

~~the two disputants were brought~~
~~into friendly communication: when~~
 the humble village surgeon
 obtained in his favour the suffrage
 of all who were present and he
 was left at liberty to publish his
 works. Still obstacles were thrown
 in his way. The Censor was
 the friend of M. Silvan and
 Lussigny's M. I remained for a
 while in the hands of the censor
 office at length however by the
 proper interference of the Chancellor
 the M. I was found approved of and
 printed. M. Silvan it was stated
 contemplated an answer but it
 never appeared.

In the year 1831 the Royal
 academy of surgery was established
 chiefly by the exertions of M. de
 Peyronie†. This gentleman had
 been in the habit of meeting Lussigny
 occasionally at M. de Noailles and
 he at once perceived his fitness
 for the office of ~~perpetual~~ ~~secretary~~
 permanent secretary the more
 especially as the infant society
 would require an able defender
 before the public. Two difficulties
 however stood in the way of this
 arrangement. First it would be
 necessary to conquer Lussigny's strong
 repugnance

x.1730. a
 Copy of this
 book is in
 the library of
 the British
 Museum

Histoire de
 l'Acad. des
 Sciences 1747
 Eloge de
 Peyronnie
 p. 137.

acquaintance to a metropolitan residence
 and second he was not a member
 of the College of Surgeons. These
 however were gotten over by the
 advice of Surgeon in Chief * ~~and~~ aided by others. The public
 good was presented to Luesmay's
 social benevolent mind and as
 M. de Payronie anticipated furnished
 and adequate motive to Luesmay
 to remove to Paris where he
 entered the family of M. de
 Vouilles as his Physician and
 Surgeon and more than that
 as his friend.

elope p 129

To the removal of the second
 difficulty an accident is said
 to have contributed. Luesmay
 soon after his removal to Paris
 accompanied M. de Vouilles to
 the house of the Comtesse d'
 Estrades where he remained in
 the Carriage while the due
 went to visit that lady. During
 the interview the Comtesse was
 seized with an epileptic fit
 Luesmay was called in and on
 perceiving the nature of the attack
 he requested the Due and the
 attendants

which was placed under the Command of Colonel Murray

About the middle of September a party of number of balleys laden with stores and escorted by a party of about 138 fireilles, were nearly surprised by a party of American men afloat called Malde. The Americans were in ambush on an Island in the St. Lawrence and were preparing for the attack when a Canadian named Toussaint escaped to the shore got into a canoe and paddled towards the Canadian shore. He took care for the Americans, succeeded by shouting in apprising the escort of their danger at the risk of a brisk fire upon himself. The latter were now turned the Americans being attacked and routed with considerable loss. Another party of Americans were more successful in surprising Genesee where they burnt a store and took possession of some arms and provisions.

These and other interruptions induced the officer commanding at present to Col. Lathbridge to make an attempt to pass himself by order being that he was repulsed by the Americans who behaved with great intrepidity and the enterprise was undertaken without the authority of the Command of the force and was moreover rash and premature. Colonel Lathbridge was censured for having jeopardized his troops.

The next day on the 5th of October the armed brig Detroit and a brig called the Caledonia laden with stores were boarded by a party of two hundred Americans. The Caledonia was used as a transport and drifted toward the American shore the Caledonia grounding at Black-Rock just below Buffalo and the Detroit upon Squaw Island. The latter was subsequently boarded by the British from Fort Erie dismounted and blown up. This border warfare was all that occurred from the capture and surrender of General Hull to the Battle of Lincolnton.

General Brock had been for some time

It was after-ward called the Canadian Chapeaux.

mounted

* 3 men were killed and four wounded. Christie p 58.

345 93
Vol. I.

on the Niagara frontier 500.7

Watching the movements of the American ^{on the Niagara frontier} ~~army~~ ^{force} under General Van Rensselaer and its soon became evident that a descent on the Canadian side might be expected. On the 11th of October the American force concentrated at Lewiston but owing it has been stated to the mis conduct of the officer commanding the boats ~~and~~ no attempt to cross the river was made until the 13th on the morning of which day the first division of the ~~army~~ under General Van Rensselaer effected a landing under the heights of Queenston unopposed by the British. They immediately ~~and~~ ascended the heights with great steadiness and carried ~~on~~ a battery of regular pioneers destroying the left Company of the 49th Regiment.

In the mean time the rest of the American troops pushed across the river with dauntless resolution in a most bold and exposed to a tremendous fire from the British artillery. At length they effected a landing below the heights and were met by the Grenadiers of the 48th and the York Volunteers. Both parties fought with desperation and the carnage was terrible, ^{on the side of the Americans} but the ~~British~~ being overwhelmed by numbers were compelled to retire into a hollow.

At this moment General Brock arrived and having rallied the grenadiers of the 49th was leading them to the charge when he received a musket ball in his breast and exclaiming "Push on the brave York Volunteers" immediately fell from his horse and expired.

The Americans ^{had} now landed in great numbers and the British being ~~at~~ ⁱⁿ great danger the former occupied the heights without opposition the entrenchment ~~being~~ ^{for} some time carried on ~~from~~ by the ~~rest~~ ^{other} riflemen from behind trees. At length General Sheaffe on whom the ^{British} command devolved arrived with a reinforcement

= ment

reinforcement of nearly six hundred men & leaving two pieces of artillery and about 30 men to prevent the enemy taking possession of Luncenburg he proceeded by a circuitous route to gain the height with about 800 men including 250 Indians. * The Indians were the first to gain the height but were ~~repulsed~~ compelled to fall back. The main body however formed with celerity and with a shout from the troops and the ~~the~~ war whoop from the Indians advanced at double quick time to the charge. The American unaccustomed to the charge of regular troops were now seized with dismay. They fled precipitately in all directions; the carnage was dreadful, as the Indians could not be reckoned[†] and it is said that many of the Americans threw themselves over the precipice and were killed by the fall rather than fall into their hands. Many were

* The capture =
= death of these
savages is a
disgrace to
civilized
nations. The
Americans have
complained of the
British for having
done so but the
complaint is unjust
as ~~themselves~~ they
themselves are not
free from the
same.

also drowned in attempting to swim the river. At length the Americans proposed an unconditional surrender which was agreed to and General Waddworth[†] two Colonels five majors several Captains and Subalterns with nine hundred men became prisoners. The killed and wounded have been stated to exceed 500.

* General
Van Rensselaer
had returned
to the American
shore for
reinforcements.

whilst the British loss was under 100, of whom only twenty were killed ~~and~~ ~~wounded~~. The loss of General Brock however caused this victory to be considered as dearly purchased as he was greatly beloved by the people and should be glorified - a rare circumstance in our Colonies. †

† General Brock was a native of Guernsey and had distinguished himself at Copenhagen where he commanded a detachment of the 49th Regiment in cooperation with Lord Nelson. He was beloved by the troops and respected by the enemy so much so indeed that at his funeral 3000 guns were fired from the American shore.

Among the American prisoners were found
 the twenty three British Subjects. These were
 sent to England for trial as traitors when
 the Americans immediately placed an
 equal number of prisoners in close
 confinement as hostages for the safety
 of those whom they acknowledged as
 citizens. Some trifling skirmishes and
 small successes on either side terminated
 this second unsuccessful attempt of
 the Americans upon Upper Canada. They
 had lost two armies without securing
 a single advantage.

It was still evident however that
 the Americans had not given up the
 idea of invading and capturing in Canada.
 owing to their vigorous exertions they had
 made it their happy good at Sacket's
 Harbour they had succeeded in securing
 the undisturbed dominion of Lake
 Ontario. General Dearborn had
 10,000 on the borders of lower Canada
 General Smyth too at Niagara whilst
 General Hamilton had a considerable
 force in the neighbourhood of Detroit.

Early in November some skirmishing
 took place on the lake. The American
 fleet chased the first the Royal George
 and afterward the Governor Prince
 into Kingston Harbour and afterward
 in returning to Sacket's Harbour captured
 two Schooners on board of one of which
 was Captain Brock the brother of the
 late Governor. He had in his possession
 the plate and effects which had belonged
 to his late Brother which were imme-
 diately given up to him by Commodore
 Chauncey.

A movement was made into
 Lower Canada on the 20th of November
 which terminated only in ~~failure~~
 subjecting the invaders to retreat. On
 the 17th the forces under Dearborn
 had approached to within a few
 miles of the frontier and measures
 were taken of Major De Salaberry

to oppose them. ~~on the 20th~~ About three or four hours before day break on the 20th ~~they were~~ a large number were discovered fording the river La Cole and before the alarm could be given they had surrounded the guard house on all sides. The militia and Indians however with great promptitude discharged their pieces and dashing through the ranks of the enemy escaped unhurt, whilst the Americans who had forded the river in two divisions mistaking each other for the British kept up a fire upon each other for half an hour, killing and wounding several of their own people. On discovering their error they retired to Champlain, the first town on the American side of the river. From this attempt it was expected that an invasion of Lower Canada would take place. The whole militia of the province was in consequence ordered to hold themselves in readiness for actual service but no attempt was made and shortly after General Dearborn with drew his troops into winter quarters in Plattsburg and Burlington.

In the mean time an armistice which had been agreed to between General Blythe and General Sheaffe was put an end to and the former prepared to invade the Upper Province. His first step was to issue a proclamation surpassing in absurdity any thing that was ever printed except the perhaps the dispatches of the late governor of Upper Canada Sir Francis Mearns. on the 28th of Nov.

*As a specimen of this production we quote one page.

"Companions in arms! you came to vanquish a valiant foe, - I know the choice you will make. Come on my heroes! And when you attack the enemy's batteries let your rallying word be - 'The Cannon lost at Detroit or death!' The reader will doubtless be forcibly reminded of the style of Sir Francis Mearns in his several official papers.

The Americans to the number of about 400 effected a landing between Fort Erie and Chippewa. They were opposed by ^{3rd} detachment - ~~14~~ ¹⁴ a force scarcely reaching 100 men, but ~~two~~ of the ~~two~~ ^{two} lieutenants who commanded, being wounded, the Americans succeeded in capturing them with ~~the~~ about 35 men. Lieut Darby continued to oppose them until his effective force was reduced to 17 men when he retired. In the mean time the Americans with ~~the~~ with the exception of about 40 men ~~with~~ ~~the~~ who were captured.

