So careful however was the Noble Secretary of State, that he thought it better to send him a part of it, as he was pretty certainly already in possession of the whole. Nothing more is done till August 22, when at length a dispatch is forwarded, with full instructions as to the composition of the Council. The dispatches before sent had contained only a very partial and entirely provisional power of appointment. But the difference between the two dates is in fact quite immaterial; for if all that was sent in August, had been sent in July, it was too late—the Parliament met on the 18th of August, and unless the powers had arrived before that day, they were absolutely useless; not to mention that a proclamation issued in June shews the Colony to have been then on the verge of rebellion. The Provincial Parliament met—nothing but the Resolutions was laid before them—nothing but refusal and coercion, disappointment and mock-

ery, were tendered to them, without a single proposition to soften the harshness of the refusal, or mitigate the bitterness of the insult. The Provinces were now arrayed in opposition, and preparing resistance to the Government,—an extensive system of combination was established,—civil, judicial, and military powers were exercised by the patriots. It was now too late to soothe, by the appointment of Councillors, whose names, a few weeks earlier, might have given confidence to the people, and paved the way for a restoration of kindly feelings towards the Government ; they had already gotten the Local Committees,—their central body—their *amiables compositeurs*, their police-bands.—On the one hand, hope had been held out never to be realised—promises made only to be broken. On the other hand, resolutions of coercion had been passed amounting to hateful threats, to be followed immediately by Bills, but these were never so much as proposed to Parliament. The insurrection breaks out—blood is spilt—the province is involved in rebellion and in war—still no legislative measures are ever framed upon the Resolutions. Parliament assembles weeks after the most important information has come from the Colony,—still not a word is said of anything but the New Civil List; and instead of the often promised Bill to carry the Resolutions of April and May into effect, an entirely new Bill is announced, upon a wholly different plan, and to meet the completely altered state of affairs.

Now, then, I ask the reason why the measures

was delayed, after being distinctly promised in April? The Government are aware that this question must be answered, and I find several reasons assigned in these papers.—The first is given in one of the four dispatches of July 14. “Much as the Government have always lamented the necessity of adopting such a measure under any circumstances, they would, at the present moment, feel a peculiar reluctance in resorting to it, as they would deeply regret that one of the first legislative acts of her Most Gracious Majesty’s reign, should carry even the semblance of an ungracious spirit towards the representatives of her loyal and faithful subjects in that province.” If, then, even the semblance of an ungracious spirit towards the loyal and faithful subjects,” is so “deeply regretted” by my Noble Friend, what thinks he of the reality of an audacious spirit of resistance to the Sovereign herself? Does he not consider that it would have been quite as well to avoid such empty, unmeaning compliments to his Sovereign, and discharge the imperative duty cast upon him, of maintaining her authority and protecting her loyal people? Would it not have been full as respectful a course, and to his Royal Mistress just as grateful, if instead of such tawdry and clumsy figures of speech, he had given her the opportunity of maintaining the peace of her dominions, by pursuing the course begun under her illustrious predecessor? My Noble Friend speaks of “deep re-

gret,"—was it then a subject of much satisfaction to him that weakness and indecision, delay and inaction, should lead from dissatisfaction to revolt, and end in shedding the blood of the people? Are these things no matter of regret, when deep regret is expressed at merely continuing in the new reign, the measures resolved upon towards the end of the old? The rose leaves on the Royal couch of the Young Queen, must not, it seems, be ruffled by the discharge of painful, though necessary duties.—But then was the death-bed of the aged Monarch to be studded with thorns? If the mind of the successor must not be disturbed with the more painful cares of royalty, was the dying Prince to have his last moments harassed and vexed by measures of a severe and harsh aspect? Such I presume is the reason assigned for nothing having been done after the resolutions were passed in the beginning of May. My Lords, this is a delicate—a perilous argument. We are here treading slippery ground—we are dealing with very high matters. I affirm that I speak the language of the Constitution when I absolutely refuse my ear to all such reasons. They are resorted to for the defence of the Ministers at the expense of the Monarchy. I know nothing of the last hours of one reign—or the dawn of another—nothing in the change of Sovereigns which can lessen the responsibility of their servants, or excuse them from performing their duty to the Crown, be it of a stern and harsh nature, or be it

gentle and kind. Beware, I say, how you give any countenance, aye, or any quarter to topics of defence like these. They are so many arguments against a Monarchical Constitution, and in favour of some other form of Government. This is no discourse of mine. It is not I who am to blame for broaching this matter. You are they (*to the Ministers*)—you are they who have forced it into debate—and this dispatch—this dispatch is the text upon which, trust me, commentators will not be wanting!

