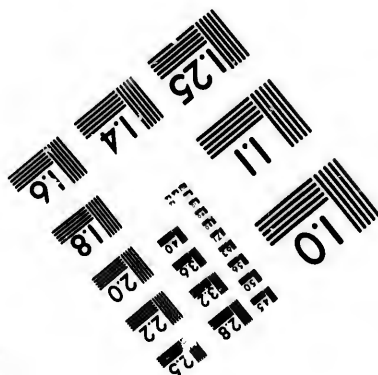
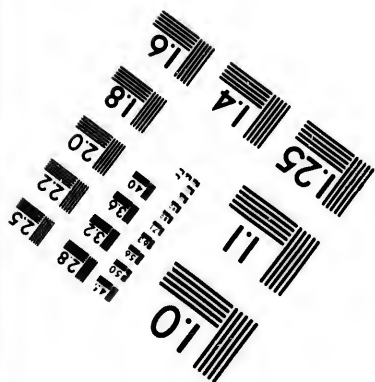
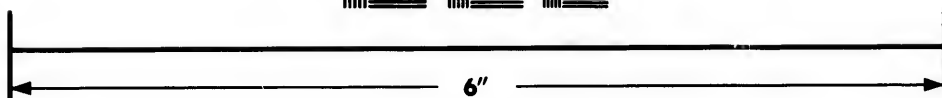
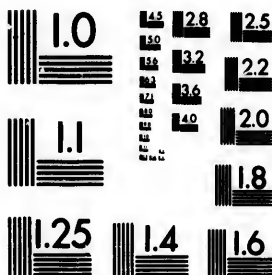


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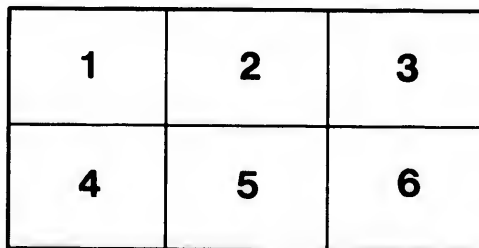
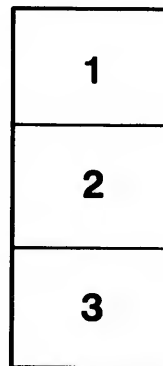
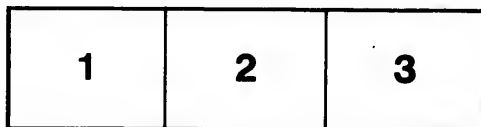
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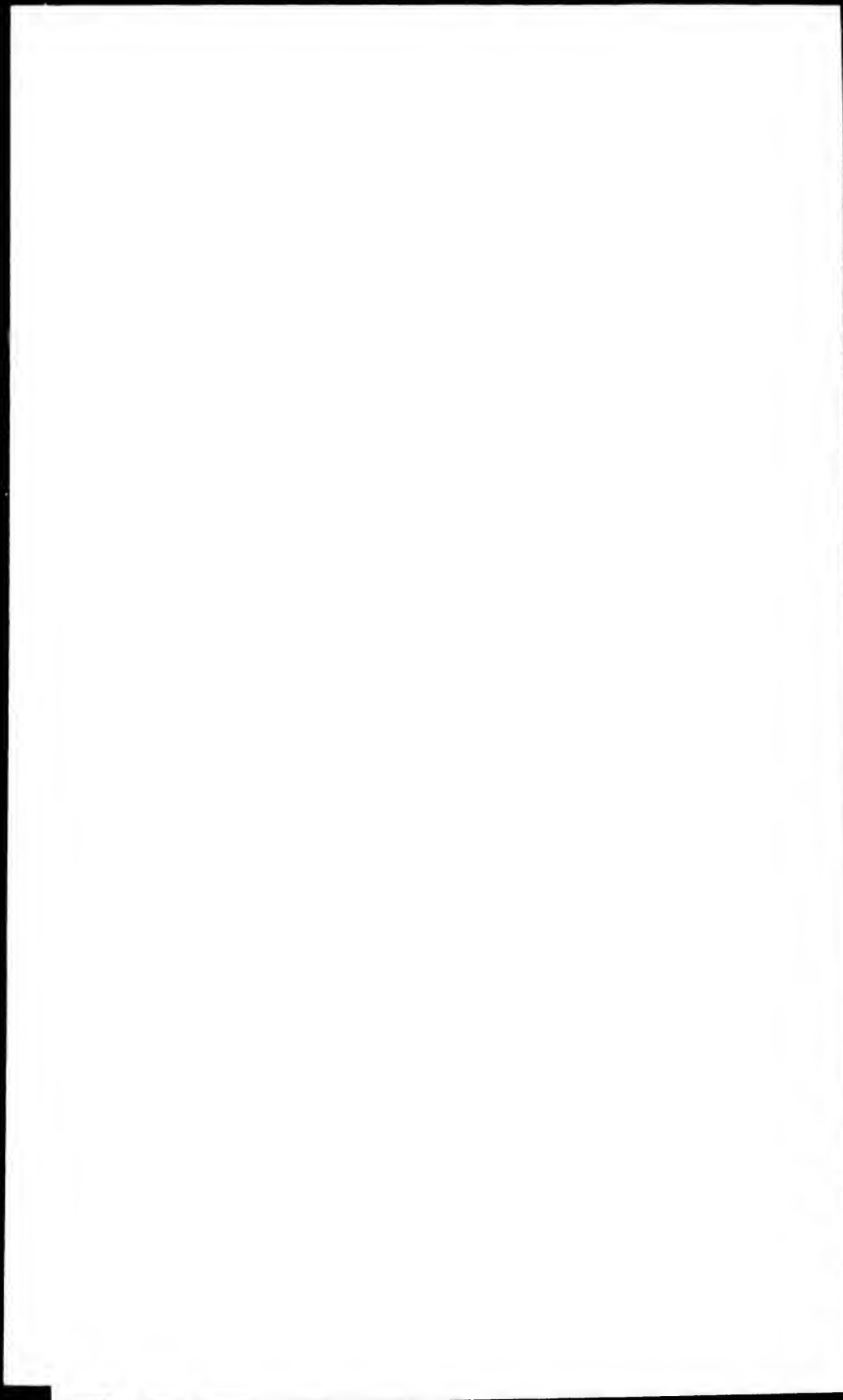
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AN
ADDRESS
TO
THE HOUSE OF LORDS.
By SIR FRANCIS BOND HEAD, BART.

"Would you destroy the old House?"—Guy Mannering.

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ADDRESS

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TO
THE HOUSE OF LORDS,

AGAINST

**THE BILL BEFORE PARLIAMENT FOR THE
UNION OF THE CANADAS;**

AND

**DISCLOSING THE IMPROPER MEANS BY WHICH THE CONSENT OF
THE LEGISLATURE OF THE UPPER PROVINCE HAS
BEEN OBTAINED TO THE MEASURE.**

By SIR FRANCIS B. HEAD, BART.

"Would you destroy the old House?"—Guy Mannering.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.

1840.

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P R E F A C E.

THE following Memorandum of an Address to the House of Lords against the bill now before Parliament for the re-union of the Canadas, and against the improper means by which the consent of the Legislature of the Upper Province has been obtained for that measure, is published—

1st. Because I feel it a duty I owe to the country to disclose objections which I most humbly conceive tend to forbid the bans of this proposed Union; and

2ndly. Because I feel it a duty I owe to myself at all events to record them.

It will, I trust, appear that I have offered no personal reflections against the Governor-General of the Canadas, who has evidently only obeyed the instructions he has received; and although I have freely impugned the inexplicable policy of those instructions, yet I can truly declare that I entertain no improper feeling against the Government, from several members of which, and especially from Lord Melbourne, I have received as much personal attention as I have had any reason to expect.

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AN ADDRESS,

&c. &c.

WHENEVER the Imperial Parliament is called upon by the Ministers of the Crown to annul a solemn act, such as that by which an immense region of the British empire was more than half a century ago deliberately divided into two parts, it must surely be the duty of every sensible man, before even he judges of the new measure, calmly to reconsider the reasons for which the old one was so solemnly effected.

In the year 1763, when the Canadas were added, by conquest, to the British Crown, the law of England was introduced by an act of royal authority, and the captured country was thus made an uniform, as well as integral, part of the British empire. However, from a false principle of conciliation, it unfortunately was soon deemed proper, or rather expedient, that with our own hands we should subvert our own laws; and accordingly the British Parliament, by their Act of 1774, expressly restored the ancient law of Canada, and made it "the rule of decision in all controversies relating to property and civil rights." This obeisance or submission, by the most powerful empire on the globe, to a small body of conquered Frenchmen, who had surrendered to our arms, and over whose head the British flag, the emblem of justice and sound government, had for more than ten years waved in triumph, it would be useless now to deplore: without a single comment it may therefore be observed that, when the

splendid wilderness of Upper Canada began to be peopled by a few British emigrants, a few retired soldiers, and by a band of royalists, who, animated by a feeling of the purest patriotism, preferred its hardships and its loneliness to living in the republican States, which had violated their allegiance to the British Crown, it became a question for the consideration of Parliament, which could not be evaded, whether this immense and almost unpeopled wilderness was *also* to be made a Catholic province, and whether its future inhabitants were *also* to be bereft of the blessings and institutions of the flag round which they had assembled, or, without metaphor, of the empire to which they belonged.

After calm and unruffled deliberation (for, while the upper province remained almost unpeopled, the question was one more of theory than practice), it was deemed unnecessary, unmanly, and unjust to inflict French law, in the French language, upon people who had all their lives been accustomed to English law, and to their mother-tongue; and that to have *two* codes of law in one country, or to make a distinction in the administration of justice between suitors in the same court, would be impracticable as well as absurd. But, besides these reasons, the enormous country we had conquered (which in its extent of frontier was, as it still is, bounded by six or seven States of the republican confederacy, each having within itself a separate government) was considered too large to be conveniently and safely ruled by one executive government.

The few settlers at Sandwich were more than 1500 miles from the eastern extremity of the province; and, even had the best possible roads existed, Parliament deemed that it would be impracticable, even in Europe, to govern from one point such an enormous expanse of territory; and that to subject the whole of this immense region to foreign law, merely because in a fit of weakness we had unfortunately granted such a concession to a portion of the country thinly peopled by foreigners, would be as preposterous as it would have been to

have ordered French regulations, French words of command, and the adoption of Catholic chaplains, throughout our whole fleet, because from a false principle we had allowed all of them to exist on board a single French frigate which we had captured.

For these, as well as for other minor reasons, the Imperial Parliament, fifty years ago, deliberately came to the determination, by the Act of 1791, to remedy, or at least to confine, the error which had been perpetrated by the Act of 1774, to the country and to the people only in favour of whom it had been committed; and accordingly, still securing to the French or Roman catholic portion of the lower country their foreign laws and foreign language, they deemed it proper to constitute the upper and almost uninhabited portion of Canada a *British* settlement, to be governed by *English* laws, to be administered for ever in the *English* tongue.