Another division of about eighteen boats was seen advancing but a ~~junction~~ junction had been effected between the troops from Fort Erie and Chippewa when a fire was opened on the American boats and they were compelled to fly. Another attempt was ~~was~~ contemplated but its success through mismanagement and so ~~dis~~ frustrated were the Americans with their ~~commander~~ ~~that~~ General that he was compelled to seek his safety in flight. Thus ended the third attempt of the Americans to effect the conquest of Canada.

16/30

The military operations of 1812 being now at an end the Legislature of the four provinces was called together and met on 29th of December. The Governor in his speech congratulated the people on the successful and honourable termination of the Campaign without the effusion of blood, loss of territory or recourse to martial law. He told the House that the Prince Regent placed that confidence in the courage and loyalty of his Majesty's Canadian Subjects - which made him equally fearful of the result of any direct attack and of any insidious attempts

To be added to the heading of the Chapter

12

Unsuccessful
attacks upon
Saskatoon harbor

Defence of Upper Canada - Procter's success at
Frenchtown - Attack on Oswego - Capture
of Fort George - Success of Col. Mowbray
against the Americans - Burning of Blackrock
- Capture of the American Hospital Ship and general
Expedition against Plattsburg and other towns.

12
le
dnd
litia
sch
the
ly
the
ing
X

to be continued with
the other copy. - on
Monday

12

to alienate their affections from ~~the~~ his government. His excellency further informed the 12 house of the success of the Army bill act and of his having called out the Militia, and Complimenting them on that public spirit which would render them safe at home and respected abroad concluded by recommending a revision of the Militia laws, and ~~the~~ the obstructions of dispatch in conducting the public business.

The riot which had occurred in the previous Spring at la Chine, ^{had} obviously arisen out of a mis-conception and on that account gave rise to certain proceedings in the Assembly who ~~there~~ not unreasonably attributed the said mis-conception to an improper delay in the publication of the laws passed in the last session of the Provincial parliament. An enquiry was accordingly instituted but it was relinquished without producing any other result than a quarrel with the Council who refused to permit their Clerk and other officers to be examined at the Bar of the Assembly.

* They sub-
sequently
quieted under
protest.

36/11/80
36/11/36
100
27

The Assembly and the Council also came to issue on a bill ~~intended~~ which passed the lower house for a temporary tax on Sateries to support the expenses of the war. As the Council was more than half filled with office holders it was not likely that such a bill should find favour in their sight.

The Army bill act ~~was~~ was renewed and extended an issue of £50,000 being authorized at the same time that Commissioners were appointed to provide for their liquidation by bills of Exchange on the Treasury. A sum of £15,000 was voted for Militia equipments besides £25,000 for the general expenses of the war £1000 for hospitals and £400 to improve the Communication

between the two provinces. The Militia laws were not revised as the two houses differed on the subject and as to the repeal of clerical law the house very properly came to a strong and resolution against it.

506-13

In order to enable the Province to meet the expenses of the war a duty of 2 1/2 per cent was imposed on all goods wares and merchandise imported into the Province. The Session was terminated on the 15th of February.

On the 25th of the same month the Parliament of Upper Canada was called together by General Sheaffe on whose death the Government as well as the Command of the Army had devolved by the death of General Brock. The first act of the Legislature was ~~to~~ "promote the circulation of Army Bibles" and was passed in compliance with a recommendation in the Speech of the ~~President~~ President. An act was also passed for the improvement of the Militia laws

Continued by the 54 Geo III c 16 and 56 Geo III c 25

another to provide for the widows and children of persons killed in defence of the Province; also of which arose out of the war. Indeed among the eleven acts to which this Session gave birth there are not more than three that are not more or less ~~affected~~ by the circumstances of the times. The Session was brought to a close on the 13th of March.

It will be recalled that after the ~~reduction~~ reduction of Detroit by General Brock Colonel Procter had been left in command with by no means an adequate force. The American General Harrison ~~was~~ had the command in that part of the County. A ~~division~~ detachment from General Harrison's troops had been driven in a body of ~~British~~ Canadian Militia, and Colonel Procter ~~delivered~~

determined to attack them before they could
 be reinforced. This was promptly effected ¹⁴
 and the result was the complete defeat
 of the Americans who surrendered under
 the ~~the~~ assurance that the Indians
 could not be harmed. The Americans
 are stated to have ~~lost~~ lost ~~upward~~
~~of 200~~ men killed and these prisoners
 amounted to one general three field officers
 nine Captains twenty Subalterns and upward
 of five hundred ~~of~~ men prisoners. The
 British loss was twenty four killed
 and one hundred and fifty eight wounded.
 It should be observed that the great loss of
 the Americans was attributed to the
 barbarity of the Indians who slaughtered
~~the~~ such of the wounded as were unable
 to walk. The Assembly then in session
 passed a vote of thanks to Colonel Prevost
 who was raised to the rank of Brigadier
 general by Sir George Prevost as well
 earned promotion which the Prince Royal
 confirmed.

After the protraction of the Legislature
 Sir George Prevost left Quebec on a tour
 of inspection through the Upper Province.
 At Prescott he was requested to sanction
 an attack upon Ojibwa but two
 disasters having gone over the money
 it was deemed more prudent that the
 Governor should proceed on his route
 at once without ~~meeting~~ running
 this risk of being waylaid with a superior
 force which the Americans could
 command on the frontier. ~~General~~
 Lieut. Col. McDonell was ordered to make
 a demonstration on the ice with the
 double object of engaging the attention
 of the enemy and of ascertaining their
 strength. This demonstration was soon
 converted into an attack which resulted
 in the evacuation of the village by the
 Americans with a loss of ~~20~~ twenty
 killed and many wounded. Eleven pieces
 of Brass and Iron Cannon some hundred
 stand of arms and a considerable
 quantity

of stores fell into the hands of the victors ~~Two Schooners~~ and a gun boat ~~was destroyed~~ and who after destroying two Schooners and a gun boat returned to their Quarters at Prescott with the loss of seven men.

During the winter the Provincial Corps had been recruited a ~~small~~ ^{small} draft of the militia had taken place and a regiment - the 104 had been detached from New Brunswick across what is called the portage through the ~~mountains~~ ^{mountains} hillsides lying between ~~the~~ ^{the} ~~two~~ ^{two} ~~provinces~~ ^{provinces} and the St. Lawrence. The Americans ~~at this time~~ as the Spring approached were augmenting their forces at Quebec Harbour where their fleet lay.

on the 25th April Scourton hundred troops were embarked and on the following day the fleet of fourteen sail appeared opposite York now called Toronto, the Capital. On the 27th a simultaneous attack by land and water was made on the town. The force of the British was inadequate to the defence of the place and after making a very determined resistance by which only less than one hundred and thirty men were killed the regular troops were withdrawn after which the militia capitulated on condition that private property should be respected. The public buildings were burned but the terms of the capitulation were respected and on the 2nd of May the Americans reembarked with the stores they had captured and sailed for Niagara. General Sheaffe was ~~convinced~~ ^{blinded} by money for having retreated from the city without the least reason. His whole force did not exceed six hundred men including militia and Indians and the loss of nearly one fourth of the numbers

* The Position of Toronto ~~is~~ is given in the cut at page 126 of the third part of this work. Where the Harbour is described

affords a proof that this ground was well
calculated against any superior force.
General de Rottenburg relieved General
Sheaffe in the Command a few weeks
after but as ~~General Sheaffe~~ the
latter was invested with the Command
of the district of Montreal we may
assume that the Command in
Chief did not consider he had
acted improperly. The reduction of
York was the first sweep of the American
army in the Canadas.

here insert
the paper
marked in
at p 511

The American troops having been
landed at Niagara a considerable
portion of the fleet returned to Sackett's
harbour for reinforcements ~~and~~ whilst
two ships were ~~so~~ ordered by the
American Commodore Chauncey to
cruise of Kingston so as to cut
off aid from Kingston. On the 24th
May the American fleet again
assaulted at Niagara when a
Canonade was opened upon Fort
George which continued two days ~~the~~
~~the~~ By this the works were much
injured. On the 27th a general attack
by land and water was commenced and
the British General Prevost after
sustaining the assault nobly
retreated a considerable time evacuated the
works, after blowing up the magazines,
and retired to Queenston. Lewisible
that he was in no condition to
occupy the country against the
overwhelming force of the Americans
he destroyed also the posts on the
frontier and made them untenable
to the enemy after which he retreated
to Darlington heights at the head
of Lake Ontario. The loss of the
British at Fort George was fifty
two killed and more than three
hundred wounded and missing

570 17
Whilst the Americans lost according to their
own statements thirty nine killed and
one hundred and eleven wounded.

Early in May Sir James Geo
arrived at Quebec in order to take the
Command on the Lakes accompanied
by several Officers and 450 Seamen &
Eight Officers and several Seamen
~~had~~ previously ~~arrived~~ ^{marched} at Kingston
from Halifax across the portage, and
had arrived at Kingston where they were
joined by Sir James Geo with his Regi-
ment; and accompanied by Sir
George Prevost.

* Among those who volunteered to cross the
portage was John Cleve better known by
the name he has since brought against
the Newspaper Stamp. He had ~~not~~ publicly
~~persecuted~~ ~~the~~ ~~hand~~ ~~ships~~ ~~the~~ ~~men~~ ~~and~~ ~~of~~
~~in~~ ~~case~~ ~~of~~ ~~the~~ ~~portage~~ ~~in~~ ~~the~~ ~~depth~~
~~of~~ ~~the~~ ~~woods~~

In the absence of the American
Fleet an attack upon Sackett's Harbour
was determined on, and on the
27th May about one thousand men
were embarked on board the British
ships consisting of the Wolfe 24
the Royal George 24 and the Eagle
of 18 and four Schooners of
10 to 12 guns each; on the following
day the Fleet was off Sackett's
Harbour where they surprised and
captured twelve batteries with 1800
American troops. On the ~~day~~ 29th
the troops were landed but owing
to the circumstance of a light wind
setting out of the Harbour the ships
were kept off and the artillery
could not be landed. ~~Consequently~~ ~~the~~ ~~in~~
consequence although the American
defence had been driven from the
(woods

woods at the point of the bayonet to their
 both and block houses. It however
 the Commander in Chief thought these
 strong places could not be carried by
 assault without the artillery and the
 presence of the ships a retreat was
 ordered much to the dis-Content of the
 troops. The enemy had fully expected
 a defeat and were probably prepared
 to evacuate the place as they had
 already set fire to the stores taken
 at York which were consumed as well
 as to a private and the stocks which
 however they succeeded in saving and
 leaving the retreat of the British.
~~Before the evacuation of~~ The loss on
 both sides was considerable but has
 not been recorded. If the British had
 succeeded it would probably have led to
 the acquisition of the Chippewa of the
 Lake as it was it only served
 to destroy that opinion of the
 invincibility of British troops which
 the result of 1812 had tended to
 generate.