But, my Lords, these were not the reasons of all the vacillation and all the delay. The real reason oozes out a few pages later in the book before me. I have been reading from the dispatch of June 29; turn now to one a fortnight later, and you find that a resolution had all at once been taken to give up the eighth Resolution, and ask money from Parliament here, for the Canadian service, instead of despoiling the chest at Quebec. This abandonment of the eighth Resolution as to all fruits to be derived from it, is indeed unaccompanied with any benefit whatever from the surrender—the announcement of the policy, harsh and insulting, is to continue; only its enforcement is given up, and the people of England are as usual to pay the money. But see with what a magnanimous accompaniment this abandonment—this shifting of the ground is ushered in. We are now in full vigour; and we cannot boast too loudly

of it, while in the very act of performing the crowning feat of impotency. "The time (says this "very dispatch) has passed away in which it was "right to pause and deliberate." Some hopes indeed seem yet to have been entertained of amicable adjustment—it is difficult to see why—nor indeed does the Noble Secretary of State see—fo. he candidly says, "hopes, resting as I must confess on no very "definite ground;" yet he adds, "I cannot altogether "despair that the Assembly—or some considerable "portion of it, will abandon their course."—I suppose because there was nothing whatever to make them think of doing any such thing.—My Noble Friend, however, in the act of abandoning his course,—a course which he declares was "entered on by him, upon no light or ordinary motives"—adds, "To retreat from such a course would be inconsistent with our most deliberate sense of public "duty." "Deprecating, therefore, (he proceeds) "every appearance of vacillation where no doubt "really exists"—and so forth. Then did he flatter himself, that when the appearance of vacillation was so much to be deprecated, its reality would work no harm to the public service? Did he not perceive that all he here so powerfully urges against inaction and hesitation, and oscitancy, and faltering, were triumphant arguments in favour of that line of conduct which he never once pursued? This dispatch full of reasons against vacillation, affords the most marvellous sample of it, which is to be

found in the whole train of his proceedings. The Resolutions were passed almost unanimously—it was resolved to take the money of the good people of Canada—it was affirmed that there must be no pause—no doubt—no vacillation—and the new determination prefaced by this announcement, is that the former Resolutions about which no man (say they) can now have any doubt, shall be given to the winds, and the money taken from the pockets of the good people of England!

It would indeed seem that just about this time, some wonderful change had come over the minds of the Ministers, depriving them of their memory, and lulling even their senses to repose—that something had happened, which cast them into a sweet slumber—a deep trance—such as physicians tell us, not only suspends all recollection of the past, but makes men impervious to the impressions from surrounding objects through the senses. Could this have arisen from the deep grief into which my Noble Friend and his colleagues were known to have been plunged by the decease of their kind and generous Master? No doubt that feeling must have had its day—or its hour—but it passed swiftly away—it is not in the nature of grief to endure for ever. Then how came it to pass that the trance continued? Was it that the demise of one Monarch is necessarily followed by the accession of another? Oh—doubtless its pleasing endurance must have been caused by the elevation of their late gracious Master's illus-

trious successor, prolonging the suspension of the faculties which grief had brought on—but changing it into that state, inexpressibly delicious, which was suited to the circumstances, so interesting, of the new reign. Or could it be, that the Whig party, having for near a hundred years been excluded from the banquet of Royal favour, had now sitten down to the rich repast with an appetite, the growth of a century's fast, and were unable to divert their attention from so pleasurable and unusual an enjoyment, to mere vulgar matters of public duty, and bring their faculties, steeped in novel delight, to bear upon points so distant as Canada—affairs so trivial as the tranquillity of the most important Province of the Crown, and the peace of this country—possibly of the world? All these inconsiderable interests being in jeopardy, were they insufficient to awaken our rulers from their luxurious stupor? I know not—I put the query—I suggest the doubt—I am unable to solve it—I may, for aught I know, have hit upon the solution; but of this I am sure, that to some such solution one is unavoidably led by the passage of the dispatch which refers to the demise and accession as the cause of the general and absolute inaction which at that critical moment prevailed. But another event was in prospect, the harbinger of almost as much joy as the prospects of the new reign—I mean the prospect of a new Parliament. The dispatch gives the ap-