For these solid reasons the division of Canada into two provinces was deliberately and solemnly effected; and before the Imperial Parliament shall consent to annul this act, surely it will be wise for it to consider whether the reasons for which the divorce was decreed (founded as they were on the laws of nature) are not as solid, as fresh, and as sound at heart to this day as they were half a century ago; for the distance from Quebec to Sandwich is still precisely what it was in 1791; the difference which then existed between the English and French languages, and between French and English laws, remains unaltered; the difference between the Catholic and the Protestant religion has not changed; and the only alteration which has really taken place in the great reasons which have been just mentioned is, that, while the British part of the province has, under British laws, maintained its loyalty, the French portion of the Canadas, under French laws, has become gradually more and more disaffected, until, by having openly rebelled against its sovereign, it has at last arrived at that climax in which it can only be kept in subjection by the

bayonet. But even this is nothing more than a result which, in the parliamentary discussion of the fatal measure of 1774, was prophesied by many, and was thus most clearly foreseen and foretold by Serjeant Glynn, who, after having very eloquently protested against the un-British and unnatural policy of excluding the laws of England from British soil, and of substituting in their place the laws of France, added,—

“ I should have thought it was rather our duty, by all gentle means, to root those prejudices from the minds of the Canadians ; to attach them by degrees to the civil government of England ; and to rivet the union by the strong ties of laws, language, and religion.

“ You have followed the opposite principle, which, instead of making it a secure possession of this country, will cause it to remain for ever a dangerous one. I have contemplated with some horror the nursery thus established for men reared up in irreconcilable aversion to our laws and constitution. When I was told by the noble lord that they were insensible to the value of those laws, and held them in contempt, wishing to be bound by laws of their own making ; when I was told they had no regard for civil rights, I must confess that it operated with me in a contrary way ; and I could not help thinking that it furnished an unanswerable argument against gratifying them. I think that we could not, with humanity or policy, gratify them in their love of French law and of French religion.”

We *did*, however, gratify them in their love for both ; and Parliament is now reaping the result of having wilfully sown tares in its own dominions. But even if the great reasons which authorised the division of Canada were not now what they were in the time of Mr. Pitt ; admitting for a moment that the domination of French laws *ought* to have been extended over the whole region, and that the Parliament of 1791 committed an error in establishing in its own wilderness a *British* province ; yet, before we now consent to annul the decree, we must reflect that “ just as the twig is bent the tree is inclined ;” so, between the years 1791 and 1840, effects have been generated by the Act, and changes have taken

place in the empire, which make it impossible to restore *now* what in 1792 might, without injury, have been repealed.

Toronto has now been the heart or seat of the Government of Upper Canada for nearly forty-five years. Expensive public buildings have been erected, and the population has increased to about 12,000 people, of whom many in all ranks of life have acquired property, and built houses, in the full confidence that the seat of Government was firmly established.

In this system a healthy circulation of the produce of the country has been created which it would be impolitic and unjust to disturb. Every town, every village, every lot of ground that has been purchased and cleared, besides its intrinsic worth, has an artificial local value, which it would be unjust to diminish; and when it is taken into consideration how admirably the arrangement of 1791 has answered, how rapidly the British province, on being emancipated from the thraldom of French laws, has changed from a cheerless wilderness into one of the most valuable possessions of the Crown; when it is considered how affectionately it has defended its institutions, and what honourable attachment it has evinced to the Crown; surely the Imperial Parliament would incur an awful responsibility in disordering and disorganizing so perfect a system; and surely it would act unjustly towards these brave people, by suddenly confounding the relative value of all their property merely for the sake of trying the hopeless experiment of making 450,000 British subjects subdue the disaffection and the ingratitude of a foreign population of superior numbers, living from 500 to a 1000 miles off, in open rebellion against the Crown!

The British nation might as well make the people of Upper Canada pay the expenses of our war with China as to say to them,—

“ We have unnaturally fostered in our bosom French laws and French language till they have stung us; and, having thus involved ourselves in open war with Lower Canada, instead of

meeting the difficulty as we ought to do; instead of manfully determining to re-conquer the province by force of arms, and to place it, as it ought to have remained, under English laws, we will dexterously slip the millstone from our neck to yours, and in return for your loyalty, for your having without troops suppressed rebellion, and for your having successfully repelled the repeated invasions of the American people, we will tax your little province to struggle with a colony which the empire itself has not firmness enough to govern!"

But another most important change has arisen in the empire since the Act of 1791, by which the Canadas were divided into two provinces; for the population of the mother-country has become redundant, and independent therefore of the wishes or even of the interests of the present inhabitants of Upper Canada; those who have not now room to live among us, as well as those who may hereafter desire to emigrate, may fairly implore of Parliament, *in formâ pauperis*, that the British province of Upper Canada—which, unless they go to the antipodes of the earth, is their almost only congenial place of refuge—may be maintained for them and for posterity uncontaminated by disloyalty, by French legislators, by the French language, and by French laws.

In a young colony, thinly inhabited, it is surely unwise to the mother-country, possessing large tracts of fertile land, to legislate for its temporary prosperity on the demand of its inhabitants, without also attending to the great permanent interests of the empire; for, from a failure of potatoes in Ireland, of grain in Scotland, or of employment in the manufacturing or rural districts in England, emigration may, as it often has done, rapidly overflow from one of these countries in sufficient quantities to alter materially the preponderating voice of all other classes in the colony.

A worthless, designing demagogue, may, as he often has, urge one, two, or all parties to demand from the mother-country, for themselves or for their church, what ought not to be conceded; and, unless we desire to encourage these mo-

mentary ebullitions, surely we cannot adopt a safer or a wiser course than always to consider the young colony not merely as the domicile of those who may have chanced to be the first to inhabit it, but as a glorious place of refuge for British emigrants, who, trusting themselves to the laws and institutions of England, which have been there secured to them, may, as they leave our shores, proudly exclaim,

“ Cœlum non animum mutant qui trans mare currunt.”

Having endeavoured to show that the main reasons for which the Canadas were separated not only still exist, but that they have strengthened since the provinces were divided, it may be proper to consider whether the Parliament of Upper Canada has expressed any opinion, disclosed any facts, or offered any arguments sufficient to induce Parliament to vacillate in its grave decision of 1791.

Of the three branches of a Colonial Legislature, the Lieutenant-Governor is the only authority whose especial duty it is to prevent any trespass upon the prerogatives or property of the Crown, or upon the grand interests of the empire. For instance, the Legislative Council and House of Assembly might desire, (in which case the inhabitants of the province would no doubt equally approve,) that the Crown Lands should be surrendered to the people, or that any amount of duty should be levied upon imports which might raise the value of their own produce.

On all subjects therefore of this nature, and *à fortiori* on any proposed alteration of an Act of the Imperial Parliament relating to the colony, the opinion of the Lieutenant-Governor is that on which the British Government and the British nation ought to place the greatest reliance, for the simple reason that he is the sentinel of the empire, whereas the Upper and Lower Houses of the Legislature are, comparatively speaking, merely the parish guardians of the local interests of the colony; and if this be true, before the Imperial Par-

liament shall take upon itself the awful responsibility of repealing that Act of 1791 which deliberately disunited the Canadas, surely it will never refuse to take into its serious consideration the opinions on the subject of the consecutive Lieutenant-Governors of the province.

Now, out of the list of those who have held this station, from the time of Governor Simcoe down to the promulgation of Lord Durham's fatal report, I believe it may be asserted that no one of them, during the period of his administration, ever ventured to recommend the re-union of the Canadas; but that, on the contrary, every opinion that has been delivered on the subject has been diametrically opposed to the measure; and if this be the case, will the Imperial Parliament, living 4000 miles from the field of legislation, deem it prudent to turn upon a phalanx of public servants, each of whom has had the opportunity for several years of judging of the proposition on the spot?

But, to view the question a little closer, let us for a moment recall to mind the opinions of the four officers who have administered the government of Upper Canada for the last quarter of a century.

1st. Sir Peregrine Maitland was Lieutenant-Governor of the province for ten years. What was, and what still is, *his* experienced opinion of the proposed union of the Canadas will clearly appear from the following letter, which he lately did me the honour to address to me in reply to a communication in which I begged that, "if he saw no objection to my making his reply public, he would be so good as to avow to me whether my statement, as regarded his experience, was or was not correct."

To the above query, the following reply was returned:—

"Brighton, 6th June, 1839.

"Sir,

"IN reply to your letter which I have just received, I have not a moment's hesitation in saying that the democratic

pressure in the House of Assembly, aided as it was by English influence, has been as strong as the Lieutenant-Governors of the province have been practically able to resist.

"There can be no doubt that the union of the two provinces would greatly increase that pressure, and the measure was deprecated by the loyalists of Upper Canada in my time, upon this ground.

" I have, &c.

(Signed)

" P. MAITLAND.

" *Sir F. B. Head, Bart.*"

2nd. Sir John Colborne, who succeeded Sir Peregrine Maitland, and who was Lieutenant-Governor for eight years, never declared himself, throughout the whole period of his government, in favour of an union of the Canadas.

During his administration, the republican leader, Mr. Bidwell, was twice elected Speaker of the House of Assembly. The Republican party succeeded in effecting Sir John Colborne's removal from the province. A month only before his departure they returned a most disrespectful reply to his speech from the throne; and when he left the province, regretted and respected by all its loyal inhabitants, Mr. Bidwell continued as Speaker, supported by a republican majority of 36 against 25. It is evident, therefore, that during the administration of this distinguished officer, to quote the words of Sir Peregrine Maitland, "the democratic pressure, *aided as it was by English influence*, had been as strong as the Lieutenant-Governor had been practically able to resist;" and consequently that Sir John Colborne could neither have desired, or, if he had desired, could have contended against, an addition to the House of Assembly of Mr. Papineau, and the overwhelming republican majority by which he was supported.

3rd. I had the honour to succeed Sir John Colborne, and, though it would of course give me pleasure to be enabled to assert the contrary, it is my duty to admit that it was as much as I could do to contend with Mr. Bidwell and his republican

adherents. Driven at last by the stoppage of the supplies to appeal to the loyalty and good sense of the people, the province supported me, or rather constitutional principles, in a manner unexampled in colonial history.

Having thus experienced the worst as well as the best feelings of the people of the province, having put both to a most severe test, and having afterwards had considerable time for reflection, I felt it my duty, in a despatch which has been printed by order of Parliament, to state to her Majesty's Government at considerable length my humble but decided opinion against the impolicy of a re-union of the Canadas.

The following are extracts of my Memorandum on the subject :—

“ Toronto, Upper Canada, Oct. 28th, 1836.

“The remedy which I fear will be assiduously recommended by the British population of Lower Canada is, that the two provinces should be united and placed under the government of some individual in whose coolness, decision, and ability they can rely.

“My humble but deliberate opinion of this project is, that it would produce the effect of separating both the Canadas from the parent state, on the homely principle that, if tainted and fresh meat be attached together, both are corrupted. . . .

“So long as Upper Canada remains by itself, I feel confident that by mere moderate government her ‘majority men’ will find that prudence and principle unite to keep them on the same side ; but if once we were to amalgamate this province with Lower Canada, we should instantly infuse into the House of General Assembly a powerful French party, whose implacable opposition would be a dead or rather a living weight, always seeking to attach itself to any question whatever that could attract and decoy the ‘majority men.’