24
 916. 1001
 42
 3
 10
 13
 2.9

280
 35
 12
 11
 3 58
 12
 27

In the mean time the British
 were successful under general Proctor
 who in the morning of the 5th of Aug
 succeeded by a skillful movement
 in capturing a body of 500 Americans
 at Fort Chicago with a loss of 15 killed
 and 46 wounded.

After the Capture of Fort George
 the American general Dearborn pushed
 forward a body of 3000 infantry with
 9 field pieces for the purpose of
 dislodging General Vincent from one of
 his heights and of preventing a
 junction which ~~was expected~~ ~~with~~
 would be attempted to be made by
 General Proctor. By the retreat of
 a Detachment General Vincent learned
 that the enemy was at Stony
 (Creek

A
 This paper
 is to be
 inserted at
 p 509 where
 inserted.

creek where it was proposed by Lt Lieut
 Col. Harvey and agreed by the General
 that a night attack should be made
 upon them. Accordingly at about 11 o'clock
 night General Vincent with 704 men
 commenced his march towards the
 enemy's camp distant 7 miles. Lieut
 Col. Harvey led the attack and
 although the enemy behaved with
 great coolness the British succeeded
 in capturing two generals seven other
 officers and 110 men together with four
 guns and three barrels. ~~At day~~
 left The British were ordered to
 retreat before day-light lest the
 strength of their numbers should
 become known to the enemy and
 they succeeded in gaining the heights
 with the loss of scarcely three killed
 127 wounded and 55 missing. The loss
 of the Americans was not as well known
 but was considerable. On the appear-
 ance of the British Fleet on the 7th of
 June, the Americans continued their retreat
 to Fort George. On the 24th of June
 the British were again successful
 - a party of 512 Americans believing
 themselves to be surrounded surrendered
 to ~~Captain~~ Captain Kerr and Lieutenant
 Fitz Gibbons, the former Commanding
 a body of Indians and the latter
 only 46 rank and file of the 49th.
 Fitz Gibbons skillfully negotiated the surrender
~~party~~ in the name of Major de Haras
 on the 11th of July Lt Lieut Colonel
 Bishopp, ~~surprised~~ ~~the~~ ~~rock~~ ~~with~~
 crossed from Fort Erie to the American
 side, ^{with a force of 250 men} and surprised Black Rock
 where he burned the Block houses,
 the Barracks stores the Dock yard and a
 chapel; in securing these some stores
 however they were surprised by a reinforced
 -ment of the enemy and compelled

Whilst the
 Americans
 fell back
 to forty mile
 creek.

to retreat with the loss of 12 men killed and several wounded among whom our first ~~Colonel~~ Colonel Dushoff mortally wounded.

The Americans 4000 in number were now confined to Fort George and although the British were only 2000 strong in that neighborhood they found exhibit - ed no disposition to meet them, although the Commander of the Force on the 24th of August made a demonstration with this view.

In the mean time General Proctor had made a brave but unsuccessful attack on St Fort Sunday in the Archeyan territory. With a force of five hundred regulars and militia and upwards of 300 Indian warriors he celebrated ^{at Teanumuck} he invested the fort on the 12th of August but the Indians not being ~~accustomed~~ accustomed to sustain the fire of artillery could not be induced to join in the assault and the British were compelled to retire with the loss of Colonel Short & three other officers and upwards of 50 men left in the trenches besides 41 wounded.

It is now necessary to ~~return~~ return to the lower provinces. Early in the Spring the fortifications at Isle aux Noix had been put into a state of efficiency but nothing material occurred until the 3^d of June when a sail was ~~discovered~~ discovered working out of the lake ~~towards~~ into the River ^{* the River} Richelieu.

Colonel Taylor who commanded at Isle aux Noix immediately equipped three gun boats for the purpose of attacking and if possible capturing the vessel. Before the attack could be commenced a second ~~vessel~~ vessel appeared in sight. Notwithstanding ~~ing~~ this an attack was commenced and as the wind was from the North and the vessel consequently obliged to tack

510
520
88
66
86
86
556
30
40

* The Position of Isle aux Noix and of the River Richelieu opening out of the lake may be seen in the cut at page 18 of the ^{vol.} third ~~part~~ of this work

lack from shore to shore Col. Taylor directed two batteries filled with troops for the purpose of aiding the attack to land their men on either side of the river and to open a fire of musketry as the vessels approached each shore.

This proved the effectual and the Americans after sustaining the attack for four hours with the most determined and unflinching were forced by the superior condition of the vessels to surrender. They proved to be the growler and the Eagle ^{the most completely} carrying 11 guns and most completely quitted. The

* Afterward named the Chute and the Finch by orders from the Admiralty.

only injury sustained by the British was three severely wounded whilst the American loss was not ascertained. except that 100 prisoners were taken of whom several were wounded. The killed had been thrown on board.

It was now determined to follow up this success. The Americans had built barracks storehouses & hospitals at Burlington Plattsburg Swanton Champlain and other places, which it was deemed expedient to destroy. Accordingly the captured Stoops of three war vessels equipped and with the three gun boats also repaired were put under the command of Captain ~~Smith~~ ^{Essex} ~~Ct~~ ^{Ct} Essex Captain Pring being appointed to one of the vessels. On the ~~twenty~~ 29th of July about 900 troops were embarked on board the vessels which moved to the lake and on the 31st landed at Plattsburg; from which place General Mowat with a body of men under his command had previously retired. Colonel ~~van~~ Murray (therefore

2
340
28
279
6

had only to take possession of the warlike stores, when he set fire to the Arsenal, Barracks and other public buildings which had been recently erected for 4000 or 5000 men. Whilst his troops were thus engaged at Plattsburg, Captain Conrad proceeded with the two captured vessels to Burlington where they made themselves masters of four vessels and created a great deal of alarm. He then returned to Plattsburg. Swanton and Champlain were also visited and the public buildings destroyed.

It has already been stated that the Americans gave great annoyance to the Corps of Stores proceeding up the St Lawrence to Upper Canada. In effecting this the numerous ~~stores~~ ^{stores} between Deep Presoth and Lake Ontario ~~and~~ afforded great facilities. Armed vessels from Dalet's harbours were frequently sent to cruise among the lakes and on the 20th July they succeeded in capturing a brig of Delaney laden with stores. With this prize the Corps of St Lawrence to force creek, which they ascended. A detachment of gun boats was sent up the creek to retake them but owing to ~~great~~ ^{poor} mismanagement the gun boats were taken so far up the stream that they could neither tow nor use their oars. On this state a galling fine was paid upon them from the shore and there seemed every prospect of a complete capture when they were saved by the decision of a few of the soldiers of the 41st and 100th who leapt into the water and succeeded in gaining the shore with their muskets over their heads; when they drove the Americans from the boats at the points

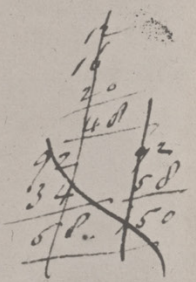
to be added to the heading of
the Chapter.

22

affair of Long Creek — Naval transactions
on Lake Ontario — on Lake Erie, capture
of the British Squadron — evacuation
of Detroit and disaster of Proctors
division — Investment of Fort George
raised — allant affair of Chateaux =
= quay

point of the bayonet and the gun boats
 were brought safely off but without
 having effected the object of the expedition.
 This emboldened the Americans to continue
 cruising among the thousand islands
 but not long after an expedition
 of five gun boats and five hundred
 men was equipped at Oswego and
 sent against Goose Creek, which
 the Americans abandoned. After this
 tranquillity ~~was~~ prevailed for some
 time.

The hostile actions on Lake Ontario
 now demand our notice. The British
 and American Commanders ~~had~~ had
 made great exertions to obtain the
 supremacy on the lake but nothing
 decisive took place. Sir James Yeo
 planned an expedition of boats to cut
 out and destroy a new ship at Sacketts
 Harbour. He had ~~not~~ made his
 way into the harbour and would
 probably have succeeded but for the
 desertion of two men who informed
 the Enemy of his designs and he
 found himself compelled to abandon
 the enterprise. ~~A similar affair~~
 The Americans also were baffled
 in a design of theirs. Commodore
 Chauncey had formed the design of
 seizing the British depot of stores at
 Burlington Heights but as his design
 was discovered by the late Colonel
 Battersby succeeded by a forced march
 in April forcing the detachment left
 in the protection of the post. Disappointed
 in this he made a descent on York
 now comparatively unprotected where
 he ~~burned~~ burned the Public Printings
 This occurred on the last day of
 July - the very day on which
 Colonel Murray burned Plattsburgh
 on the day of this last transaction
 = action the British Fleet sailed from



516 23
 58
 50

The Kingston and on the 8th of August¹⁷⁷⁶
 reconnoitred the enemy's fleet at Niagara
 where they lay moored. On perceiving the
 British they got under weigh and anchor
~~and on the 10th of August~~
~~the American vessels Julia and Joseph of~~
 forty men each ~~was~~ were captured
 besides which the Scourge and the
 Hamilton of eight and nine guns
 were upset by carrying a reef of
 sail to escape from the British and
 all hands perished except ~~about~~
~~the~~ sixteen who were picked up
 by the Boats of Sir James the British
 Squadron. After these disasters
 Commandr. Chumey repaired to Sackett's
 Harbour and returned to Niagara
 where he remained until the 7th
 September on the appearance of the
 British Fleet when he again ~~put to~~
~~sail~~ ~~under weigh~~ set sail. But
 little was done until the 28th of
 September when an action took place
 which lasted two hours and resulted
 in the retreat of the British to under
 Burlington Heights whither the Americans
 did not deem it prudent to follow
 them. On the 1st of October the American
 Fleet made sail for Sackett's Harbour
 and on their way captured five
 small vessels with about 250 troops
 - a loss which the province was then
 but ill able to afford.