approaching dissolution as one reason for the conduct, or rather the inaction of the Government—and I sincerely believe most truly—for as surely as an accession follows a dissolution of the Prince, so surely does an election follow a dissolution of his Parliament. It is not that there was any thing like a justification of the Bill not being introduced, in the approaching dissolution; for there was abundance of time to pass it between the beginning of May and the end of July, when Parliament was dissolved. It could not have been much delayed in the other House, where such unprecedented majorities had concurred in passing all the Resolutions; and in this House, my Noble Friend (Lord Melbourne) knows he can do as he likes—I mean when he is doing wrong—*Illá se jactet in Aula*, and he is little opposed here. I am far from saying your Lordships would so readily let him do any thing to advance the interests of the people, or extend their rights; but only let him invade their liberties, and he is sure to find you every way indulgent; such is your partiality for a bold and decided policy; so great your inclination to support what are termed vigorous measures! It is not, therefore, with the dissolution that I can connect the laches of the Government in the way in which they urge it as a defence. But they were impatient to get rid of the old Parliament, that they might be electing a new one, and all their attention was absorbed in their election schemes.

Their hopes were high; they reckoned upon gaining largely, and little dreamt that upon their appeal to the People, instead of gaining fifty, they should lose fifteen. Those "hopes too fondly nursed," were afterwards "too rudely crossed;" but at the time they filled their whole soul, and precluded all attention or care for other matters—whether justice to Canada, or justice to England. What passed in this House, to the serious interruption of our judicial functions, may be taken as a proof how little chance any Colonial affairs had of commanding a moment's regard, or delaying for a day the much-wished-for General Election. The report had been made to head-quarters by the proper officers—those whose duty it is to preside over the gathering of the Commons—to take care that there shall be a House when it is wanted—or that there shall be none when that is expedient; and above all, whose department is to arrange the times and seasons of elections. The result was, that the interests of the Ministry were understood to require that certain writs should issue on the Monday; and that on no account whatever the Parliament should be allowed to exist another day. In the general joy of the new reign and the sanguine hopes from the new Parliament, my Noble Friend on the Woolsack, (Lord Cottenham) seemed himself to be a partaker. He betrayed signs of hilarity unwonted: I saw him, I can undertake to say, smile twice at that critical period, and I have heard it said, that the

same symptom was observed on one other occasion ; but that of course passed away. We were engaged in a most important cause—a question of law—long the subject of dispute in Westminster Hall, and on which the different Courts there had widely disagreed. It had come at length before this House for decision in the last resort, and after being fully argued, the learned Judges, whose assistance your Lordships had, still differing in opinion, had delivered their arguments *seriatim*. It was for the House to determine, and set the controverted point at rest for ever by a solemn decision ; and accordingly, on the Saturday, my Noble and Learned Friend had begun by moving an affirmance of the judgment below ; and by a natural mistake (the point being one wholly of Common Law) he had given a reason rather for reversing than affirming, by citing the case that made against his argument. At this identical moment there was observed to approach him from behind a form not unknown to the House, though to the law unknown, the Lord Privy Seal, robed as a Peer of Parliament, and interrupting the judge in delivering his judgment, to suggest what immediately put an end to my Noble and Learned Friend's argument. There could be no doubt of the purport of that communication ;—the hour of four had arrived, and then, if at all, must the Commons be summoned to hear the Commission read. The Privy Seal had warned the Great Seal that if the judgment were given—if the reasons