“If the Imperial Parliament will now deal with Lower Canada with firmness and decision, there is nothing whatever to fear ; if it vacillates all is gone.

(Signed) “ F. B. HEAD.”

To the above opinions (which were delivered to her Majesty's Government at a moment when I might reasonably have been suspected of over-rating what might have been called the

temporary support I had received) I have continued to adhere ; and I now most solemnly declare that in my humble opinion it was the operation of that very Act of 1791, *which it is now proposed to repeal*, which saved the Canadas during the time I was resident there : indeed it must surely be undeniable that, if the deluded adherents of Mr. Papineau and of Mr. Bidwell had formed one Legislative Assembly instead of two, my appeal to the people would have failed to obtain a loyal majority ; and that, at a moment when the representatives of the Lower province were in open rebellion had I been publicly defeated in the struggle into which I was forced, and on which the existence of the Canadas depended, the Americans would have overpowered us.

Their perfidious attempts to do so were, however, successfully repelled by the people of Upper Canada, headed and led on by the Speaker of their own House of Assembly ; and with this historical fact on record, with this triumphant exemplification of the soundness of Mr. Pitt's policy in separating the Catholic French and Protestant English inhabitants of the Canadas, surely the Imperial Parliament will never consent to level the fortress of the Upper Province, and to swamp its garrison, by cutting away the barrier which was so scientifically constructed in 1791 !

As well might the King of Holland cut the dikes of his Kingdom in order to lower the level of the German ocean, as the British Parliament cut away that barrier between the Canadas which has been wisely made to separate British loyalty, British enterprise, and British love for British laws, from Frenchmen, French language, and French laws.

4th. Sir George Arthur, who succeeded me, was from the period of his accession, 23rd of March, 1838, to the arrival at Toronto of Mr. Poulett Thomson, as strongly opposed to the project of the Union as his predecessors in office ; and it must be perfectly well known to Lord Seaton that *to the very last moment* he was so.

With respect to the various Executive Councils, I beg to observe that, having consulted with the members of the Executive Councils who advised Sir Peregrine Maitland and Sir John Colborne, and having myself appointed those who, with, I believe, a single exception, now form the Executive Council of Sir George Arthur, I can confidently declare that the Executive Councils of the last twenty-five years (and I believe I may even say that those who were in office from the time of Governor Simcoe) have, down to the period of the arrival of Mr. Poulett Thomson at Toronto, invariably been opposed to the project of the Union; indeed scarcely a year ago Sir George Arthur's presiding Councillor (the Hon. W. B. Sullivan), most ably and eloquently exposed in his place in Parliament the fatal tendency of that measure.

With respect to the opinions of the various Legislatures on the subject, I beg to state that, although the question of the Union was agitated in England in 1822, yet, from the time of Governor Simcoe in 1791 to the accession of Sir George Arthur, the two Houses of the Legislature of Upper Canada, or even of Lower Canada, never *once* addressed the Crown or the Secretary of State for the Colonies in favour of the measure; on the contrary, in 1823, both Houses of the Lower Province petitioned against it, and on the 3rd of March, 1837, both Houses of the Upper Province, fearing that Lord Gosford and the Royal Commissioners might possibly recommend the Union, joined in an address to the King, of which the following is an extract:—

“Most Gracious Sovereign,

“WE, your Majesty's most dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to address your Majesty for the purpose of stating to your Majesty our apprehension that a mistaken view of the condition and interests of the people of Upper and Lower Canada *may prompt* some persons inconsiderately to press upon your Majesty's Government the measure of uniting these provinces as a remedy for existing evils.

"We are of opinion that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this country, and destructive of its connexions with the parent state.

"This province we believe to be quite as large as can be effectually and conveniently ruled by one executive government: united with Lower Canada it would form a territory of which the settled parts from east to west would cover an extent of eleven hundred miles, which, for nearly half the year, can only be traversed by land; the opposite territory of the United States, along the same extent of frontier, being divided into six states, having each an independent government.

"The population which Upper Canada contains is almost without exception of British descent. They speak the same language and have the same laws, and it is their pride that these laws are derived from their mother-country, and are unmixed with rules and customs of foreign origin.

"Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining province, we cannot but most earnestly hope that we shall be suffered to continue so; and that your Majesty's paternal regard for your numerous and loyal subjects in this colony will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detrimental to their peace, and injurious to the best interests of themselves and their posterity.

(Signed) "JOHN B. ROBINSON, *Speaker, L.C.*
"ARCHIBALD M'LEAN, *Speaker, H.A.*"

What was the opinion of his late Majesty on the subject will clearly appear from the following reply from the Secretary of State to the foregoing Address:—

"No. 170. "Downing-street, 21st April, 1837.

"Sir,

"I HAVE the honour to acknowledge your despatch (No. 26) of the 4th ultimo, in which you transmit to me an address to his Majesty from the Legislative Council and House of Assembly of Upper Canada, deprecating an union between the two provinces of Upper and Lower Canada.

"I beg leave to acquaint you that, having laid this address before the King, his Majesty has been pleased to receive the same very graciously, and to command me to observe that the project of an union between the two provinces has not been

contemplated by his Majesty *as fit to be recommended for the sanction of Parliament.*

“ I have, &c.

“ *Sir F. B. Head, Bart.*”

(Signed) “ GLENELG.

Although individual opinions can have little relative weight in comparison with the mass of legislative evidence which has been adduced, yet it may not be improper to observe, 1stly, that the impolicy of uniting the Canadas has been just most powerfully exposed in a printed letter, dated Wandsworth, 30th December, 1839, and addressed to Lord John Russell by the Chief Justice of Upper Canada, a gentleman universally respected throughout British North America for his public talents and private worth, who has been for twenty-seven years in the service of the Crown, and who in both Houses has been for the last eighteen years a leading member of the Provincial Legislature; and 2ndly, that the said project has also, in a printed letter, been most strenuously opposed by the Bishop of Toronto, the head of the Established Church in Upper Canada.

Having shown the *positive* opposition to a re-union of the Canadas, which, from the time of Governor Simcoe, in 1791, has conscientiously been evinced by a succession of all those constituted authorities which it is the duty of Parliament to respect, it may be proper to adduce, as *negative* evidence, that not only was the joint address of the Legislature of Upper Canada to the Crown, in 1837, *against* the Union, opposed by every one of those members of the assembly who have since been outlawed as rebels, but that that arch-traitor Dr. Rolph, for whose apprehension a reward of 500*l.* is now offered, finding that the measure had been carried, secretly combined with his republican associates, on the very last day of the session, to speak against time, in order that the mere formal address to the Lieutenant-Governor, praying him to forward the joint address to the King, might be interrupted, as it accordingly was interrupted, by the firing of the guns which announced the

Lieutenant-Governor having left Government House to prorogue the Parliament.

Besides this, it must be stated, that almost the very last act of Mr. Speaker Papineau was to address a most treasonable letter to Mr. Speaker Bidwell, proposing to him an union between the two Houses of Assembly of the Canadas, as the surest and most effectual means of thwarting the sovereign's authority, which he most grossly insulted and reviled.

Now, if it be true that, from the year 1791, when Canada was deliberately divided by the Imperial Parliament into two provinces, down to the appointment of Lord Durham, every Lieutenant-Governor has felt it his duty not to advise that the said two provinces should be re-united—if the various Executive Councils, during the whole of that period, have agreed with the various Lieutenant-Governors (however they might have disagreed with them on other subjects) in not advising the measure—if the two Houses of the Provincial Parliament of both provinces, during that period, have never once advised it, but, on the contrary, as soon as they suspected it might be recommended, have in both provinces joined together in an address to the Crown praying that it might not be effected—if it be true that his late Majesty, by advice of the present ministers, replied to their joint address, “that the project of an union between the two provinces had not been contemplated by His Majesty as fit to be recommended for the sanction of Parliament”—if the Chief Justice, and if the head of the Established Church, have, reckless of consequences, unceasingly opposed it—and if, during the period mentioned, the measure has been advocated by Mr. Papineau, Mr. Bidwell, Dr. Rolph, Mr. M'Kenzie, and by adherents, most of whom having absconded are at this moment outlawed traitors,—it becomes necessary to consider upon what grounds Her Majesty's Ministers could possibly have deemed it proper suddenly to advise our Most Gracious Sovereign, in her late royal message to Parliament, to declare—

“That Her Majesty thinks proper to acquaint the House [of Lords and Commons] that it appears to Her Majesty that the future welfare of her subjects in Lower and Upper Canada would be promoted by a union of the said provinces into one province, for the purpose of legislation.”

Now, incredible as it may sound, it is nevertheless true, that the above recommendation to Parliament, as well as the instructions subsequently given to Mr. Poulett Thomson, were notoriously and avowedly based upon the posthumous report of a nobleman who had not only impugned to his Sovereign the conduct—of his predecessors, of the Legislative and Executive Councils, of the House of Assembly, and of the public authorities—but who, before the whole world, having appealed from the Castle of Quebec to the people of British North America against Her Majesty’s delegated authority, against the conduct of the Queen’s Ministers, against the members of the Imperial Parliament, without permission had abandoned his post on the very eve of an insurrection, which he has since acknowledged he had clearly foreseen.

What weight was intrinsically due to posthumous opinions, delivered under the circumstances above stated, is a speculative question which I will not presume to discuss; but, as Lord Durham’s assertions form the acknowledged basis of the recommendation of the proposed union of the Canadas, it is not only just, but absolutely necessary, to place in the opposite scale the following facts for such consideration only as they may appear to deserve.

1st.—Lieutenant-General Sir Peregrine Maitland was Lieutenant-Governor of Upper Canada ten years, besides being afterwards Lieutenant-Governor of Nova Scotia. In a reply, dated Brighton, 19th August, 1839, which this distinguished officer did me the honour to address to me, he declared:—

“I have no objection whatever to its being stated that I have expressed to you my decided condemnation, with full liberty to disclose my sentiments, of Lord Durham’s report;

my opinion that it gives an inaccurate and unfair description of the province and people of Upper Canada, and that it censures ignorantly and unjustly those who have administered the government of that province.

(Signed) "P. MAITLAND."

2nd.—Sir F. Head, who was Lieutenant-Governor of Upper Canada during three sessions of the Provincial Legislature, has declared that his Lordship's allegations against him are the reverse of the truth—that they are a tissue of unintentional errors—that, with respect to his Lordship's assertion that the Executive Council took office under him on the express condition of being mere ciphers, such a condition was neither expressed nor understood—and that, with respect to the allegation that the elections were carried by the unscrupulous influence of the Government, he calmly but unequivocally denied it. Sir F. Head moreover has in vain called upon Lord Durham to fulfil the promise his Lordship made on his landing, namely, "that he would make disclosures which would astonish both the Parliament and the country."