Canada was now threatened from every
 quarter. At Sackett's Harbour General
 Wilkinson had under his command
 6000 men; a large force had moved
 from Burlington on Lake Champlain
 to Plattsburg whilst an army of 8000
 men under General Harrison was
 stationed on the Niagara River. It was
 thought that the first were destined
 to ~~cross~~ direct against ~~the~~ ~~entrance~~
 the Sound with a flotilla of batteries
 (they

had previously prepared and supposed to be destined
to attack redoubt Kingston and then to effect a
junction with the permanent forces of our
element which Garrison's forces were
opposed against the frontier of the Upper
Province.

The Command of the British Fleet on Lake
Erie was held by Captain Barclay who
in a considerable time blockaded the
American fleet at Presque' Isle
where there was a bar which they
could not pass without mishipping
their guns. ~~At the end~~ Towards the
latter part of August the Captain Barclay
was compelled to bear away for
Long Point the enemy crossed the bar
and as the British force was no match
for that of the Americans Captain Barclay
made sail for Amherstburg where a
new vessel the Detroit had been launched
and the equipment of which he deemed it
prudent to await.

*Delivered
to the
Hon. Secy
of the
War*

When the Detroit was ready for sea
Captain Barclay determined on his attack
of the American Fleet although his force
was greatly inferior. He was induced or
rather compelled to adopt this course
in consequence of the British force in the
Michigan Territory depending on the Fleet
for Supplies. on the morning of the 10th
of August they fell in with the American
Fleet off Put-in Bay; the firing ^{was} commenced
by the British at 10 before 12
and at 2 past two the enemy's flag
ship was rendered ^{to} unmanageable and the
Commodore Perry was compelled to
stand on her and to hoist his flag on board
the Niagara. Soon after her the St. Lawrence
struck but the British were too weak
to take possession of her moreover they
had scarcely a boat ^{left} would float. At
this time the fortune of the day was
decidedly

519

464
56

12
20
14

536

in favour of the British but a light breeze
 spring up which gave the Americans, who
 had kept the weather gauge, ¹²⁶ ~~the~~
 a considerable advantage. The Niagara
 had not suffered in the engagement
 with her the Commodore still a head
 of the Lady Prevost the S. Charlotte and
 the Hunter which she engaged with her
 Harbours guns. She then engaged the
 Detroit and rendered her immange-
 able when she wore round hauled
 on the Harbours tack and engaged
 the Queen Charlotte already much
 injured taking at the same time
 the Chippewa and the Little Belles;
 at the same time the smaller
 vessels of the American Fleet kept
 up a destructive fire with grape
 and Cannon. This manoeuvre
 nearly in its plan and bold in its
 execution decided the fate of the day.
 After ~~the~~ declining this unequal
 contest for three hours Captain Barclay
 finding the Detroit and the Queen Charlotte
 swept wreck, Captain Fanning of the
 latter killed and every commanding
 officer as well as every second officer
 either killed or disabled being himself
 dangerously wounded found himself
 compelled to surrender to his whole
 flotilla together with the Command of
 the Lake to the American Commodore.
 The Prisoners were landed at Sandusky
 where they were treated with the
 greatest kindness and humanity by
 Commodore Perry.

* The loss of
 the Americans
 was 27 men
 killed and
 96 wounded
 that of the
 British 3 Officers
 and 38 men
 killed and 9
 wounded.

Disaster after disaster now attended
 the British arms in this quarter. After
 the engagement the American forces
 were landed ~~at~~ and on the 23rd
 occupied Amherstburg ~~the~~ General
 Proctor On the 26th General Proctor
 evacuated Detroit and Fort Sandwich
 after burning the public stores at
 these

force to the Chateaugay River. 522 29
He was pursued by Colonel De Salaberry
who arrived in the afternoon of the 1st of
October in the vicinity of the American
Camp mentioned. Here however his position
was betrayed to the enemy through the
indiscretion or treachery of an Indian who
discharged his ~~fire~~ rifle on which
Colonel De Salaberry collecting about
50 of his ^{with the Indians} volunteers upon the advanced
Camp of the enemy ^{at four corners} succeeded in
driving them before him. At length
however prudence compelled him to retreat
and he took up his former position,
where he resolved to await the enemy.

In his rear there was a rapid or shallow
bar. The river was fordable. This he
could cross with a strong boat work.
A packet of the Beauharnois Militia
was also stationed in advance on the
left bank of the River to prevent a
surprise in that quarter. As the
country to the mouth of the Chateau-
guy was open, this position was evidently
the key to Lower Canada in that quarter
and General Hampton determined to
attempt to carry it. To ~~carry~~ attempt
a diversion an American who under
name Clark was directed to ~~have~~ enter
the Province on the eastern side of
Lake Champlain which he did
plunder in it heaving the inhabitants
& around Missisquoi Bay in the most
wanton manner.

At length General Hampton on the
24th of October succeeded in driving his
whole force with 10 pieces of Artillery
within 7 miles of Colonel de Salaberry's
position. On the night of the 25th a strong
body under Colonel Parry ^{was} ~~was~~ ^{gain the fort} ~~and~~
forward with directions to attack de
Salaberry ~~in~~ in the rear whilst
General Hampton with 3500 men proposed
to conduct the attack in front. Colonel
Parry however got embarrassed in the woods

but General Huxton advanced on the morning³⁰
of the 26th expecting doubtless to carry the position
by his overwhelming force. On the high road
leading to the abbatis, a picket ~~of the~~ was
driven in upon a second picket here however
the ~~to~~ brave Canadians composing the
two pickets made a firm stand and
opened a smart fire on the enemy. On
hearing the firing De Salaberry advanced
with Esquimaux Company of Penicillies and
Juchereau and Chevalier Duchesnoy's two
~~companies~~ Companies of Volleys, these
with some few militia and Indians
were advantageously disposed on
either side of the road and abbatis
some militia being extended to the
river en pointe so as to prevent a
surprise for that quarter.

The enemy now advanced in good
order; a deep silence prevailed, but
when they had reach within musket
shot Colonel De Salaberry discharg'd
his rifle, ^{as a} signal and a mounted officer was
seen to fall. ~~The~~ ~~was~~ ~~the~~ ~~signal~~ ~~to~~
~~engage~~ ~~the~~ ~~enemy~~ ~~with~~ ~~a~~ ~~brisk~~ ~~fire~~ The bayonet now sounded
and a brisk fire was opened when the
action soon became general. The
~~enemy~~ ~~the~~ ~~fire~~ ~~of~~ ~~the~~ ~~enemy~~ ~~be~~
the most part was thrown off the
right of the Canadians ~~but~~ but
on a change of position some few
Canadian skirmishers were compelled
to fall back. This was mistaken for
a retreat and a general shout was
the consequence. The shout was however
returned with spirit by the Canadians
repeatedly by the reserve. Colonel de Sala
berry now put in practice a Plan de
guerre which succeeded in checking the
~~the~~ ardour of the enemy. The Bayonet
which had been filed at intervals along the
abbatis were ordered to sound ~~the~~
an advance so that the Americans
believed the Canadians were about to
advance in great numbers. About ~~the~~ ~~time~~

in the mean time the avoid of the engagement had brought on Cloud Parry's division towards the Ford. Captain Daly with a Company of militia was ordered to oppose him but being unequal to the task after driving in the advanced guard of the Americans he was compelled himself being severely wounded to fall back. The Americans now advanced with eagerness but when close upon the bank of the river they were met with a destructive fire from Suchereau's ^{own} Company hitherto unengaged, and ^{was} compelled to retreat in a tumultuous manner.

112
80

~~Left~~ upon this and upon the false impression created by the bugles General Hampton withdrew his troops at half past 2 & 2 in the afternoon without making any attempt to carry the abbatis but in effect retiring before little more than 300 Canadians. Sir George Prevost arrived towards the close of the engagement and expressed himself in the highest terms of the skill and bravery displayed by De Salaberry and his employment. This ^{was} certainly ~~was~~ the most the most gallant action of the war and gave the Canadians "a just claim to the impartial and disinterested applause of his country." It was moreover decisive in its results as it disheartened the enemy and ^{by} procuring a junction with general Wilkins on ^{Saint} Montreal. Shortly afterwards the enemy abandoned their position at Four Corners and bent into winter quarters at Plattsburg.

Christian
Memoirs.
104

We must now turn to the Upper Province. It ~~was~~ was apprehended at the time that the

+ This has since been ascertained to have been the case. It was intended by the American Secretary of War that Fort George should be abandoned and that a rapid movement should be made on Kingston before

} See
Reference
L525.

525

+ See note at p 524

Americans intended to make one ^{or 2} 32
attack upon Kingston but on the 3^d of
November General Wilkinson after suffering

note am =
-trined -

+ General
Wilkinson
had been
in some
time confined
to his camp
by a protracted
illness.

The British troops could be called from the
Niagara District. Hampton was at the same
time to have made a movement upon
Montreal which was to have been an
attack or a mere diversion as circum-
stances determined. The plan was however
defeated by the delay at Sackett's
harbour, which gave time to the
British to be prepared.

Experiencing some ~~bad~~ weather entered the
river St Lawrence with a flotilla of 300
boats conveyed by a division of gun boats
and landed his troops on the American
shore and marched about 5 five miles
down the river in order to reach the batteries
of Prescott which the British boats passed
in the night.