in its favour were assigned, only the ones against it having been stated—the Parliament could not be dissolved on Monday ; and thus the grave interests of the elections might be sacrificed to the mere administration of justice. The judgment being thus prematurely closed, and the argument left against, and not for, the decision recommended by the Speaker of your Lordships' House, the commission was executed, and some score or two of Bills were passed. The judicial business was then resumed. Your Lordships differed in opinion. The Lord Chief Justice took a view opposite to that of the Lord Chancellor. It was my fortune to agree with the latter ; and after considerable argument the judgment was affirmed, not for the reason which he had given in favour of it, but in spite of the reason which he had urged against it. But this was not all : I and other Noble Lords were most anxious to have the dissolution postponed one day longer, in order to dispose of several important causes which had been fully heard at heavy expense to the parties, and to prevent the risk of the whole expense being renewed in case those who had heard them should die before next session, or be unable to attend the judicial business of the House. We earnestly besought the Government to grant this postponement for so important a purpose, as well as to prevent the vexation to the parties of increased and most needless delay ;—to the Court, the serious inconvenience of

deciding a year after the argument had been heard. But we prayed in vain; they would hear of nothing but dissolving and electing—would attend to nothing else—would allow nothing to interpose between them and their favourite electioneering pursuits; and the reports of your Lordships' judicial proceedings bear testimony to the haste with which, to attain those electioneering objects, the session was closed, and the administration of justice in the last resort interrupted. Well, therefore, might the Noble Lord's dispatch of the 14th July, assign the approaching dissolution of Parliament as a principal reason why Canada could not be attended to. Although not in the sense of that dispatch, or as any thing like an excuse for his conduct, assuredly the dissolution and its consequences had much to do with that neglect of duty. It called away the minds of men to nearer and dearer objects; fixed their attention upon things that far more nearly touched them—things that came home to their business and bosoms;—the preparations for the approaching elections; and the affairs of the remote Province, which had at no time engrossed too much of their care, were thought of no more.

Thus, then, my Lords, all is uniform and consistent in these transactions: all is in keeping in the picture which these papers present to the eye. A scene is certainly unfolded not much calculated to raise in our estimation the capacity, the firmness, the vigour, or the statesmanlike habits of those distin-

guished persons to whose hands has been committed the administration of our affairs. I do not by any means intend to assert that the great qualities of public life may not be discovered in these proceedings. I should be far from saying that both deliberation and dispatch may not be traced in their conduct;—deliberation amounting even to balancing, and pausing, and delay;—dispatch running into rapidity, precipitancy, hurry. You meet with the unhesitating haste, and with the mature reflection; the *consulto* and the *matura facto* are both there. But then they are at the wrong time and in the false position: the rapidity presides over the deliberative part—the deliberation is applied to the executive. The head is at fever heat; the hand is paralyzed. There is no lack of quickness but it is in adopting plans fitted to throw the country into a flame; no lack of delay, at the moment when those schemes are to be carried into execution. They rush unheeding, unhesitating, unreflecting into resolutions, upon which the wisest and readiest of mankind could hardly pause and ponder too long. But when all is determined—when every moment's delay is fraught with peril—then comes the uncertainty and irresolution. They never pause until the season has arrived for action, and when all faltering, even for the twinkling of an eye, is fatal, then it is that they relapse into supineness and inaction; look around them, and behind them, and everywhere but before them; and sink

into repose, as if all had been accomplished, at the moment when every thing remains to be done. If I were to ransack all the records to which I have ever had access of human conduct in administering great affairs, whether in the annals of our own times or in the ages that are past, I should in vain look for a more striking illustration of the Swedish Chancellor's famous saying to his son, as he was departing to assist at the congress of statesmen, "*I fili mi ut videas quantulá sapientiá regatur mundus!*"

My Lords, I cannot sit down without expressing also my opinion upon the conduct of the other party in this disastrous struggle. Both here and elsewhere still more, invectives have been lavished with unsparing hand upon those whom the proceedings of the Government first drove to disaffection, and afterwards, by neglect, encouraged to revolt. I will not stoop to protect myself from a charge of being prone to vindicate, still less encourage men in their resistance to the law, and their breach of the public peace. But while we thus speak of their crimes and give vent to the angry feelings that these have excited among us, surely it becomes us to reflect that we are blaming men who are not present to defend themselves—condemning men who have no person here to say one word in explanation, or palliation of their conduct—and that while we have before us their adversaries in this country, and the whole statements of their adversaries in the Colony, from themselves we have not one single word