3rd.—Sir George Arthur, the present Lieutenant-Governor of Upper Canada, in his published despatch to Her Majesty's Secretary of State for the Colonies, No. 91, dated Toronto, April 17, 1839, has stated:—

"I have had the honour to receive Lord Glenelg's despatch, marked "Circular" of the 17th of February last, wherewith His Lordship has transmitted for my information a copy of the Earl of Durham's report to Her Majesty on the affairs of British North America, and also of part of the Appendix. . . .

"The members of both Houses, I find, generally consider parts of the report which refer to Upper Canada to be in many particulars incorrect; and a committee of the House of Assembly has been consequently appointed to draw up a report on the subject.

"They regard the Earl of Durham's scheme for the future government of Canada as essentially *the same as that which was advocated by Mr. Bidwell, Dr. Rolph, and Mr. McKenzie*, and to which the great majority of the people of this province expressed their unequivocal dissent; that in fact it

was on this point that the elections to the present House of Assembly turned."

Again, Sir George Arthur, in his published despatch to the Marquis of Normanby, No. 107, dated Toronto, 13th May, 1839, after complaining against certain allegations in Lord Durham's report, has stated—

"His Lordship has evidently regarded the party whose practical loyalty has been so warmly eulogised by Her Majesty's Government to be politically *the most culpable*, and the unsuccessful faction to be *the injured party*.

"Of the Earl of Durham's report in other respects I will only state that on many important points he has been much misinformed.

(Signed) "GEO. ARTHUR."

In two subsequent despatches addressed to Lord Normanby on the 2nd July and 21st August, 1839, Sir George Arthur has stated :—

"There is a considerable section of persons who are disloyal to the core; *reform* is on their lips, but *separation* is in their hearts: these people, having for the last two or three years made 'responsible government' their watchword, are now extravagantly elated *because the Earl of Durham has recommended that measure*."

Again,

"Far more to be lamented than any of the circumstances to which I have referred are the effects of Lord Durham's report.

"The bait of 'responsible government' has been eagerly taken, and its poison is working most mischievously. It was *M'Kenzie's scheme* for getting rid of what Mr. Hume called 'the baneful domination of the mother-country;' and never was any better devised to bring about such an end speedily."

(Here follow further observations, the publication of which Government have deemed it proper to suppress.)

4th.—The Commons House of Assembly of Upper Canada, in the report which they humbly submitted to the Queen, and in which they refute at great length all Lord Durham's principal allegations, have stated—

“ That they will apply themselves with calmness, and, they trust, with dispassionate zeal, to vindicate the people of Upper Canada, their Government and Legislature, from charges that imply a want of patriotism and integrity which they did not expect, and which they grieve to find advanced by a nobleman who had been sent to these provinces to heal rather than to foment grievances, and who certainly should have carefully guarded against giving currency to unfounded, mischievous, and illiberal rumours, for the truth of which he admits he is unable to vouch.”

Of Lord Durham's well-known proclamation of the 9th of October the Commons House of Assembly observe:—

“ It was regarded by all lovers of order with silent astonishment and disappointment. . . . They considered as open to most serious objection an appeal by such an officer to the public at large from measures adopted by the sovereign, with the advice and consent of Parliament;” and they add, “ the terms in which that appeal had in that instance been made, appeared to Her Majesty's ministers, (vide Lord Glenelg's despatch) ‘ *calculated to impugn the reverence due to the royal authority in the colony, to derogate from the character of the Imperial Legislature, to excite among the disaffected hopes of impunity, and to enhance the difficulties with which his Lordship's successor would have to contend.*’ ”

5th.—The Upper House of the Legislature of Upper Canada also adopted a report transmitted by Sir George Arthur to the Secretary of State, refuting in the strongest terms the principles and the allegations contained in Lord Durham's report.

6th.—Chief Justice Robinson, the Speaker of the Upper House, and for twenty-seven years a servant of the Crown, in his published communication to the Secretary of State for the Colonies, has stated:—

“ Another object desirable to be accomplished for promoting the security and welfare of Canada is the counteracting, by whatever measure may seem most effectual, the injurious tendency of the report which was presented to Her Majesty by Lord Durham during the last session of Parliament.

“ In thus referring to Lord Durham, I would unwillingly

fail to speak of him with the respect due to his rank and the station which he lately filled.

“ All was done that could be done in this country, by persons connected with the colony, for lessening the force of a blow unintentionally aimed (I trust) at the tranquillity of a distant possession, which, for the common good of all its inhabitants, wanted nothing so much as the restoration of internal peace. The late Lieutenant-Governor of Upper Canada showed, in the clearest manner, how strangely inaccurate the statements were which related to his public measures; the merchants of London connected with the colonies felt themselves called upon to wait in a body on her Majesty’s Government, with a public expression of their conviction that that part of the report which respected Upper Canada was founded in error, and was likely to be productive of injurious consequences; and, as an inhabitant of Upper Canada, *I did not hesitate to state officially to her Majesty’s Secretary of State, immediately upon its appearance, that I was ready, in any place and at any time, to show that it was utterly unsafe to be relied upon as the foundation of Parliamentary proceedings. I knew then, and I know now, that the means of refuting the most important statements and conclusions contained in it must exist in the office of the Colonial Department, and could not require even a reference to the colony.*”

Now, may it not calmly be asked, why has this offer of the Chief Justice of Upper Canada to corroborate three Lieutenant-Governors in impeaching Lord Durham’s Report been withheld from the Imperial Parliament? What has been the reason of this denial of justice to the people of the Canadas? Was it fair in the ministers of the Crown to overwhelm both Houses of the Legislature with voluminous reports and appendices, not only recommending by one-sided arguments a republican system of “responsible government,” but slandering the Lieutenant-Governor, Executive Council, Legislative Council, Commons House of Assembly, and people of the Colony, and yet on the other hand to suppress all mention of so competent and irreproachable a witness as the Chief Justice of the very colony in question, who had offered “*at any time and any place*” to destroy the theory and to refute the calumnies? Was not the suppression of such a witness an

injustice to Parliament and to the people of England, who had so long, so earnestly, and so patiently been endeavouring to arrive at a sound and impartial conclusion as to the future government of the Canadas ?

Have the expenses of Lord Gosford, of Sir Charles Grey, of Sir George Gipps, have the enormous expenses of Lord Durham, Turton, Gibbon Wakefield, &c., all been incurred by her Majesty's Ministers, not for the purpose of really ascertaining the state of the Canadas, but for the sole object of enabling them to recommend a favourite republican theory which the country, wilfully kept in ignorance, is to be forced to adopt ?

Without presuming to anticipate what may be the opinion of the Imperial Parliament on the policy of framing remedial measures for Canada upon Lord Durham's unwholesome Report, there surely can be no doubt that, when history retrospectively and dispassionately weighs his Lordship's experience, his allegations, and his recommendations, against the united refutations and opinions not only of three Lieutenant-Governors who had successively administered the government of the province for fifteen years, but of both Houses of the Provincial Legislature, it will join with Chief Justice Robinson in declaring "that the Report was utterly unsafe to be relied upon as the foundation of Parliamentary proceedings."

Her Majesty's Ministers, however, unfortunately judged otherwise, and, having determined to make Lord Durham's Report the basis of their remedial measures, they advised our most gracious Sovereign—1st. to transmit the said Report to both Houses of Parliament, and 2ndly, to recommend to Parliament the fatal project it contained of a re-union of the Canadas.

By the above recommendation from the throne, Her Majesty's Government however found themselves in a predicament from which nothing could extricate them but the most desperate remedies ; for, although our revered but youthful Queen.

which public offices in the gift of the Crown appear to be held throughout the British colonies. . . . I cannot learn that during the present, or two last reigns, a single instance has occurred of a change in the subordinate colonial officers, except in case of death or resignation, incapacity or misconduct. . . . *It is time, therefore,* that a different course should be followed; and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the province of Upper Canada. You will understand, and *will cause it to be generally known,* that hereafter the tenure of colonial officers, held during Her Majesty's pleasure, will not be regarded as equivalent to a tenure during good behaviour, but that such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure." . . .

Now, when Mr. Ridout was dismissed from the militia, and from the bench of a District Court in Upper Canada, merely because he so far opposed the "public policy" of the Lieutenant-Governor as to threaten in republican language "to tar and feather him," the Secretary of State, as counsel for the defendant, replied on the 5th of April, 1837, as follows:—

"Much allowance is to be made for *natural* feelings under a sense of *supposed* injury. . . . I certainly *never contemplated* that every officer of the militia, every district judge, and every justice of the peace, should hold his office on the condition of being dismissed if he should *happen* to oppose the policy of the Lieutenant-Governor for the time being. . . . I have accordingly to convey to you His Majesty's commands that Mr. Ridout should be permitted to resume the various employments from which he has been removed."

And the despatch, as if sneering at the mischief it intended to create, added,

"It will afford me *most sincere pleasure* if you shall be able to reconcile the prompt and complete execution of these instructions with the protection of your own authority from the danger to which *I am well aware* it may be exposed by the means which I am thus compelled to adopt."

From the foregoing extracts it appears that her Majesty's Ministers had scarcely promulgated, on the eve of a rebellion,

the doctrine that the Secretary of State never contemplated that a Governor should dismiss a public officer merely because "he happened to oppose the policy of the Sovereign's representative for the time being" (the said policy being well known to them to have been simply the maintenance of British institutions against sedition and treasonable violence), when, in the very same colony and in a moment of profound peace, to enable them to force the Union Bill through the Legislature, they supported the Governor by a contradictory despatch, empowering him to dismiss whoever, by reason or argument, should dare to oppose him.

With his blunderbuss in his hand, primed, loaded, and cocked, Mr. Thomson did not deem it prudent to level it directly at the head of any particular individual; on the contrary, he of course cautiously abstained from committing himself by making any such threat, but, merely playing with the trigger of his instrument, he significantly observed to at least one of the principal public officers, "Of course, sir, *you* will be expected to vote for the Union!"

But Mr. Thomson himself admits very honestly the assistance he had derived from the publication of the despatch in question; for it appears that in his despatch to Lord John Russell, dated Toronto, December 6th, 1839, he states—

"I had previously received the similar despatch addressed by you to Sir George Arthur, and had directed its publication in the Gazette, for the information of all parties concerned. This publication appears to have been attended *with good effects.*"

The old faithful, time-tried servants of the Crown having been thus disposed of, Mr. Thomson openly (and, considering his instructions, very honestly) exercised the immense influence of the station he held in obediently persuading influential members of both Houses of the Legislature not to oppose the royal message and the Government measure of a re-union of the provinces.

The Commons House of Assembly of Upper Canada had conscientiously petitioned the Crown against the Union unless certain securities which the Government have declared to be inadmissible were granted to them ; it was therefore deemed necessary that the Governor-General should be authorised to promulgate on his arrival, in case of their persisting in opposing the measure, his intention to dissolve this loyal body, whose Speaker, at the head of the militia of the province, had successfully suppressed the rebellion, had repulsed every invasion of the Americans, and had thus preserved the province to the British Crown ! The Assembly were thus placed in the predicament either of implicitly consenting to the measure, or of being publicly and ungratefully dismissed.