As soon as this movement was dis-
covered General De Rottenburg detached
a force of about 800 men under ^{Lieut Colonel} Morrisson
to act as a Corps of observation
escorted by a small division of gun boats
under Captain Mulcaster. On the 8th
they came up with the Americans at
Point Noe where they learned that a
detachment 1200 strong had landed the
day before. ~~A few days after this~~
~~division was reinforced by some from~~
~~Burgoyne and a body of Dragoons on the~~
Canadian shore in order to chase the
Coast of Militia down to the Long Sault.
This land body was reinforced a day or
two after by General Brome's Brigade and
troop of Dragoons. on ~~arriving~~ reaching
the head of the Long Sault at the
apprehension ^{under General Brome} ~~was~~ landed and
directed to march by land in the rear
of Brome's division to the foot of the
Long Sault. While ^{at} Colonel Morrisson
layed on the American shore and
seized some provisions and two pieces of
ordnance at Hamilton Lt Colonel Harvey with
that celerity which characterized all his
movements kept up upon the heels of the enemy
(and

and after some skirmishing on the 10th and
the following morning and drove them
back to the wood. Whenever they made
their appearance, whilst the gun boats
mounted, and any advantage from that source
to either side by a smart mutual cannonade.

~~on the 11th the British advanced and the
ground closely on Roy's division and
about 2 o'clock the enemy force attacked
the British advance and~~

on the following day Colonel Harrison
repaired across upon Boyd's division and
at about half past two the enemy suddenly
~~advanced~~ from Chrysler's point and attacked
the advance of the British which at once
occupied the ground assigned to them
near Chrysler's Farm. The right of the
British ^{with one field piece} rested on the river ~~the left the~~
~~left extended to a pine wood supported~~
by what the left ~~extended~~ extended to a pine
wood. Two Regt Regiments Brown moved
to the rear with a gun formed the main
body and advanced and also extended
to the wood in which the Potteryers and
Indians were posted.

Soon after the advance took up its position
the action became general. The enemy first
attempted to turn the British ^{left} right but
they were repulsed. They then made
an attempt on the British right when the
45th were directed to charge their guns;
but the order was recalled in consequence
of a charge from the American Cavalry. The
Cavalry was however repulsed ~~without the~~
~~aid of the 45th~~ by the 8th Companies of the
89th aided by the ~~artillery~~ gun. The
enemy British line now advanced and
the enemy concentrated to check ~~them~~ it
but such was the steady countenance
and well directed fire of the troops and
artillery that ^{the} they gave way at all
points from our preceding strong position
endeavouring by their flight of parties to
cover their retreat who were soon driven
away by a judicious movement made by
Lieut: Col: Pearson. The detachment of
the

and thereby exposed the inhabitants with
 about four hundred women and children to
 famine and to the inclemency of a
 Canadian winter. It should be mentioned
 that this barbarity was not the result of
 the unbridled fury of the soldiers it was
 in no wise similar to the ^{unrestrained} savagery
 & brutality of the "loyal" volunteers who
 lately burned ~~the houses~~ and plundered the
 Behovity, but it was in accordance with the
~~orders~~ orders of the Secretary of War;
 a feature we believe unparalleled in the
 history of modern warfare.

On the 18th of December whilst the
 cooperation produced by the destruction of
 Newark was vividly alive ~~General~~ ~~Drum-~~
~~mond~~ determined to take ~~the~~ Colonel
 Murray having crossed the river moved
 against Fort Niagara. The advance
 succeeded in cutting off the two pickets
 and during the day surprised the ~~sentinels~~
 sentries on the ~~front~~ glacis obtained the
 watch word and obtained admision to the
 fort. There was some smart fighting ~~within~~
 within before the enemy would ~~surrender~~
 but after no less than 247 lives of the
 garrison had fallen by the bayonett
 the place was surrendered and the British
 became possessors of 3000 stand of ~~arms~~
 muskets a great number of rifles and several
 pieces of ordnance besides which the
 prisoners exceed 300 of the most
 effective portion of the army.

* There were
 27 on the
 works alone.

Major Ryals who had crossed
 the river to the support of Colonel
 Murray now moved upon Lewiston
 opposite to Lewinstown which the
 enemy had for some time held.
 At Ryals approach the Americans abandoned
 the place and in retaliation for the
 destruction of ~~the~~ Newark, but not by
 an order from the government pursued in
 cold blood, ~~the~~ Lewiston ~~was~~ ~~burned~~
 and the country around were ~~laid~~
 laid waste.

To follow up these successes and
 effectually

to put the enemy hors de combat General Drummond shifted his head quarters to Chippewa as the enemy retreated up the river on the opposite side. From Chippewa he advanced to within two miles of Fort Erie opposite to Black Rock, against which place General Ryal who ~~was~~ directed to move on the 29th December to move. On the morning of the 30th having crossed his troops on the day previous he commenced the attack although the place was bravely defended he succeeded in driving the enemy out of the place and they retreated to Buffalo. Here they called for help after an ineffectual attempt to check the advance of the British they fled in all directions. The Americans were stated to have lost upwards of three hundred men killed and wounded besides one hundred and thirty prisoners the loss of the British was thirty one killed and nearly one hundred and fifty missing including four officers. Black Rock and Buffalo were burned in retaliation for the destruction of Newark but General Drummond followed up this act by a proclamation denouncing that savage mode of warfare stating that he had been forced to adopt it by the conduct of the Americans but declared that he should not repeat it unless forced to do so by the conduct of the enemy. American.

Administration of Sir George Prevost
 - American war.
 (Continued)
 1814 - 1815. -

Meeting of the Parliament of Lower Canada -
 exclusion of the Judges from the Council - Vote
 of thanksgiving for the ^{capture} of the ^{of the} ^{parliament} ^{of} ^{Upper} ^{Canada}
 of the Judges & ^{Alleged} ^{murders} ^{committed} ^{at} ^{Queenston} - hostages for their safety - Indian
 mission to Quebec - Attack upon La Belle
 Attack upon Oswego - Blockade of Lakes
 harbours - Invasion of Upper Canada -
 Surrender of Fort Erie to the Americans
 - Battle of Chippewa ^{midnight battle} - of Dundas lane
 - Assault of Fort Erie - Capture of Prairie
 du Chien on the Mississippi - The Americans
 repulsed from Michilimackinac - Reinforce-
 ment of 16,000 of Wellington's troops -
 Advance upon Plattsburg - humiliating
 termination of the expedition - Route from
 Fort Erie - British Ascendency in Lake
 Ontario - Meeting of the Provincial
 Parliament of Lower Canada - The
 Impeachment - Resolution respecting an
 Agent - Peace with America -
 Vote of ~~the~~ a Province of plate to Sir
 George Prevost - ~~his return to England~~
~~his departure~~ - Parliament of Upper
 Canada - Sir George Prevost's return to
 England - his ^{death} ^{justification}.

The Legislature of Lower Canada met
 on the 13th of January 1814 and the
 victory of Chateaugay "by a handful of
 brave Canadians" and that over
 the former the armament of General
 Wilkinson ~~was~~ by a State Corps of
 observation, were especially mentioned

the Governor's speech.

The first act passed was to extend the issue of army bills to no less than fifteen hundred thousand pounds. The sum of five hundred thousand pounds authorized by the act of 1813 had not proved sufficient and the Governor taken upon himself to exceed it. This fact was communicated in a ~~secret~~ "Secret and Confidential Memoir" and the sum voted and used for the double purpose of indemnifying for the past and providing for the future.

* The protracted struggle of the Assembly to exclude the Judges from the Upper House has already been mentioned. The Assembly now made an effort to obtain their exclusion from the Council on the ~~same~~ ground that they who administer the law should have no share in its enactment. They passed a Bill to

This made \$2,250,000 issued during the war and paid for by Dft on the Treasury. By 57 Geo III c. 1 the Army bill office was continued and this for the purpose of liquidating them and this was the last act on the subject.

* It should be observed

that the Upper House in Canada unlike the House of Lords has no judicial functions. The highest Provincial Court of appeal is the Executive Council which such of the Judges as have not heard the Cause in the Courts below.

that effort but the Council resolved that it was unconstitutional and refused to proceed with it. This mode of getting rid of measures originating with the Assembly gave rise to much bitterness of feeling; and it was ~~indeed~~ resolved by the Assembly that the Legislative Council by refusing to proceed with that bill had excluded from their consideration a measure highly meriting the attention of the Legislature of the Province and had thereby afforded additional evidence of its expediency. A Bill was passed by the Assembly to tax Pensions and

Salaries for the expenses of the war but it 532 39
was of course rejected by a body composed
for the most part of salary receivers. ~~It~~
A Bill for the appointment of an agent,
also failed in the Council.

Two votes of thanks were passed by
the Assembly to the officers & men
engaged in the gallant affair
mentioned in the Commons Speech; ~~It~~
to Colonel De Salaberry and the officers
and men under his command for
the victory at Chateaugay and
to Lieut Colonel Morrison of the 89th
Regt. and the officers and privates
under him for the defeat of the
American Army at Christ's farm.

A matter of importance was brought
before the Assembly ^{by Mr James Stuart} ~~by Mr James Stuart~~
which occupied the attention of
parties for three days, ~~and~~ ^{and} a
general principle had occupied
them until the present day, was
allude to the impeachment of the
Judges. ~~We~~ We have already in its
proper place mentioned an act ^{passed} ~~passed~~ ⁱⁿ ~~in~~
~~enacted~~ ⁱⁿ the year 1801 to enable ^{see ante} ~~page 302~~
the Judges to make "rules of practice". ^{the act is}
This rule was much complained ^{41 Geo III c 7}
of for their arbitrary nature and
in order to judge of the justice of these
complaints the prothonotaries were
ordered to furnish certified copies
of the same. The rules had been
first introduced into the court of appeals
where the Chief Justice ~~presided~~ ^{presided} ~~by~~ ^{by} Sewell
presided and he was therefore
deemed their author. As the Chief
Justice was moreover the leader of
the Executive Council which he it
remembered acts as a privy Council to
the Governor, he was deemed the
obligator of these arbitrary measures
of

of Sir James Craig. ~~and after several~~
~~discussions in Council.~~ The chief
 in some of the obnoxious acts of
 which the Chief Justice ~~but~~ of
 Lower Canada had been guilty the
 Chief Justice of Montreal, Mr.
 Monk had been equally so and
 especially in refusing to grant
 a writ of Habeas Corpus to the
 persons ~~detained~~ imprisoned by
 Sir James Craig. Monk was also
 accused of ~~being~~ promoting and
 advising certain ~~immoral~~ ~~prosecu-~~
~~tions~~ and of sitting in judgment
 upon them. ~~Several resolutions~~
~~were agreed to against~~

* These are
 to be found at
 length in
 'a Political and Historical account of Lower Canada
 by a Canadian and in Marsh & Miller, 1830. p. 147-55.