spoken or written to assist us in forming our judgment, or to stay our sentence against them. To any fair and candid, not to say generous nature, I am sure I need not add another word for the purpose of showing how strong is their claims to all forbearance, to every allowance which it is possible for charity to make in scanning their conduct. Then I shall ever hold those deeply responsible who could have made all resistance impossible by making it hopeless, but who sent out no reinforcements with that design—those who first irritated, and then did not control—who, after goading to insurrection, did nothing to overawe and deter insurgents. And after all, when men so vehemently blame the Canadians, who is it, let me ask, that taught them to revolt? Where—in what country—from what people did they learn the lesson? You exclaim against their revolt—though you have taken their money against their wishes, and set at nought the rights you boasted of having bestowed upon them. You enumerate their other comforts—that they pay few taxes—receive large aids from this country—enjoy precious commercial advantages for which we pay dear—and then you say, the whole dispute for which they have rebelled is about the taking of twenty thousand pounds without the consent of their Representatives! Twenty thousand pounds taken without their consent! Why, it was for twenty shillings thus taken that Hampden resisted—and by his resistance, won for himself an im-

perishable name, which the Plantagenets and the Guelphs would give all the blood that swells their veins to boast of! If to resist oppression—if to rise against usurped power, and defend our liberties when assaulted, be a crime—who are the greatest of all criminals? Who but ourselves, the English people? We it is that have set the example to our American brethren. Let us beware how we blame them too harshly for following it! My Lords, I throw out these things with no view of merely giving offence in any quarter—I do so with a better object—an object of all others the dearest to my heart at this moment,—to prevent, by this palliating reflection, the shedding of one drop of blood, beyond what self-defence and the lowest demands of justice administered in mercy require—to warn those into whose hands the sword is committed, that they have a care how they keep it unsheathed one instant after the pike of the rebel has been thrown away!

My Lords, the speech of my Noble Friend would now carry me after him into a wide field—the consideration of the new system which is to be proposed for governing the Colony. Upon that ground I decline entering at present; but the general aspect of it demands a single remark. The constitution is to be suspended for three years, and a Governor is to rule with absolute power; and yet all the while the boast is that the insurrection has been partial—that only a single county of the whole

eight has taken any share in it—and that all the rest of the community are loyal and well-affected ! Then, I ask, why are the loyal and well-affected, because they have put down the partial revolt, to be punished for the offences of others, and to lose not only the privileges which you gave them in 1831, but the constitution which Mr. Pitt gave them forty years before ? This may be vigour—it is certainly not justice. It looks like an awkward and preposterous attempt to supply at this late hour the total want of activity which has prevailed throughout the whole conduct of government, by an excess of action—by a morbid vigour that can work nothing but mischief to all. It is a proceeding wholly repugnant to all ideas of justice, and contrary to common sense. Only see how utterly this measure is inconsistent with the rest of my Noble Friend's defence. When you ask why no force was dispatched to secure the peace of the Colony—you are told it was quite unnecessary—the people were all so loyal that the peace was in no peril, and sending troops would only have been offering a groundless insult by suspecting their zeal and devotion. But when it is thought desirable to destroy the free constitution and put a pure despotism in its place—straightway it is found out that the whole mass of the population is disaffected and can no longer be intrusted with political rights. The rebellious spirit shifts and changes—contracts and expands—just as it suits the purpose of the

argument. Now it is confined to a single county—pent up in a corner of the settlement—bounded by the river Richelieu. This is when the Ministers are charged with having left the Colony to its own resources. Presently the new plan of arbitrary government is on the carpet, and immediately the revolt spreads in all directions—spurns the bounds of rivers and mountains—diffuses itself over the whole country—and taints the mass of the inhabitants. My Lords, I care not which way the question is put, but it is a question that must be answered before these Ministers can compass both their objects, of defending their past conduct and obtaining new powers. The dilemma is now complete and perfect. If the Colony was in such a state as to justify this arbitrary bill, why did you leave it without a force? If the colony was in such a state as justified you in withholding reinforcements, what pretence have you for disturbing its peace, and inflicting upon it a despotic government? Answer me these questions. One answer will suffice for both. But I believe for that answer I shall wait for ever and in vain.