But, while this threat was held over the whole Assembly, those most distinguished for their loyalty were reminded that the recommendation commanded their support because it had emanated directly from their Sovereign. Those who were most interested in the financial difficulties of the province were told of the pecuniary relief which the new and "only measure" promised. It can be easily believed that nothing would be more likely to intimidate those who had most conspicuously fought against the Americans and against the rebels than anything approaching to a hint from the Governor-General that, unless the ministers' measure was acceded to, the Queen's troops would be withdrawn, and the defenders of British institutions be thus handed over to the blood-thirsting vengeance of their republican enemies. I neither assert nor insinuate that Mr. Thomson, whose private character I respect, used any hint of this nature contrary to the spirit of his instructions, which it was clearly his duty to obey, but I leave every unprejudiced man to form his own conclusion from the following extracts from the published Parliamentary Debates on the question of the Union, which took place in the Upper House of the Canadian Legislature on the 12th of December last :—

“ *The Hon. W. Elmsley* ” (a lieutenant in her Majesty’s navy, a nephew of the late Admiral Sir Benjamin Hollowell, a Member of the Executive Council of three Lieutenant-Governors, and the leader of one of the boats which cut out the *Caroline*) “ would state another great cause for our difficulties, and that was the countenance shown by her Majesty’s Government to the disaffected portion of the community, and by the injurious course of policy pursued towards Upper Canada in comparison with the Lower province; whereas, had the weight of Government authority been thrown into the *loyal* scale, very different consequences might have been anticipated. We should have met no opposition from the dissatisfied, and British interests would have triumphed. And there, in his place, did he tax her Majesty’s Ministers as the great moving cause of the late rebellion, and its train of blighting and withering consequences. By their short-sighted policy were the seeds of rebellion sown, and by their encouragement had they germinated. . . . It had leaked out, he had heard, what the intentions of her Majesty’s Government were, if this union question was not carried; and he had understood that on our assent or dissent depended the continuance of protection. It had been reported that, if the union were opposed, *the forces would be withdrawn from this country.* He would not say it was so stated in so many words, but he had heard that such was the tenor of the communication. Yes, honourable gentlemen would be surprised, but he had heard out of doors, that a member of the other branch of the Legislature had been told in a conversation with the Governor-General on the subject of this union, ‘that if the resolutions for the union were not passed, *the troops would be withdrawn;*’ and he hesitated not to say, that it was unworthy of that high personage so to have expressed himself; and he deserved, if he had used such language, to be impeached by the people of England. Would honourable gentlemen allow threats to influence the deliberations of that honourable House? Was an independent body, in the discharge of its legislative functions, to be told, if you do not pass this measure, her Majesty’s troops shall be withdrawn? He was willing to admit that there might be some mistake in this reported threat, and until it was confirmed, in common charity he would not believe that one of her Majesty’s advisers could have used the words which it was currently circulated he had employed; and he took that opportunity of asking the Government organ in that honourable House if it was the intention of the Government to withhold protection if this Bill

was not passed; and what he meant when he said, '*it would not be safe for us to throw obstacles in the way of her Majesty's gracious intentions in our favour?*'

"*The Hon. Mr. Sullivan*" (presiding Member of Sir George Arthur's Executive Council) "rose for the purpose of correcting a mistake the honourable member had fallen into, in stating that the head of the Government had said, if the Legislature did not assent to these resolutions the troops should be withdrawn; and he heartily concurred with the honourable gentleman in declaring, that had such a threat been made, it was unworthy of a British statesman. But he was happy to inform honourable gentlemen, and he did so from authority, that no such threat had either been expressed or intended. His Excellency the Governor-General, in conversing with the gentleman alluded to, had only put a case thus, that if the people of England, hearing always of our discontent, and of our applications for assistance, and if they also heard of our rejection of the *only remedy* that seemed open for our relief, might they not say, *why should we any longer trouble ourselves with a people who will not hear reason?* and he put it to honourable gentlemen if it was a fair thing to separate a part of a conversation from its context, by which the meaning might so materially be altered?"

As it is of vital importance that the public should clearly understand to what extent and by what means Mr. Thomson's immense influence was, under orders, exerted to force the union through the Provincial Legislature, it is necessary to consider whether Mr. Sullivan's defence of the Governor-General does not amount to an admission rather than to a denial of the charge contained in Mr. Elmsley's speech. The inhabitants of the Canadas could not be supposed to be so dim-sighted or so dull, as not to have comprehended very clearly the moral of the Governor-General's admitted remarks, for surely the declaration, or even the supposition, of the Governor-General that if the proposed measure, "*the only remedy*," were rejected, England might no longer trouble themselves with the people of the Canadas, *meant* nothing more or less than *that unless the union was agreed to, the troops might be withdrawn.*

But in order to carry the Union Bill through the Legislature, it was deemed necessary not only to *discourage* the loyal population, not only to terrify by Lord John Russell's despatch every public servant of the Crown from opposing it, but by marked attentions to the chairman of the late republican "Alliance Society," and to those who had most distinguished themselves by their enmity to British institutions, to *encourage* the support of this party, who on seeing its tendency, became strongly in favour of the measure.

As an example of the manner in which Mr. Poulett Thomson, in obedience to the policy of his employers, has heaped honour and distinction upon the enemies of our institutions, it is necessary I should relate the following anecdote, which, it is humbly submitted, stands unparalleled in the history of the world.

In March, 1836, a Mr. Robert Baldwin, then only known as an advocate for "reform," was offered by the Lieutenant-Governor to be appointed to the Executive Council. To this offer Mr. Robert Baldwin replied, that "he considered as absolutely necessary the assistance of Dr. Rolph," now an outlawed traitor, "and of Mr. Bidwell," whose name having stood alone on the rebel flag of Mr. M'Kenzie when he attacked Toronto, voluntarily exiled himself from the province the day after that traitor was defeated.

The Lieutenant-Governor agreed to add Dr. Rolph to the Council, and Mr. R. Baldwin and this gentleman were accordingly appointed. No sooner, however, had they obtained this step, which excited universal dissatisfaction among the royalists, than they insidiously persuaded the other Councillors to sign a paper ready written for them, in which they demanded from the Lieutenant-Governor "responsible government," alias "non-responsibility to the home government," alias "separation from the parent state."

This unconstitutional demand having been resisted, Mr. Speaker Bidwell and the republican majority in the House of

Assembly, not only presented most insulting addresses to the Governor—they not only supported Mr. Robert Baldwin and Dr. Rolph in their demand that the Executive Council should be made “responsible to the people,” but, because it was refused, they actually stopped the supplies; and the very last act of Mr. Bidwell was to lay before the House a treasonable letter addressed to him by his friend Mr. Papineau, in which that traitor impeached the Ministers of the Crown, demanded responsible government, and proposed the co-operation of the Legislatures of the two Provinces (the very project now proposed by her Majesty’s Government), as the best means of obtaining all their objects.

Under these circumstances the Lieutenant-Governor dissolved the House of Assembly, and in a series of addresses appealing to the people, a discussion among them took place which has never been equalled in our colonies. The demand of Mr. Robert Baldwin and of Dr. Rolph for “responsible government,” together with the arguments which the Lieutenant-Governor had adduced for peremptorily refusing it, were brought most distinctly before every hustings in the province, and the result of this public investigation, which attracted the undivided attention of the whole of British North America, was the complete defeat of the unconstitutional demand which had emanated from Mr. Robert Baldwin and Dr. Rolph. Mr. Bidwell not only lost the chair, but even his seat in the House of Assembly; so did Mr. M’Kenzie, and indeed so did all the leading demagogues who had hitherto been successful enemies of British institutions.

Mr. Robert Baldwin having been thus completely defeated in his own country, was despatched by his party to Mr. Joseph Hume, and accordingly he and Dr. Duncombe, now outlawed for treason, and who crossed the Atlantic under a feigned name, arrived in England, and naturally enough, without loss of time, waited upon the only individual in this country who, like themselves, looked upon the parental pro-

tection of the British Sovereign as "the baneful domination of the mother country."

Lord Glenelg very generously refusing to allow Mr. Robert Baldwin, or his colleague, to make verbal accusations against their Lieutenant-Governor, they were obliged to communicate their complaints in writing: accordingly, Mr. Baldwin not only enclosed to his lordship a memorandum from the Alliance Society, of which his father was chairman, in favour of "*that sterling reformer W. L. M. Kenzie,*" but in a letter which he addressed to the Secretary of State, dated 13th July, 1836, he reiterated his demand for an Executive Council "responsible to the people;" and concluded, by absolutely requiring "that Sir Francis Head should be recalled, and a successor appointed who should have been practically acquainted with the working of the machinery of a free representative government."

Mr. R. Baldwin and Dr. Duncombe having been informed by the Colonial Office that their allegations against the character and conduct of the Lieutenant-Governor would be forwarded to that officer, Mr. Hume, in a letter which he instantly addressed to Lord Melbourne, dated 3rd October, 1836, stated,—

"It is with deep regret I complain of the conduct of Lord Glenelg to the agents of the Reformers from Upper Canada, in having refused to give an interview either to Mr. Baldwin, a Member of the late Executive Council, or to Dr. Charles Duncombe, Member for Oxford in the new House of Assembly of that Province, although they came 4000 miles, deputed by their colleagues, on purpose to explain to his Majesty's Government the conduct of Sir Francis Head, the Lieutenant-Governor, and other public officers in that Province."

"Mr. Baldwin and Dr. Duncombe will both return to Canada and communicate to their countrymen that they have been not only refused redress to their complaints, but that they have been refused by the Colonial Office an opportunity of personally stating their grievances."

On the return of Mr. Baldwin and Dr. Duncombe to Upper Canada, they, however, pursued a course diametrically oppo-

site' from that prophesied to Lord Melbourne by Mr. Hume, for instead of daring to make any public complaint, Dr. Duncombe absconded from his seat in the Commons House of Assembly, and though called upon by the House to substantiate the charges he had made against the Lieutenant-Governor, and which that officer had felt it his duty to transmit to the House for thorough investigation, he was afraid to take his seat; he did not dare to appear before even the Committee to substantiate a single one of his allegations; and having afterwards become a principal leader of the rebels, and having, on the appearance of the militia who advanced to attack him, run away, he was expelled from the House of Assembly without a dissentient voice.

Mr. Robert Baldwin, equally ashamed of the slanders he had uttered against His Majesty's representative, and equally afraid to repeat them before the inhabitants of his native country, abstained from all public meetings, and not daring in any instance publicly to maintain any one of his allegations, he shrunk into ignominious retirement.

On the 4th of December, 1837, the rebellion which for many years had been slumbering, burst into a flame. Mr. M'Kenzie heading a band of 500 or 600 traitors, armed with murderous weapons, advanced upon the capital for the avowed purpose of overturning the Queen's government—pillaging the banks—disposing of the Crown lands and those of the Canada Company—and of setting up a republic;—and to assist them in these objects they openly declared that the American people were ready to join them in making war upon the country.