On the 26th of February Mr. Stuart
 reported fourteen heads of
 Impeachment against Mr. Lewis
 and eight against Mr. Monk.*
 These were adopted by the House
 and carried an address to the
 Governor was carried praying his
 Excellency to enjoin the Council to
 the Prisoner Report and in the
 mean time to suspend the accused
 from their functions. The Sir George
 Prevost answered the former request
 with full assent the latter ~~whereupon~~
~~the Assembly resolved~~ on the
 ground that the Legislative Council
 had not been consulted and had
 moreover resolved that the lower
 House possessed the right of impeach-
 ment. ~~On~~ on receiving this answer
 the Assembly resolved that the
 the Governor in Chief by his answer
 to the address of the House had
 violated the Constitutional privilege

thereof; but in order to show that they
 were not dissatisfied with his excellency's
 general conduct though they deemed
 it their duty to express themselves
 unequivocally on the ~~step~~ above question
 they had a few days afterward an
 opportunity of resolving that
 notwithstanding the wicked and
 perverse advice given to his excellency
 on the subject of the Constitutional
 rights and privileges of that house
 and the endeavours of evil disposed
 advisers to lead him into error
 and to embroil him with his Majesty's
 faithful Commons of this province
 the house had not in any respect
 altered the opinion it had ever
 entertained of the wisdom of his
 excellency's administration and
 that it was determined to adopt the
 measures it had deemed necessary
 for the support of the Government
 and the defence of the province".

For the purpose of prosecuting
 these impeachments with effect
 Mr. Stewart was appointed the
 agent of the Assembly. ^{To enable him} ~~to proceed to~~ ^{England}
 of £2000 was introduced into a
 money bill entering ~~to~~ a grant of
 £2000 to the Militia and
~~an~~ an equal sum for the support
 of the war. but the Council rejected
 the Bill. Mr. Sewell proceeded to
 compare ~~was~~ to manage his own defence
 before a tribunal, indisposed to listen
 to accusations against "men in high station".
 On the ~~27th~~ 17th of March the assembly was
 prorogued by the Governor.
 The Legislature of Upper Canada
~~was~~ called together on the 15th of February
 (and)

and continued in session only until the 14th of March. Several acts were passed to provide for the peculiar circumstances of the times. Among these may be mentioned ~~acts~~ to facilitate the circulation of Army Bills; ~~and~~ to make more effectual provision for raising the Militia; — to enable his Majesty to detain persons suspected of treasonable practices; — for the trial of persons accused of high treason; — and to declare who were to be deemed aliens.

Besides these an act was passed granting the whole of the surplus revenue for the defence of the province.

Turn we now to the transactions arising out of the war. It will be remembered that at the battle of Red Bank twenty three deserters were taken among the American prisoners and were sent to England for trial. ~~as before~~ on the circumstance being notified to the American government an equal number of British prisoners were put into close confinement as hostages for the safety of the former. This was followed by retaliation on the side of the British and towards the end of 1813 forty six American Officers and non Commissioned Officers were put into close confinement as hostages the Commander of the Force intimating to the American government that should any British soldiers suffer death in consequence of the trial and execution of the harborers found in arms against their Country that he was instructed to select ~~the~~ ^{out} ~~number~~ of American Officers so detained twice the number of the British soldiers who might be unavoidably be put to death and to cause them in retaliation to be put to death also. The war was also to be prosecuted with unmitigated severity in case the American government should not abandon their unwarrantable determination. This led

to similar retaliation on the part of the Americans forty six British officers being placed in confinement to abide the fate Americans "hostages". Upon this the Governor ordered all the American prisoners to be placed in close confinement until the number of forty six were completed over and above the number detained by the Americans. This General Chandler, Minder and Winchester were among the numbers. Their confinement was rendered as little menacing as safe custody would admit of. This had the desired effect a convention being shortly after signed by which the Americans gave up their pretensions and an exchange of prisoners took place.

80/-

Arrangements were made during the winter for prosecuting the war with vigour so soon as the navigation should open. Troops were forwarded by land to Kingston at an enormous charge cost, and reinforcements

7
100/-

* The current belief was that every round shot cost one pound in hand ports this is equal exaggeration but it may be supposed that the cost was not less than 10/- per shot.

of troops were marched over land from New Brunswick. In the month of March the Governor made known his approbation of the Prince Rupert & of the conduct of Colonel De Salaberry and his brave combatants. Colours were promised for the five battalions of militia but promise like many other promises made to Canada was forgotten.

In the same month the chiefs of the Ottawa's Chippewas Shawnees Delaware's ~~Sauks~~ Foxes Kickapoos and some others arrived at Quebec and held "a talk" the object of which was to urge the continuance of the war and to receive presents. Sir George Prevost in his answer & urged mercy to prisoners and after remaining a few days at Quebec the chiefs departed

departed

affair was managed with great gallantry.

~~Further~~ ^{the} attempt ~~was not successful~~.
to dislodge a party of the Americans from
a post at a place called Longwood was
^{not} ~~not~~ successful. After attempting for some
time to carry the place the troops were
withdrawn with considerable loss; 2 officers
and twelve men being killed and
3 officers and 49 men being wounded.

The Campaign in Upper Canada
was commanded by Sir Gordon Drummond
and Sir George Prevost, with ~~an~~ a partially
successful attack upon Oswego. ~~in 1796~~
The object of the expedition was ~~to~~
~~capture the place of Oswego~~
to secure the trade stores
Oswego being a depot for the supply of
Sackett's Harbour.

On the morning of the 1st of May
a landing was effected by about 1400 troops
under Deut Col Fisher and two hundred
seamen under Captain Mulcaster R.N.
They were opposed by 300 American regulars
but the English succeeded in forcing them
to abandon the fort which was dismantled
and the barracks destroyed; but most
of the stores had been removed. The
loss of the British amounted to 22 killed
and 73 wounded, including Captains
Mulcaster and Popham. Sixty wounded
men were found in the fort but what
other ~~casualties~~ casualties the Americans
suffered ~~was~~ was not ascertained. On
the 7th of May the British ^{abandoned Oswego} returned
to Kingston.

Sackett's Harbour was now blockaded
by the ~~the~~ British in order to intercept
supplies of Naval Stores which were
much wanted by the fleet. On the
29th a boat with ^{two} 24 pounders and a
cable destined for the American ships
was intercepted and intelligence received
15 other boats were on their way
from Oswego. To capture these if
possible Captains Popham and Spilsbury
were dispatched with two gun boats
and five

barges having on board about ~~200~~ 200 men
 It was ascertained that the Americans
 had taken shelter in Sandy creek which
 the British cautiously ascended on the
 morning of the ~~31st~~ 31st of July. When
 within half a mile of the landing
~~the British~~ ^{the British} brought the advantage
 of their position to bear on each other. At
 this moment a ^{68th Calmados} ~~gun~~ on one of the boats
 by some accident got disabled and
 and it became necessary to pull her
 round in order to bring another gun
 to bear upon the enemy. This the
 Americans ~~took~~ ^{took} notice of and
 and immediately advanced with their
 whole force ~~and after a sharp contest~~
 consisting of 150 Rifles 200 Indians and
 a party of Militia and Cavalry supported by
 the boats when after a short but sharp
 contest the British party was overpowered
 18 being killed and fifty wounded. The
 officers of the ~~68th~~ American Rifles on this
 occasion saved many British officers
 and men from the savage fury of the
 Indians in which it was said ~~some~~
 of the American Soldiers ~~were~~ ^{were} joined.

Parties were
 landed on
 both banks
 of the river.
 These
 advanced
 to where a
 sudden turn

* Captain
 Popburn's
 Dispatch
 Annual
 Register 1814
 Vol 181.

* Christie p 129
 says 70 - the
 Annual Reg.
 in 1814 says
 there were 170
 British men

on the morning of the 3rd of July
 two strong brigades of the Americans
 were under General Scott and Ripley
 effected a landing on either side
 of Fort Erie. An invasion had
 been expected in that quarter and
 Fort Erie had been garrisoned with
 about 170 men under Major
 Duck - not for the purpose of dis-
 tinguishing a siege but simply for the
 purpose of checking the enemy or
 to enable General Riall who com-
 manded on that frontier to concentrate
 his forces, and repel ~~the~~ ^{any} invasion. Major
 Duck however surrendered ~~without~~ without
 any resistance and the enemy after
 taking possession marched ~~to~~ without
 delay to Chippewa, which they would
 have surprised and probably captured
 but for the promptitude of General Ryall
 who on the evening of the 15th July marched
 from his lines and fought the enemy.

The British night rested on the bank of the River Niagara and was covered by artillery; his left was skirted by woods, - a strong body of Indians on Rifles being posted in front. The action was commenced by them and the American Riflemen. At first the latter had the advantage but some light Infantry being brought ^{into action} the enemy were this day. Against the right of the Americans three pieces of Artillery were brought up the British advanced to the charge but being repulsed ~~with~~ by a most despatching fire General Ryall was compelled to withdraw - 60 Chippewa with the loss of 6 Officers and 142 men killed 26 Officers and 295 men wounded and 1 Officer and 45 men missing in all 515 Officers & men. The Americans lost 70 killed and 249 killed and 19 missing. Under the impression that the enemy would march upon Burlington night General Ryall he three reinforcements into Fort George Missisauga and Niagara and with the remainder of his force took post on the route to Burlington. The American General, on this occasion displayed

The Americans had expected the appearance of their Squadron on Lake Ontario but in consequence of its non-appearance General Brown occupied Queenstown for the next three weeks. on the 25th he fell back upon Chippewa. ~~The~~ The village of St. David was burned by the enemy but the act was disclaimed by General Brown and the officer ^{charged with} whose directions it was perpetrated, was dismissed, the service without trial - a mode of dealing unjust to the culprit though perhaps necessary to screen the higher powers. †

on this retrograde movement of the enemy General Ryall with his usual promptitude put his division in motion; ~~the~~ whereupon the enemy wheeled round in order to overtake him and he was before he could receive the ~~the~~ success of which he was in daily expectation. On the previous morning (how

great skills and the men on both sides fought with great intrepidity.