But then it seems that this despotic constitution is only to be the fore-runner of some other arrangement. Whether the Noble Lord had himself formed a very clear and precise idea of that ulterior measure I am unable to say with confidence. But this I know, that his explanation of it left me without the power of comprehending it with any dis-

tinctness ; and what I could comprehend, seemed absurd in the extreme. Of all established Constitutions we are bound to speak with some respect, more or less ; they have been tried, and at least been found to answer some of the purposes for which they were designed. But a wholly new and untried scheme is intitled to no respect at all beyond what its intrinsic merits claim ; and as far as this scheme is comprehensible, it appears eminently ridiculous. A certain number of persons we are told are to be called by the Governor to his aid as Councillors, but how they are to be selected, and what powers they are to have, we are not informed. Is the Governor to summon whom he pleases ? Then he gives no share whatever in the deliberations to the people, and for the purpose of conciliation or indeed of learning the public opinion, the proceeding is utterly nugatory. Is he to choose the districts and leave the electors there to send representatives ? But still it is a packed assembly, and no voice is given to the bulk of the community. Is he then to issue writs generally—only requiring ten councillors instead of ninety representatives to be elected for his help-mates ? But when the whole country is unanimously of one opinion, this plan can have no other effect than to bring together a Parliament composed exactly like the present, only fewer in number and under a different name. It is plain that in one way or another the intention must be that the people shall not elect freely as they now

do, else a Parliament precisely like the disaffected one will be returned ; and that those elected shall have no power to act unless they do as they are bid, otherwise the Government will be in the precise difficulty which now oppresses it. But if any such semblance only of consulting the people is all you mean to give—if under the pretence of calling them to your aid you exclude all the men of their choice, and only take counsel with creatures of your own—I tell you fairly that such an intolerable mockery will avail you nothing. Better proclaim at once a despotism without any disguise or any mitigation. Make the Governor supreme. Let him rule without advice or even instruction—in his own name and not in the name of the law—for your interest and not for that of the Colonial people.

But, my Lords, I have said that I should at present forbear to pursue in detail the subject which we shall hereafter have ample opportunities of discussing at large. Neither will I go into the particulars of the civil war that has so lamentably been kindled. I have mentioned that there is reason for hoping its disasters have already reached their term. I hope, most devoutly hope, it may be so. No thanks to the Government, the Colonists themselves, left wholly to their own resources and their own zeal, are supposed to have quelled the insurrection and restored peace. But what kind of a possession is that which must be kept by force of arms ? Are we not here reminded of Mr. Burke's

observation upon the too parallel case of America? Here, however, I must, in passing, express my astonishment at finding the address now moved, to be so nearly copied from that of 1775—after the peremptory denial of my Noble Friend (Lord Melbourne), when I the other night said I supposed it would turn out to be so. Really, though he is but a novice in office, he made the denial with a readiness and a glibness, that might have done honour to those inveterate habits of official assertion, only acquired by the few who are born in Whitehall and bred in Downing Street. And yet when we look at it, we find it the same address with that of 1775 to the very order of the topics—all but one passage which is of necessity omitted here, because I defy the utmost courage of official assertors to have reproached the Canadians as my Noble Friend's predecessor Lord North did the Americans, with making an ungrateful return to the tenderness shewn by Parliament towards the principles of the English law and the English Constitution. The authors of the eighth Resolution, were not, I presume, capable of setting their hands to such a boast as this.—In all other respects the two addresses are identical.—May the omen not prove inauspicious, and may the likeness end here!

But I was drawn aside from the just remark of Mr. Burke, which I was about to cite. The rebels, said he, may be put down, but conquering is not governing, and a province which, to be retained,

must be always subdued, is little worth keeping. My Lords, I may truly say the same of Canada. The revolt may be suppressed; I hope it is suppressed already, and that the blood of our American brethren has ceased to flow. But the difficulty of the case is only then beginning. Then comes the time to try the statesman—the far more delicate question then arises—and the more important—demanding infinitely greater circumspection and foresight, wisdom and judgment, than how a rebellion may be suppressed—I mean the question, how a distant province may be well governed—a disaffected people reclaimed—and the maintenance of your empire reconciled with the interests of your subjects? The scheme of polity for accomplishing this great and worthy purpose, must be well matured before it is adopted, and when once adopted, must be executed with vigour; all pausing and faltering must then be ended. I would fain hope that the Ministers have been taught a lesson by the past, and that henceforth they will deliberate at the season of proposing measures, and act when the period for executing them arrives. But if I am called upon to pronounce, whether or not, the authors of these dispatches, the propounders of last year's Resolutions, they who followed up their own policy with no one act of vigour, and accompanied it with no indication of foresight—they who embarked in a course avowedly harsh and irritating, without taking a single precaution to