In support of the Lieutenant-Governor—the Chief Justice of the province, the Chancellor, the five Judges, one of whom has since been superannuated, the Attorney-General, the Solicitor-General, the three Queen's counsels, with muskets on their shoulders, voluntarily fell into the ranks as common soldiers, to defend the authority of their sovereign; in which loyal duty they were joined by upwards of ten thousand

people of all ranks and ages, who, encouraged by the ministers of their respective religions, were determined that the British flag should not be trampled under foot without a most desperate struggle for its defence.

But in this picture which history will not fail to portray, *where was Mr. Robert Baldwin?* He was a young man, a native subject of the province, who had been clothed, fed, and educated by the money received by his father in the service of the Crown; indeed, in the whole city of Toronto there was scarcely a family possessing so much valuable property directly derived from the bounty of the Crown, to themselves or their connexions.

If Mr. Robert Baldwin could have pleaded in earnest, those causes of exemption which Jack Bannister assigned in jest, if he could truly have written himself down "*old, lame, and a coward,*" he might have stood excused for being neuter in such an exigency. But, he had not these exemptions to plead; on the contrary, he stood aloof upon what he called "*principle.*"

He could look on without concern at hundreds of armed ruffians advancing to destroy the town in which he had been born, for well did he know that neither *his* person, nor *his* property, nor his father's property, were at all in danger. He well knew that the rebels would not injure *him*, and secure under this infamous protection, he was content that they should murder the representative of his Sovereign, the judges, or any or all of the loyal subjects who had assembled to oppose them. He could calmly see, as he *did* see, the houses of his townsmen in flames, and could look upon the scene as if it did not concern *him*.

At a moment when the Lieutenant-Governor well knew that *he* could not approach the rebels with safety, and that any man of acknowledged loyalty would have been barbarously shot down by them (just as the gallant Colonel Moodie had been murdered by them), Mr. Robert Baldwin, and Dr. Rolph,

undertook to convey to the rebels a message from the Lieut.-Governor, calling upon them in the name of their Sovereign to spare the effusion of human blood. Instead, however, of delivering this message, Dr. Rolph, who was the secret concoctor of the rebellion, infamously advised them immediately to advance, while his bosom friend, Mr. Robert Baldwin, bore back an answer not only insulting and defying the government of his Sovereign, but demanding the surrender of the authority which the constitution placed in his hands. Mr. Robert Baldwin *knew* that the traitorous demands of which he was the bearer, could not and would not be conceded, and that instant murder and pillage was threatened; and yet, when every respectable member of his profession was under arms, he could withdraw to his dwelling as a place of sure refuge (which to his shame it was), and could leave his fellow-subjects to encounter without his assistance whatever treason might have power to accomplish!

And now, how will the British nation shudder, what will the civilised world say of us, how will posterity blush for their ancestors, when it is made known that the Governor-General, who was a member of the cabinet when all these events took place, has, with the authority of her Majesty's Government, deliberately selected Mr. Robert Baldwin out of all the practitioners of the bar to the honourable post of Solicitor-General to the Queen, to be the representative of her Majesty in the Courts of Justice!!!

At the moment of the perilous struggle there were numbers of barristers at Toronto of all ages belonging to various parts of the province who had hesitated not a moment in arming themselves, and in taking their posts by the side of the Lieut.-Governor. Among them none were more conspicuous than Sir Allan Mac Nab, Speaker of the House of Assembly, and Henry Sherwood, M.P., who during the insurrection acted as an aid-de-camp to the Lieutenant-Governor, and who is one of the most eloquent speakers in the Commons House of Assembly.

Both these distinguished barristers, as well as Mr. Cartwright, a gentleman universally respected by men of all parties, having been previously appointed Queen's Counsel, were in the direct road to preferment. In merit as well as in rank they stood first for promotion; nevertheless all three were publicly passed over, and as if to add to their mortification—as if to disgust every loyal defender of the Crown in British North America, they were informed by the Gazette that out of the whole list of barristers in Upper Canada, the individual who had been selected by the Governor-General as having the strongest claims upon her Majesty's Government for reward—was no other than Mr. Robert Baldwin, the convicted slanderer of Sir Francis Head, the arch-instigator of the disturbance of 1836, the defeated advocate of mob-government, the travelling companion of the outlawed traitor, Dr. Duncombe, the associate of the absconded rebel Dr. Rolph, and the *protégé* of Mr. Joseph Hume in England!!

But the case is not complete, for in order to judge clearly of the moral which such an appointment by the Governor-General at such a moment was intended to impress, we must contemplate another incident in the drama.

When foreign invasion was added to insurrection, and the whole population of a neighbouring country seemed ready to burst in upon an unoffending province, a gallant sailor, not basking in the sunshine of the capital, but toiling in the wilderness to glean a subsistence from the soil, abandoning his shanty, his wife, and his family of little children, rushed forwards to the post of danger—“*These are scenes,*” he thought, “*from which a Briton and a sailor can find no honourable retreat. Have I ate my Sovereign's bread, and shall I decline to fight his battles?*” Everybody in Canada knew poor Drew, and knew what, under orders, he accomplished. Seldom has a more daring and successful enterprise done honour to the British name! And has *he* been rewarded? Has the humble but earnest recommendations of the Lieut.-Governor under whom he served—has the address in his favour

to her Majesty from both houses of the Provincial Parliament been attended to? No. He remains undistinguished, unnoticed, except that, indeed, he seems to have been singled out for persecution!

The distinguished veteran officer under whose eye his youthful days were spent in the service of his country, scarred with wounds, has just descended to his grave—his heart burned to procure for his Lieutenant that just consideration which his conduct called for, but he died without obtaining it: and too likely it is that poor Drew will himself draw his last breath in an ungrateful country.

And is this England? Is this English justice, honour, spirit? How can a colonist witness these things and continue to feel his heart beat with pride when he looks upon the once honoured standard of his country? On the contrary, must it not sink within him when he sees that standard, and remembers the indignities that have been heaped on its defenders, and the rewards that have unblushingly been bestowed throughout all our North American provinces upon rank traitors?

By what miracle can our colonists hope to maintain the public credit of their province, or how can their private property possibly be deemed secure, when they find that instead of both being really under British institutions, the leading advocate of the theory of "*government responsible to the people*," is openly encouraged by a Governor-General who is himself the known advocate of the other republican theory—namely, of absolving the people *by ballot* from the responsibility which is proposed to be thrown upon them—and surely not only our colonists, but every sensible man of property in England cannot but see, that while responsibility, like a shuttle-cock in the air, is allowed to rest neither with the government nor with the people, a scene of legislative darkness and of universal pillage must ensue!

The effect naturally produced on the provincial legislature by the attentions publicly bestowed by the Governor-

General upon the adverse faction, and by the change that had been wrought in the Lieutenant-Governor and public officers, need hardly be described. To use their own homely expression, "it was easy to see which way the wind blew," and as the approaching storm was evidently inevitable, many sound and sensible men, who had all their lives been distinguished for their admiration of British institutions, as soon as they were told that Mr. Thomson had declared that "*Sir Robert Peel was in favour of the union,*" did not hesitate openly to avow that common prudence and a sense of self-preservation had united in inducing them to shelter themselves in time from its desolating effects.

On the other hand, there were others doggedly determined *never* to abandon the British flag, and in sullen opposition even to the recommendation from the Crown, never to submit to join in legislation with its avowed enemies!

They complained, and perhaps not without reason, that the royal recommendation had not been at least suspended until her Majesty had been made acquainted with the result of the Governor-General's free conference with an unbiased legislature, and that it was a violation of justice, on the part of the Ministers of the Crown, to advise the Queen to pronounce her judgment before her Majesty had weighed, or had even obtained the evidence upon which it was to be grounded.

By the unexpected removal of Sir John Colborne—by the extraordinary suspension of Sir George Arthur—by the unworthy intimidation of the public servants—by the appeal that was made to them by the Governor-General to obey the recommendation of their Sovereign—by the allurements of pecuniary assistance—by the significant observations respecting the removal of the troops—by the countenance shown to the republican party—by the astounding declaration "that Sir Robert Peel was in favour of the union,"—and above all, by the malign and withering influence of Lord Durham's report, the legislature of Upper Canada, which for upwards of half a

century had given such noble proofs of its attachment to British institutions, and of its deliberate detestation of the tyranny of mob-government, finally surrendered at discretion ; that is to say, they consented to the union, throwing themselves upon their Sovereign, and upon the Imperial Parliament, for conditions which they were told "it would be better for them not to prescribe," and which, when subsequently embodied by them in an address to the Queen, were declared by Mr. Thomson in his dispatch to Lord John Russell, dated 18th January, 1840, "to be considered as mere suggestions," of which, it may be observed, he disapproved.

For many years in vain had the thunder of the Colonial-Office rolled above these staunch adherents of the British monarchy. In vain had its lightning stricken to the ground every lieutenant-governor and public officer who had endeavoured to defend them. The militia, unassisted by troops, had suppressed rebellion ; in every direction they had driven the American invaders from their soil ; and, regardless of the storm which still assailed them, Mr. Thomson had found them upon the sparkling snow and under the bright sun of heaven, glorying in the name of Britons, and ready to die in defence of British institutions ; nevertheless, overpowered and disheartened, they at last yielded to necessity ; and, "the age of their chivalry having fled," they consented to be handcuffed to 450,000 Frenchmen, only prevented by military force from being most ungratefully in criminal rebellion against the Crown !

Several of the members of the Legislature, among whom was the bishop, or head of the Established Church, and even one or two of the members of Sir George Arthur's executive council, entered their protests on the journals of the house.

The Bishop of Toronto, as head of the Established Church in Upper Canada, not only opposed the Union, but felt it his duty publicly to deprecate "the seasonable publication of a despatch from Lord John Russell, by which placemen were made aware that their tenure of office was absolute submission, in all things, to the Governor for the time being ;" and to

add, "in this way the Government have gained a temporary advantage; but the Legislature has lost its moral power, and become an object of general scorn. Even the advantage reaped by Government is fleeting, and will be destroyed at the next election; for since the tenure of office is now coarsely divulged, no office-holder has any chance of becoming a representative for any important constituency." "Influence," observes the venerable Prelate, "to be useful and lasting, *must be more secret and of more gentle pressure.*"

What were the opinions of the Americans of the manner in which the measure has been forced, will be sufficiently apparent from the following extract from the "Albion," one of the most respectable papers published at New York:—

"P.S. Since writing the above, we have received accounts from Toronto several days later. The Legislative Council passed the *Union Bill* on Friday last, without conditions. Doubtless the threat of Lord John Russell to change all people in office with each and every change of Governor, has had the intimidating effect intended. It was even reported that the further threat of withdrawing the Queen's troops, and leaving the Loyalists to the tender mercies of the *sympathisers*, has been resorted to. The whole matter of this Union is designed as a clap-trap for popularity on the part of the Cabinet at home. Mr. Thomson will obey his instructions—*force* the Bill through the Upper Canadian Legislature, and send it to the people in Downing-street, who will open Parliament with a grand flourish, announcing *The Pacification of Canada!*"

As the Queen's message to Parliament, recommending a re-union of the Canadas, was delivered many months before Governor Thompson echoed the same sentiment to the Legislature of Upper Canada, it cannot be denied that the project has emanated from Her Majesty's Government, and *not* from the Colonists. It also cannot be denied that the Government has exerted the whole influence of the Crown in carrying the measure; and that notwithstanding this bias, the Legislature of Upper Canada has, in equity, only consented to it upon conditions embodied in their Address to the Crown, which, having been refused, the agreement is virtually annulled. It also

cannot be denied that the Legislature of Lower Canada has expressed no opinion at all on the subject, and that it continues dumb under military law.