* We believe this person is now the Editor of a paper in New York; call it - ~~but~~ he is the support of the Canadian Objections. † It is worth not he forgotten that Newark was burned by the express orders of the American Secretary of War.

however (Sunday the 24th July) General Drummond and Lieut. Colonel Haroy had arrived at Fort George and having left adequate garrisons at Fort George, Mipepaya and Niagara under Lieut. Col. Tucker, marched with about 800 men to join General Ryals at the falls - two miles from the enemy's lines.

On reaching Sunday's lane where he expected to find General Ryals posted General Drummond found it "almost occupied by the enemy who had a battery here within 100 yards of the top of the hill and the surrounding woods filled with his light troops." ~~At the~~ General Drummond's force arrived at the moment that General Ryals advanced had begun to retreat to Fort George and scarcely were the British forces formed when the whole front was closely engaged. The attacks of the enemy's columns to be made on the West of Centre but they were "continually repulsed with prodigious loss." In so hot a terminated engagement - says General D'Amore in his dispatch - "our three attacks ~~were~~ directed against our guns that our artillerymen were bayoneted by the enemy, in the act of loading, and the muzzles of the enemy's guns were advanced within a few yards of ours. The darkness of the night during this extraordinary conflict occasioned several misadventures: our troops having for a moment been pushed back, some of our guns remained for a few ~~moments~~ minutes in the enemy's hands; they were however not only quickly recovered, but the two pieces - a six pounder and a five and a half inch howitzer which the enemy had brought up were captured by us together with several tumbrils; and in limbering ~~up~~ of our guns at one period one of the enemy's six pounders was put by mistake upon a limber of ours and one of our six pounders limbered on one of his, by which means the pieces were exchanged; and thus though we captured two of his guns, yet, as

* General Drummond's dispatch from which this account is principally taken. which commenced about 8 in the evening

* Niagara is about 8 degrees South of the Lat. of London and consequently the sun sets much earlier and there is no twilight.

he obtained one of ours, we have gained only one gun! 542
49

at about 9 o'clock the enemy's fire ceased for a while but it was merely while he was engaged in bringing up more troops. Shortly after these attacks were renewed but the enemy was very shrewdly repulsed. The remainder of General Ryalls' division now came into action and General Drummond was enabled to extend ^{his} line so as to prevent the possibility of being out flanked. Until midnight the Americans made prodigious efforts to carry the hills, but at length they were compelled to ~~retreat~~ retreat to Chippewa. On the following day they threw their stores, baggage and loose provisions into the lake and after ~~burning~~ burning ^{stretching} ^{miles} and destroying the Chippewa bridge they continued to retreat in great disorder by Lake Erie. pursued and greatly harassed by a detachment of light troops, Cavalry and Indians.

* This was a ruse not a wanton act, he it observed.

The American force in this crucial battle was at least 5000 men. That of the British was at first only 1500 and when Ryalls' division came up no more than 2800, including Indians. The Americans lost 160 killed including 12 officers and 517 wounded including the two generals and 40 officers. besides several hundred prisoners. The loss of the British was considerable. General Drummond and several other officers were wounded and including general Ryall who in retiring to the river was made prisoner.

The enemy's fleet did not sail from Sacket's Harbour until the 1st of August and on joining the head of the lake and learning the disaster of the land force they returned to port. In the mean time the enemy had entrenched themselves at Fort Erie having two Schooners on Lake Erie the Ohio and the Somerset 12
7

1 mounted

each with three long twelves. These however
 being captured on the 12th of August
 by Robert Dobbs who conveyed them
 from the Mayara river to the lake
 for the purpose General Drummond
 seized the opportunity to make
 an assault on the fort. On the morning
 of the 13th accordingly a battery was
 opened and as it made some im-
 pression on the works, the British defence
 in three columns were ordered to advance
 on the 14th night of the 14th. One of
 the columns under Colonel Fisher
 gained the point of attack about two
 hours before daylight. On hearing the
 firing the other two columns advanced
 and the attack was commenced almost
 simultaneously. In a short time the
 assailants succeeded in making a
 lodgment on the Demi-Bastion and the
 enemy having taken a stone building
 close to the fort the guns ~~and~~ of
 the demi-bastion were turned against
 them. Now it was but a matter
 of time before the fortunes of
 the day. ~~Some ammunition had~~
~~been placed under the platform which~~
 taking fire an explosion ensued where
 the whole of the troops who had gained
 the Bastion were either killed or
 dreadfully mangled. A panic seized
 the troops and the enemy taking advan-
 tage of this confusion pushed forward
 and compelled the British to retire.
 The Casualties returned were 4 Officers
 and 54 men killed 24 Officers and 285
 men ~~killed~~ wounded and 9 Officers and
 530 men missing making a total loss of
 upward of 900. It was afterwards
 ascertained that most of the missing
 had been killed by the explosion.

General Drummond was shortly
 after reinforced by 2 Regiments but as
 it only just supplied his loss he con-
 tented himself with blockading Fort
 Eric and rendering the post useless
 to the enemy during the remainder of the
 Campaign.

Michilimackinac which the
 British

58
 209
 579
 788

27
28
29
30
31
32

determined to adopt offensive operations, by invading the State of New York by Lake Champlain. In order to put the Flotilla at sea any boat in an efficient state the Confiance then just built was ordered to be equipped with all possible dispatch and Sir James was requested by the Commandant of the force to supply and estimate boats for his division of his Command. Some how or other however he had never cordially cooperated with Sir George Prevost and he replied that the Squadron had already 90 men over its due number. At the same time Captain Fisher a most worthy officer was removed and Captain Downie ~~placed~~ sent in his place. Admiral Stewar was at Quebec at the time and on application to him a reinforcement was furnished from the crews of the Ajax and the Warspite.

On the 3^d of September Sir George Prevost enclosed the American Town of Champlain which the enemy abandoned at his approach and on the following day marched upon Plattsburg in two Columns by parallel roads, that on the west being commanded by Major General Robinson and that on the east by Major General Brisbane. The first Column was opposed by the American Militia ~~but~~ but they were speedily driven in.

The American Flotilla consisted of the Saratoga 26 the Eagle 20 the Diomed 20 the Argus 17 and the ~~Catfish~~ Preble 7 and they at anchor in Plattsburg bay.

On the 7th the British artillery was brought up for the purpose of being placed in battery to operate against the Squadron & but in the mean time the Ships had shifted their ground and ~~had~~ were moved out of the range of guns from that quarter.

Captain Downie with the Confiance the Linnet the Finch and the Chubb and a considerable number of gun boats - a force exceeding that of the Americans was now moving up the lake and in order that the attack by

Having previous
only sent
General Keefe
with
a brigade to
upper Canada
to attack
Sackett's Harbour

by land or water might be simultaneous
 Sir George Prevost & with the concurrence
 of his officers* defore the attack. At
 the dawn of day on the 18th of Sept.
 the troops were drawn out expecting
 the Squadron, but as the ships did
 not make their appearance ~~in the~~
 troops were sent into quarters and
 Sir George Prevost, addressed a note
 to Captain Downie expressing a hope
 that it was the winds alone which
 prevented his advance. To brave
 Downie as Captain Downie unquestionably
 was his expression must have been
 painfully offensive and he concealed his
 indignation by making no further commu-
 nication to the quarters.

*Christies
 Memoirs p 142

On the ~~11th~~ morning of the 11th the
 Squadron - the English having far
 a head was seen to advance and at
 8 o'clock the ~~advance~~ moved gallantly
 into action receiving the fire of all
 the enemy's ships and not returning
 a single shot until within two cables
 length of the enemy's line when she
 came to anchor and opened a
 warm fire on the enemy's line.

Soon after this the Minnet and the
 Chub took up their stations but the
 French unfortunately struck on a reef
 or rocks and was of no service. Soon
 after this the Chub having her
 bowsprit and main ~~boom~~ boom shot away
 parted her cables and being unmanageable
 drifted within the enemy's fire was
 compelled to surrender. Early in the
 action Captain Downie fell ^{and the command devolved}
~~his~~ lieutenant, Robinson, continued to ^{on Captain}
 sustain the action but the Saratoga's ^{Pring of}
 broad side being brought to bear on the ^{the Minnet}
 confiance she became much shattered
 both in her hull and rigging and at
 length she was compelled to strike.
 The Commander of the gunboats had
 in the most cowardly manner fled,
 so that ~~the Minnet~~ Captain Pring
 who commanded the Minnet finding ~~himself~~
 with a hope

not be forgotten that Sir James Yeo was
 imbued with no friendly feeling towards
 Sir George Prevost, that he having been
 at a distance from the scene of action
 his means of judging were not ~~so~~ good,
 and lastly that Captain Downie had
 sent a message to Sir George Prevost
 to the effect that he considered the
 Confiance as more than a match for
 the enemy's fleet. It is therefore
 probable that the rash courage of
 Captain Downie combined with the
 foolish contempt which ^{in common} ~~the~~ British
 naval officers ^{he} felt for the ~~enemy~~ Americans,
 was the chief cause of the disaster, aided
 no doubt by the accident of the Finck
 going ashore, and the shameful flight
 of the gun boat. The troops were much
 irritated at being ordered to retreat, but
 after the loss of the ~~the~~ fleet the
 taking of Plattsburg would have been
 useless as the place exposed to the
 American Squadron from the bay would
 scarcely have been tenable.