prevent or frustrate resistance, and, at the instant when their measures required to be prosecuted with effect, suddenly deserted them—if I am to decide whether or not they are the men endowed with the statesmanlike capacity to meet the difficulties of so arduous an occasion,—I too, must falter and pause before I give an affirmative answer. To quell an insurrection, asks but ordinary resources and every day talents; a military power—often a police force—may subdue it, and may bridle for a season the disaffected spirit. The real test of the statesman's sagacity and vigour is applied when tranquillity is for awhile restored. My Lords, painful as the avowal is, their conduct throughout these sad affairs has wrung it from me—I must pause before I can pronounce these men fit for the emergency which is fast approaching, if it have not already come.

But let it not all the while be supposed that when I dwell upon the greatness of the occasion, it is from setting any high value upon such a possession as Canada. The crisis is great, and the position difficult, on the assumption that you will resolve to keep hold of it, whether in prudence you ought or not, and will be for making sacrifices to retain it, of which I hold it altogether unworthy. Not only do I consider the possession as worth no breach of the constitution—no violation of the principles of justice—good God! what possession can ever be of a value to justify a price like that!—but in a

national view, I really hold those Colonies to be worth nothing. The only interest we have in the matter, concerns the mode in which a separation, sooner or later inevitable, shall take place. The only question worth considering, as far as our national interest is concerned, is whether that separation shall be effected amicably or with hostile feelings—unless in so far as the honour of the country is involved. But I am not so romantic as to suppose that any nation will ever be willing to give up an extended dominion, how unprofitable, nay, how burthensome soever it may be to hold it. Such possessions, above all, are not likely to be surrendered to dictation and force. The feelings of national pride and honour are averse to yielding in these circumstances; but I do venture to hope, that when all feelings of pride and honour are saved—when resentment and passion has cooled—when the wrong doers on either side are forgiven—when the reign of law is restored; that justice will be tempered with mercy, the foundation for an amicable separation laid, and an estimate calmly made of the profit and the loss which result from our North American dominions. I am well assured that we shall then find them very little worth the cost they have entailed on us, in men, in money, and in injuries to our trade; nay, that their separation will be even now a positive gain, so it be but effected on friendly terms, and succeeded by an amicable intercourse. The Government and de-

fence of Canada alone, costs us considerably more than half a million a year; independent of the million and a half which we have expended on the Rideau Canal, and between two and three millions on fortifications, uselessly spent. I speak on the authority of a Minister of the Crown, who has recorded his opinion of the burthen we sustain in holding such possessions.

LORD GLENELG. Who?

LORD BROUGHAM. The Paymaster of the Forces. (Sir H. Parnell.) But beside all this, we have to pay 55s. duty on the excellent timber of the Baltic, in order that we may be compelled to use the bad timber of Canada at a higher price, on a 10s. duty. The severance of the Colony would not only open our markets to the better and cheaper commodity which grows near our own doors, but would open the Baltic markets to our manufactures, restrained as they now are in their export to the north of Europe, by the want of any commodities which we can take in return. Their produce is grain and timber, and our Corn Laws for the benefit of the landed interest shut out the one, while our Colonial laws for the benefit of the planters, exclude the other.— Is it not then full time that we should make up our minds to a separation so beneficial to all parties, if it shall only take place amicably, and by uniting together the whole of our North American possessions, form an independent, flourishing, and powerful state, which may balance the

colossal Empire of the West? These, my Lords, are not opinions to which I have lately come; they are the growth of many a long year, and the fruit of much attention given to the subject. Of this I am intimately persuaded that it is of paramount importance to take care how the change shall be consummated. If the severance be effected by violence—if the member be rudely torn away and bleeding from the body of our Empire—a wound is left on either side to rankle and irritate and annoy for generations to come. Hence a perennial source of national enmity, the fruitful cause of commercial embarrassments, and of every kind of discontent and animosity not only between the countries, but among the different classes and parties of each. There is no evil against which it better becomes us anxiously to guard. All expedients should be tried to render the severance kindly and gentle—every thing resorted to that can pour balm into the wound occasioned by the operation. This is the most sacred duty of every wise and virtuous statesman. Looming as the aspect of affairs now appears, my hope still is that those who are entrusted with the government, be they who they may, will bestir themselves, with these views for this purpose; and while it is yet time seek above all things to heal the injuries which imprudence and rashness, complicated with imbecility and vacillation, have inflicted, so as to give us, not outward peace only, but real concord and friend-