It also cannot be denied that the "Bill for Re-uniting the Provinces of Lower and Upper Canada, and for the Government of the United Province," as brought in by Lord John Russell and Mr. Labouchere, and ordered by the House of Commons to be printed, on the 20th of June, 1839, was framed by Her Majesty's Government on the basis of Lord Durham's Report; and that in 1840 the said bill was cancelled and a different bill substituted, based on the report of Governor Thomson.

Now can anything be more discreditable to the government of the most powerful empire on the globe than the puerile authority on which the first bill was framed, and the equally inexperienced authority on which it has been condemned? For, first, it was framed on the recommendation of a nobleman, whose summer state-tour to the Falls of Niagara formed the whole of *his* personal knowledge of two vast provinces, each bigger than England and Wales; and, secondly, it has been overturned by the winter journey of Governor Thomson, who, travelling very nearly over the same line, in one week after his arrival at Toronto, saw, and very nobly reported to Her Majesty's Government (*vide* his despatch to Lord John Russell, dated 24th December, 1839,) the errors of his predecessor.

But with every respect for Mr. Thomson's talents, and for the damnatory judgment he has pronounced, it may calmly be asked, whether it will be safe for the Imperial Parliament to venture to legislate on his ephemeral experience of the countries he has visited?

What has he seen of the splendid western district—or what has he seen of any part of the Canadas but the sleigh-road which leads from one capital to another? Has he seen the produce of either province, the crops, the mode of tillage, the indications of mineral wealth? Has he seen the harvest, or even a square yard of the verdant surface of either country? *No*;

he has seen almost nothing of Upper Canada but SNOW; and without appealing to philosophy—without appealing to statesmen—surely Mr. Gunter would be sufficient authority to warn him, as well as all of us, of the utter impossibility of forming any opinion of a bridal cake merely from an inspection of a small portion of the white sparkling material that covers it.

On the other hand, Lord Durham has seen the Canadas only during the burning heat of *summer*; and though her Majesty's ministers may mathematically argue that, inasmuch as two halves make a whole, so the summer excursion of one governor added to the winter journey of another form a political tour-book, sufficiently authentic to authorise Parliament to alter the solemn Act of 1791; yet, to common minds, can anything be more ridiculous than the very idea of a meeting at this moment between the two governors in question; one of whom, as far as his own simple experience could go, would declare Canada to be a country as hot as India; while the other would just as stoutly maintain that it was as cold as Caucasus?

Like the two Arabian travellers disputing about the colour of the chameleon, one would be heard to exclaim:—

“ 'Tis green, 'tis green, Sir, I assure you,
Green! cries the other in a fury,
Why, Sir, d'ye think I've lost my eyes?
'Twere no great *loss* his friend replies,
For if they always serve you thus,
You'll find 'em but of little *use*.”

But the subject offers a much graver moral. Mr. Thomson's bill for settling for ever the long disputed question of the Clergy Reserves, like Lord Durham's ordinances, has been declared by the highest authority in this country *to be illegal*. And with the rocks of ignorance, upon which these two Governor-Generals have foundered, protruding from the surface, surely, instead of following in their wake, they should be beacons to warn the Imperial Parliament of the imminent danger of legislating upon their ephemeral recommendations!

Before Parliament shall grant its assent to the Bill for the re-union of the Canadas, it will surely deem it necessary most seriously to consider what effects, if any, the measure will produce in the Upper province on the Established Church, whose relative proportion to other communities will appear from the following extract from the "*General Numerical Return of the several Religious Bodies in Upper Canada, founded on the Returns of the Clerk of the Peace, so far as they have been made for the year 1839,*" which has lately been printed by order of Parliament.

SUMMARY.

Church of England	79,751
Methodists (of all denominations)	61,088
Presbyterians (ditto)	78,383
Roman Catholics	43,029
Baptists of all denominations	12,968
Miscellaneous (composed of Independents, Congregationalists, Nonconformists, Menonists, Junkers, Moravians, Quakers, Society of Peace, Universalists, Restorationists, Unitarians, Latitudinarians, Deists, Freethinkers, Irvingites, Reformers, Christians, Bible Christians, Disciples, Mormons, &c. &c. &c.)	22,806
No profession	34,000
Deficiency as compared with the entire population, being nearly one-sixth	67,558
Total	<u>400,346</u>

With reference to the above abstract I beg leave to premise that in no foreign country which it has ever been my humble fortune to visit, or in any part of England, have I ever witnessed a more creditable observance of religious ordinances than I beheld during the time I was in Upper Canada; indeed, of the different communities into which the population were divided, it was difficult to say which was most distinguished by its steady observance of the sabbath, or by its affectionate attachment to the ministers of its church.

In moments of the strongest political excitement, religion

seemed to act throughout the province like oil upon the waves of the sea. During the excitement of the rebellion, the congregations, instead of having diminished, were rather increased, and even on that Sunday when the church of St. James, at Toronto, was accidentally burned, its congregation assembled round its respected minister for evening service in a temporary building, with a fervour that seemed to have been encouraged rather than daunted, by the severe calamity which had befallen them.

In the Provincial Parliament difference of religion was never the cause of any lasting enmity or dispute. At the elections the Catholics supported Protestant candidates, and *vice versâ*, whenever they had reason to respect their private characters and political sentiments; and lastly, when the province was attacked by the American people—who, boasting that *they* had no noblemen among them, proved the truth of the assertion by perfidiously assailing their allies under the pretext of making them “free and equal” like themselves—Catholics, Protestants, and Methodists, encouraged by their respective ministers, combined together in one body to maintain the character of human nature against the jealous power that was desirous to efface its brightest colours.

I feel confident that Sir Peregrine Maitland, and that Lord Seaton, to whose examples as well as precepts Upper Canada in general, and its Established Church in particular, are deeply indebted, will subscribe to the accuracy of the above picture, which has long been exhibited in a colony in which the Established Church has been openly supported by the administrators of the Government, and in which the said Church, in population and *wealth*, preponderates over every other community.

Now, if this family compact of various religious communities, that have hitherto fraternally fought together in the senate as well as in the field in defence of British institutions, be suddenly flooded by 650,000 Lower Canadians, of whom about 450,000 are French Catholics, it cannot but follow that the

Established Church, as well as the whole system described, must be swamped, and that the province must be placed under a Catholic legislature.

No man acquainted, however, with Upper Canada will venture to deny that this revolution will not calmly be submitted to; but even if it could be effected without bloodshed, I humbly but fearlessly maintain that the British Parliament have no right to create such a revolution.

The members of the Established Church in Upper Canada are either people or the descendants of people who, under the good faith of the British Government, have settled in a portion of the British empire which it was originally declared by Governor Simcoe was "*to be the image and transcript of the mother-country.*"

In this faith the population of the whole province has been reared; and I can faithfully bear testimony that there are thousands of men who have been for years mentally supported in the difficulties which they have had to contend with in the backwoods by the reflection that the blessing of God rested upon their land as fast as they cleared it, and that, whatever might be their privations, they at least were enabled to enjoy, and to hand down to their children, the inestimable blessings of British institutions, firmly based upon an Established Church.

For the maintenance of this Church, and for the support of what was termed in the constitutional Act of 1791 "*a Protestant Clergy,*" it is well known that a splendid provision was wisely set apart, and it was upon this rock that British emigrants from all regions were invited to build. And although that amiable and pious nobleman Lord Glenelg, when Secretary of State for the Colonies, was thoughtlessly induced to assert, in a despatch to the Lieutenant-Governor of Upper Canada, that section 42 in that Act, which enabled the Provincial Parliament to vary and modify the distribution of the clergy reserves, was "*a precaution against the inaptitude of a systematic provision for a Protestant clergy to more advanced stages of society*" (as if it was just as natural for a Protestant colony

to outgrow its faith, as it is the nature of a schoolboy to outgrow his clothes), yet it was never contemplated for a moment that in the year 1842 the representatives of 79,754 members of the Established Church should be deliberately and cruelly overpowered, and that the clergy reserves should be made over by the Imperial Parliament to the overwhelming control of the representatives of 450,000 French Catholics, who, assisted by the representatives of 43,029 Catholics at present in the province, would of course subvert the foundation upon which every Protestant in the province had been invited to build.

It is true that the clergy reserves could not be thus misapplied without the consent of the Imperial Parliament, but the Protestant colony of Upper Canada may justly protest against the unconstitutional injustice of the Imperial Parliament placing even their temporal affairs under the protection of a Catholic Legislature; and they may fairly say, "if the Home Government has for years yielded willing obeisance to the demands, however insatiable, of the popular branch of the Legislature of each single province, what reason have we to expect that they would manfully hold up their heads to support us against the demands of the Catholic Legislature of the United Canadas?"

It is impossible even to suppose for a moment that the bench of bishops in the House of Lords will ever consent to so flagrant a violation of those constitutional principles which they have hitherto so nobly defended; and it surely ought also most confidently to be relied on, that the lords temporal as well as spiritual will feel it their duty to oppose the measure; for if before the civilised world, the peers of England should be seen to combine together to pull down the established Church in a British province, eminently distinguished for its loyalty, there is nothing that revolution can effect, there are no horrors that anarchy can, and ere long *will*, accomplish, that will not, in retributive justice, fall upon their own heads!

The guilt of deliberately sacrificing the established Church in Upper Canada, in a mere experimental attempt to remedy

disorders which have been produced in the lower province, by a series of weak concessions, and by other acts of misgovernment, is an act which no man who respects the House of Lords as he ought to do, can ever be induced to believe possible. In taking leave of this subject, I will therefore only presume to observe that I entertain no prejudice against the Catholics of Upper Canada; on the contrary, I am much indebted to them for the support they afforded me. Indeed I should do them injustice were I not to take every proper opportunity of repeating, that in the moment of rebellion and of foreign invasion, they were distinguished by their bravery, and by their loyalty, and by their devoted attachment to British institutions, which would not have been the case had the Protestant governors and Protestant legislature of their province been in the habit of acting towards them intolerantly. Why, therefore, should it be proposed that the Imperial Parliament should overturn a Church which, since the Act of 1791, has been constitutionally established in the British dominions?

It is necessary now to consider one or two of the principal legislative consequences which must ensue from the proposed re-union of the Canadas.