ship, without which the wound is but skinned over, and peace must be precarious and only a name. But, to give real peace and concord, the wrongs complained of must be redressed, and I fairly tell you that the master grievance must not be suffered to remain. All Canada cries out for an Elective Council.—Refuse it you cannot. The complaint against its present constitution is like that some time ago urged against this House. (*One of the Ministers here said this was not a judicious allusion*). Will my Noble Friend, whose eagle-eye can pierce through the darkness of a statement barely commenced, and catch its application to an argument not yet broached, suspend his sentence of condemnation till he hears whether the allusion be indeed judicious or no? I was stating that language more severe had not been used towards the Legislative Council in the Province, than I have often heard employed in this place against this Legislative Council of the Parent State. But there is a wide difference, my Lords, between the two cases, and upon that difference rests the application of my present appeal, so prematurely judged of by my Noble Friend. First,—Whereas, only an inconsiderable fraction of the people of England have demanded a reform in the Constitution of this House, and even they have not persevered in the demand, all the Canadian People with one voice have called aloud and vehemently for a change in their Upper House, and have never for one instant, in any circumstances, abated one jot

of the vehemence with which they universally urged that demand. Next—we never have been rationally, or even intelligibly informed in what way the Reform of this House could be effected, without the overthrow of our mixed Monarchy, whereas the change proposed in the Colonial Council has always been distinctly stated, and accords with the whole principles and frame of the political constitutions all over the New World. Lastly and chiefly,—the charge made against your Lordships of refusing the measures which the other House sent up, rests upon a very narrow foundation indeed, compared with the sweeping accusation brought against them. You altered some Bills for the worse as I think ; you mended others, changing them for the better ; one or two you wholly rejected in one or two Sessions ; whereas the Council in Canada refused Bills of all kinds by wholesale, rejected scores of the most important measures upon all subjects indiscriminately. Bills upon Government—education—administration of justice—trade—retrenchment—reform of all abuses—all shared the same fate. Trust me, my Lords, if you had been so ill-advised as to pursue a course like that, there would a very different cry have arisen for Peerage Reform from any thing you have ever yet heard. With all the difficulty of forming a plan for it, the demand of some change would have become general, if not universal. Instead of a feeble cry, proceeding for a little while from a small portion of the country, all Eng-

land would have vehemently persevered in the demand of reform. The wisdom of your Lordships prevented this. The conduct of the Upper House in Canada was the very reverse; and when the people had nothing to hope from its present structure, no wonder that the demand for its change became loud, vehement, universal, — but much wonder if in a cause so just, it should not in the end prove irresistible! In vain, believe me, do you send out new Governors with larger powers! In vain you commission my Noble Friend to carry out the force of a Despotic Government, if he is not also armed with force to redress the master grievance! With every disposition to trust his ability and his temper, the work of reconciliation never can flourish under his hands, if they be not strengthened to do it by the only power which can avail; if they are strong only to inflict new wounds, and impotent to bestow the boon of justice and redress. I shall most deeply deplore his undertaking such a mission, if he goes thus cramped and fettered. If he is only to carry out the most unconstitutional, the most oppressive Act that has crossed the Atlantic since the fatal Bill of Massachusetts's Bay, I shall lament it on his account, because he can reap from such a service no honour; I shall still more bitterly deplore it for the country's sake, which can derive nothing but disgrace from such a course; for the sake of the first of all blessings, the public peace, which will never be per-

manently secured by acts of unmitigated injustice!

But once more let me beseech you to resolve that you will abide by the course of justice—grant liberally—improve fearlessly—reform unflinchingly, whatever the Canadian people is entitled to demand that you should grant—improve—reform. By none other measures can either right be done by the Parent State to its American subjects, or the character of England be sustained ; by no other course can the honour of the Crown, the character of the Parliament, above all the peace of the New World be restored, or the peace of the Old maintained !

THE END.