Whenever a moderately incorrect principle is attempted to be supported, it is generally defended as being "*expedient*;" but when no honest arguments whatever can be adduced in its favour, it is then invariably denominated an act of "*necessity*," a word which, like that of charity, has covered, and ever will cover, a multitude of sins. Accordingly those who have themselves created the very rebellion in Canada which it is pretended to bewail, now feel it "*expedient*," firstly, to lay the blame of it on the guiltless Act of 1791; and, having based their remedial measures upon this foundation, they argue, secondly, that as the division of the Canadas has *created* the disease, it has become an act of evident "*necessity*," by their re-union, to *cure* it; and in exemplification of the success which

may reasonably be expected from such a theory, it will no doubt be brought to the recollection of the Imperial Parliament that

“There was a man in Thessaly, and *he was wond’rous wise!*
Who jump’d into a quickset hedge, and scratch’d out both his eyes ;
And when he saw his eyes were out, with all his might and main,
He jump’d into the quickset hedge, and *scratch’d them in again!*”

It must be evident, however, that an intimate acquaintance with the inhabitants of the Canadas can alone enable the Imperial Parliament to express anything like a correct judgment on the effect likely to be produced upon the provincial legislature by the proposed amalgamation of the legislators of the two provinces. Yet, surely, without local knowledge, before her Majesty’s ministers recommended this Babel project, they ought to have reflected upon the following ingenuous confession of George, eldest son of the Vicar of Wakefield:—

“I addressed myself, therefore, to two or three of those I met, whose appearance seemed most promising ; but it was impossible to make ourselves mutually understood. It was not till this very moment I recollected, that in order to teach Dutchmen English, it was necessary that they should first teach me Dutch. How I came to overlook so obvious an objection is to me amazing ; but certain it is, I **OVERLOOKED IT.**”

To men of plain common sense has anything ever been proposed so preposterous as even the idea of assembling thirty-six Frenchmen and thirty-six Englishmen to legislate together? Nevertheless, the “Bill” before Parliament is grounded on the expectation that the latter would instil into the former the principles of British liberty and of British law ; but by what means is this miracle to be effected ? for, however enlightened the French members might be, however open their minds might be to conviction, and however willing they might be to bend to reason, I beg to say without offence, that the ruddy-faced representatives of the British population might just as well be made to address their arguments to six-and-thirty Mandareens as to a body of respectable gentlemen, each of

whom could only reply to them by a shrug, meaning, "*Messieurs, je ne vous entends pas !*" and *vice versa*.

Could the business of the empire be transacted in the House of Commons under such an arrangement? Could the affairs of any nation in the world be transacted under such a mockery of the gift of speech? Would the citizens of the United States submit to such an insult upon their language and their sense? On the contrary, their General Government very properly cancelled the laws of the French province of Louisiana; they decreed that *the English language only* should be used in their legislature and courts of justice, and they prescribed a code of criminal and civil law which left not a vestige of the French system remaining.

What stronger reason, therefore, could the bitterest enemy to British institutions adduce for adding M. Papineau and his "*tail*" of thirty-seven Frenchmen to the same number of representatives in the House of Assembly of Upper Canada, than that because they had rebelled against the Crown, it might be hoped that being deaf to all argument and dumb to reply, they would be political automatons whose dead-weight would inevitably turn the scale?

The shrewd opinion of the Americans on the infatuated project of her Majesty's Government, will clearly appear from the following observations by the able editor of the *New York Gazette* :—

"The Governor-General of the Canadas appears to be acting under specific instructions from his Government, and can hardly, therefore, be considered accountable for this or any other act of his administration. These are certainly affairs with which *we*, on this side of the border, have no right to meddle. The British Ministry must manage these matters as best suits themselves; but there is nothing unneighbourly, we suppose, in *prophesying as we do* that the British Government will have very little further trouble in defending their North American possessions, after a union of the two Canadas, as is proposed; for the Lower Canadians will probably take that matter into their own hands. Her Majesty's Ministers have for a year or two past proved themselves the most adroit gentlemen whose acts we ever heard or read of. *If their object*

really be to lose their colonies altogether; this, we have already said, is none of OUR business."

The Chief-Justice of Upper Canada, who, from having served eighteen years in the Provincial Legislature, may justly be admitted to be a most competent authority respecting it, has stated in his printed letter to Lord John Russell, dated Wandsworth, 30th December, 1839:—

"I greatly apprehend that the effect of uniting the two provinces of Canada will be, to create a representative assembly such as the Government will be unable to withstand, except by measures which it will be painful to anticipate—that it may at the very outset, and will certainly at no distant period, give existence to a representative body, in which the majority will not merely be opposed in the common spirit of party to any Colonial Governor who shall not be unfaithful to his trust, but a majority which would be held together by a common desire to separate the colony from the Crown—a party, consequently, whom it will be impossible to conciliate by any concession within the bounds of right."

To the above experienced opinion I humbly subscribe, and I moreover most solemnly declare, that although I have had as much reason as any man to place confidence in the people and Legislature of Upper Canada, yet that I feel perfectly certain I should find it utterly impossible to maintain British institutions in Canada, if the two provinces were to be united; and I appeal to Mr. Gore, to Sir George Murray, to Sir Peregrine Maitland, to Lord Seaton, to Lord Gosford, who are now all in England, and to Sir George Arthur, who is the present Lieutenant-Governor of the upper province, to avow whether any one of them would conscientiously undertake to stand at the helm of the United Legislature; and I would further ask them whether they could name any individual in the kingdom who they think could undertake successfully to do so.

And if these noblemen and gentlemen, who from having administered the Government of both colonies, must be practically aware of the difficulties attendant upon the project, unite in the above opinion, I feel myself justified in expressing my

most fervent prayer that the House of Lords will deem it their high duty to oppose a bill which, for the reasons I have stated, it is humbly submitted must inevitably destroy in Upper Canada both "CHURCH AND STATE."

But it is argued by many whose opinions are entitled to the highest respect, that though they are fully aware that the re-union of the Canadas must inevitably cause their separation from the parent state, yet that, because we cannot govern them, or rather the Lower Province *as it is*, it is therefore perfectly immaterial in which way we lose them, although, *it is by no means immaterial which political party is to incur the responsibility of the act.* To this abstract reasoning I beg leave to observe that, even admitting the predicament to be correct, and that it is justifiable in diplomacy for statesmen to allow our colonies to be lost rather than incur the embarrassment and danger of being in their turn called upon to govern them, it is nevertheless of immense importance that the loss should be attributed by history to *our colonists* and not *to us*; in short, that, whenever the separation takes place, it should be *their* fault and not *ours*.

It was upon this principle that I humbly administered the government of Upper Canada; and accordingly, at a moment when Mr. Papineau and the Assembly of Lower Canada,—Mr. Bidwell and the Assembly of Upper Canada,—and my own Executive Council were, with one voice, demanding "responsible government," I felt it my duty, although they were supported by the neighbouring states, publicly to declare that, "*if all the inhabitants of Upper Canada were to agree together in demanding the alteration of a single letter of the Constitutional Act of 1791, I had neither the power nor the will to comply with their request.*" The result is known; but had it been otherwise, the hour, I humbly submit, would then have arrived when it might justly have been said that the blame of the separation rested with *them*, and there can be no doubt that, if ever the day should come when our North American colonies cease

to value our protection, and cease to prefer British institutions to democracy, they would be no longer *worthy* to be either considered or retained as an integral portion of our noble empire.

But I have reason for believing that, if our institutions were to be inflexibly supported, that moment would never arrive; but that, on the contrary, every year's experience of the practical working of mob-government in America is actually binding our colonists closer and closer to the parent state: for if it were otherwise, why did the people of Upper Canada repel the Americans, and why did the Legislatures of New Brunswick and Nova Scotia burn to assist them?

As long as it is the policy of the British Government openly to reward those who advocate revolution, and as long as it is their policy to ruin every one of their servants who dare to oppose it, so long will our colonies be unsettled and disturbed; and there can be no doubt but that they will very shortly prefer anarchy to a mongrel form of government, such as it has been our inexplicable policy for many years to impose upon them; but if we would nobly alter our system, and fearlessly maintain our institutions, I feel confident that the British flag would never be deserted.

Upper Canada might at one time again ask for "a responsible executive council:" at another time an elective legislative council might be asked for in New Brunswick: at another time the Commons House of Assembly might be, as it now is, out of favour in Newfoundland: at another time a complaint might be raised, as it now is in Nova Scotia, against the executive council:—but, instead of uniting these separate sticks into a fagot—instead of re-uniting the Canadas—surely our policy should rather be "DIVIDE ET IMPERA."

These momentary ebullitions could, as they have been, easily be conquered in detail; they would neutralise each other; and if ever our colonies combined against us, and became too powerful to be resisted, *then*, indeed, would the period of their separation from us have arrived. And although our financial

and commercial loss would be immense; and though without our colonies we should sink into insignificance, yet we should at least have no cause to mourn over our own misconduct; and the British flag would still wave in the confined citadel of the empire, although its splendid outworks had unavoidably been abandoned.

No British subject who venerates as he ought to do the talent, intelligence, integrity, and high sense of honour which have always characterised the House of Lords, will believe that that constitutional body of noble Englishmen or of English noblemen (for the terms are synonymous), will ever consent, for the sake of avoiding pecuniary expences, to the unconstitutional injustice of destroying the Established Church in Upper Canada, of subverting British institutions, and of thereby effecting the separation of our North American colonies from the parent state.

As it is, however, a common error even among distinguished statesmen to suppose that this noble portion of the empire is of more trouble and expence to us than it is worth, it may be well to lay before the consideration of such gentlemen the following facts:—

It appears from the last official returns of the Board of Trade, as quoted by Chief Justice Robinson, that in the year 1836, the value of British manufactures exported to the four North American colonies of Nova Scotia, New Brunswick, Upper and Lower Canada, was nearly double the amount exported to Russia; and that it exceeded by nearly half a million sterling the whole value of goods exported to France, Spain, Prussia, Sweden, and Denmark, and that the city of Toronto alone consumes more of our manufactures than the kingdom of Prussia.

The quantity of British shipping employed in our trade with the colonies, and which forms a nursery for seamen of inestimable value to the empire, compared with that employed in foreign countries in which the system of reciprocity is maintained, is as follows:—

	Tons of British Shipping.
France	198,339
Prussia	42,567
Sweden	10,865
Denmark	2,152
Norway	1,573
United States of America	86,383
	<hr/>
	Total 341,879

Colonies.

	Tons.
British North American Colonies	620,772
West Indies	237,922
East Indian territories	97,034
New South Wales	19,195
	<hr/>
	Total 974,923

It will appear from the above table, that after deducting the 620,000 tons that belong to Nova Scotia and New Brunswick, our trade with Canada alone employed in the year 1836 a much greater tonnage of shipping than our trade with France, Prussia, Sweden, Denmark, Norway, and with the United States of America!

With these facts before him, who can deny that it is our interest, as well as our duty, to maintain in our colonies those glorious institutions, which, however ungratefully we may speak of them, have converted so large a portion of "the wilderness of this world" into so profitable a market for our manufactures?

It has been most nobly declared by one whose career has with undiminished splendour now almost reached the horizon, that "*England can never engage in a little war.*" Can it exist with "a little trade?" or, in other words, can even the interest of our national debt be provided for, after we have irretrievably diminished our income by wilfully subverting the Established Church, and by ruining British institutions in our colonies?

Shipping.

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