316
293

On ~~learning~~ ^{learning} the result of the Plattsburg
 affair the enemy ^{on the afternoon of the 17th September} made a sortie from
 Fort Mifflin with the whole of their
 forces amounting to 5000 men and
 attacked the British lines. The combat
 was severe and the slaughter considerable
 on both sides. In the first instance
 the Americans were successful but they
 were ultimately driven in with a loss
 of 509 men. The loss of the British
 was 293 killed and wounded and
 116 missing most of whom were
 prisoners. The British troops now suffering
 from an unhealthy ~~and~~ encampment
 fled back to Chippewa on the 24th
 of September.

the American
account.

the Account
of the 1814 p 286.
Sir Geo Prevost's
dispatch.

In the following month a new
 ship of 100 guns called the St Lawrence
 was equipped at Kingston and on the
 16th she sailed with a reinforcement
 for the Army at the head of the lake.
 This gave the British to decide

a preponderance on the Lake but Commodore
 Chauncey refused to Sackett Harbour. War
 was thus the only result. General Brown
 deprived of all hope of the cooperation of
 the Naval Squadron evacuated Fort Mifflin
 after destroying the works and thus the
 people of the Upper Province were
 finally relieved from the presence of an
 enemy. The ~~part~~ inhabitants of the Western
 parts of the Province had suffered much
 from the depredations and Cruelties
 of a body of mounted Kentuckians under
 a person named Mr Arthur. ~~Other~~
 bodies of Marauders also brought disgrace
 to the American arms. The villages
 of Post Falls were wantonly destroyed
 during the summer and in the
~~at~~ autumn the course of the
 mounted Kentuckians was marked
 by rapine and inconsideration the wrecks
 of inhabitants being left to perish in the
 wood of Cold and Snow. It length
 however their progress was arrested and
 they were only saved from Chauncey
 by a rapid flight.

On the tenth of December the troops
 were sent into winter quarters and General
 Drummond and Sir James Yeo repaired
 to Montreal to consult measures with
 Sir Geo Prevost for the ensuing Campaign.
 It was determined to equip a flotilla on
 Lake Huron but on the 24th of December
 the treaty of Peace was signed at Ghent
 and thus ended a war attended only
 with suffering on both sides and misfortune
 certainly on inadequate grounds by the
 Americans, as that disputes were not of
 that serious nature, to preclude the
 hope of settlement by other means. The
 original objection was it must be admitted
 on the side of the British but that is
 scarcely a justification for involving the
 inhabitants of two adjacent Countries
 in the horrors of war.

The House of Assembly of Lower Canada
 met on the 21st of January before the news
 of the treaty of Ghent had reached ^{the Province} ~~the Province~~
 The Resolution set was revised and substituted
 a clause permitting Subsidies introduced New
 Duties on tea were granted and as the
 (State

Mr. Panet
 having been
 called to the
 Council Mr.
 L. J. Papineau
 was elected

Speaker & post he filled until the
 the Constitution in 1835

If the finances was prosperous liberal grants
were made for internal improvement among
which one may mention £25000 to making
canals from the Chene to Montreal. The
Assembly also passed a resolution in favour
of the appointment of an agent ^{to the Province in North America} but the
Council met it by a Council-resolution to the
effect that the Governor was the only Constitution
between the Provincial Legislature
and the Imperial Government. The Assembly
also carried an address relative
to their former impeachments & of the
Chief Justices complaining that no answer
had been returned to the same.

On the 1st of March the House being
still in session the peace was announced
in Canada. The Militia was accordingly
disbanded and a gratuity of 80 days pay
was granted to the officers. Six pounds a year
annuity was granted to disabled British
Men and Soldiers a gratuity was made
to the widows and orphans of those who
had fallen and an address was carried
to the Prince Regent praying that grants
of land should be given to such of the
Soldiers and Sailors as had served
in defence of the Province. To mark their
respect for the Character of Sir George
Prevost the Assembly voted a Grant
of £5000 for a service of Plates. The
Measure was ^{at first} approved of by the Prince
Regent but the Council hated Sir
George Prevost for his respect for the
People and they accordingly threw out the
Bill.

On the 25th of March the House was
proposed when Sir George informed the
Legislature that he had received the
Command of his Royal Highness to
proceed to England to answer the
accusations of his enemy Sir James
Yeo. "Now Sir" said his Excellency -
"on the subject which thus unexpectedly
summons my attention be assured I
shall bear with me a lively recollection
of the firm support I have derived from
you and I shall be gratified at an early
period in representing personally to his
Royal

* Journals
1815

Royal Highness the Prince Regent the great and loyalty earned by every class of his Majesty's subjects in ^{British} North America during my administration their attack went to his august ^{Person} ~~government~~ and to ~~possess~~ his government and most particularly the spirit and devotion manifested by the people of the Canadas in the late contest with the United States of America".

~~At the~~ The parliament of Upper Canada had been called together on the 22nd of February. The announcement of the Peace of Ghent immediately influenced the measures of the House. A sum of £1000 was granted to give a gratuity of six months pay to the officers and privates of the embodied militia. A sum of \$1000 was granted to raise a monument to Sir Isaac Brock who fell at Queenston*. Several acts of

* £1000 more was granted by the 7th Geo IV c 30 (U.C.) to complete the work. It is a handsome Column not unlike that erected to the Duke of York at Carlton Gardens. It stands at the summit of Queenston height and announces perhaps ~~the~~ ^{for} one of the finest prospects in the world.

general useful rep was signed and on the 14th of March the Legislative Council was prorogued.

on the 3rd of April Sir George Prevost departed from Quebec to make his way by land for ~~the~~ Halifax in order to take no time in meeting the charges preferred against him. On the day of his departure he received favorable addresses from the Citizens of Quebec and several expressions of their satisfaction with his merits and benevolent administration*. He was unquestionably the best Governor Canada ever had, and

* £1000 more was granted to complete the work. It is a handsome Column not unlike that erected to the Duke of York at Carlton Gardens but it stands at the summit of Queenston height and announces perhaps the finest prospect

* Christie's Memoirs p 150.

to this day his name is mentioned with respect and veneration by the grateful people of that province.

Soon after his arrival, a Naval Court Martial was held on Captain Pring in the top of the Squadron under his command. In the sentence of that Court his George's conduct as Commandant of the force was reflected on. Of this he complained in a letter to the Duke of York and demanded a Court Martial. In consequence of this Sir ~~George~~ James Geo was compelled to produce his charges in legal form and in order to afford time for the arrival of the necessary witnesses the trial was postponed until the 12th of January 1816. Sir George Prevost's health however had been some time declining and he did not live to work out his just sentence having expired on the 5th of January.

Colonel Prevost his brother made an effort to have the enquiry prosecuted by the Judge advocate decided that such a proceeding would be irregular. Hereupon Lady Prevost memorialized the Prince Regent and made a full exhibition of the evidence ~~with~~ calculated to clear her husband's character; and after a full consideration his Royal Highness publicly expressed his high sense of the disingenuous denial of Sir George Prevost and as a mark of his approbation, not only approved of the vote of the grateful assembly of Canada as already stated but granted additional ornamental bearings to be borne by his family.

* Christie's
Memoirs 182
See also a
Political and
his local
account of some
Canada by
a Canadian
141-3.

Chapter XIX

From the departure of Sir George Prevost
to the arrival of the Earl of Dalhousie
1815 - 1820

Sir Gordon Drummond assumes the Administration
- impeachment of the judges - the decision of the privy
council - meeting of the legislature - proceedings
respecting the impeachments - the Assembly dissolved
- Legislature of Upper Canada - General elections
- Sir John Cape Sherbrooke governor in Chief
- Meeting of the Provincial Parliament - fate of
the impeachment question - Disfranchisement of the country -
improvement - Prorogation - the Session of Upper Canadian
legislature - Lower Canadian Session of 1818 - Disfranchisement
of the Civil list question - Session of the U.C.
legislature - Date of Richmond appointed Governor General
- ~~the~~ Sir P. McNicoll sent Governor of Upper
Canada - Session of the U.C. legislature - L.C. Session
of 1819 - Disputes about the money question -
Death of the Duke of Richmond - Monk President
- Disolution - house declares it null in consequence
- Death of Geo III - again his old enemy Sir Dalhousie

On the departure of Sir George Prevost the
Government of Canada was assumed by
Sir Gordon Drummond who arrived at
Quebec a few hours* after his predecessor had
quitted it. His Excellency had disengaged
himself in Upper Canada during the late
war but as he was known ^{to have} ~~been~~ the
intimate friend of Sir James Craig the
people of Canada entertained some
gloomy anticipations of the conduct
he was likely to pursue. These anticipations
are unhappily & fully realized
during his short but ~~unpopular~~
administration.

We have already stated the accusations
brought to the house of assembly against
the Chief Justice of the Province and
Mr. Monk the Chief Justice of the county
of Kings parish of Montreal. These
articles of impeachment, or such in
effect they were, had been handed
to the Governor by Sir George
Prevost but no action had been
renewed during his administration. During
the summer of 1815 however, these accusations
(two)

* Christie's
Memoirs
p. 150.
being succeeded
in the govern-
ment of Upper
Canada by
Sir Gordon Drummond.

554 61
were entertained by the privy Council, and
the determination was that the House of
Assembly should be denied a hearing
~~in relation to the~~
the accusations being dismissed on a
consideration of ~~the~~ ~~minor~~ ~~offences~~ ~~the~~
be called the minor offences the
former charge of the Chief Justice ^{and the report} ~~being~~ ^{illegal} ~~not~~ ^{referred} ~~con-~~
advised to Sir James Craig ^{being} ~~not~~ ^{referred} ~~con-~~
advised to.

referred to
the writ of
habere corpus

* Extract from the order in Council of the
29th June 1815.
The Lords of the Committee in Audience
to your royal highness's order of reference
have taken the said letter (the letter
of Sir Geo Prevost forwarding the Assembly's
address) and is enclosed into consideration,
and having received the opinion of his
Majesty's Attorney and Solicitor General,
and been attended by them thereon, and
having maturely deliberated on the
complaints of the said House of
Assembly ~~of~~ ~~Canada~~ ~~against~~
~~the~~ ~~rules~~ ~~of~~ ~~practice~~ ~~as~~ ~~far~~ ~~as~~ ~~they~~ ~~relate~~ ~~to~~ ~~the~~ ~~said~~
rules of practice (as an arbitrariness introduced
by the ~~Chief~~ Chief Justices into their respective
Courts) their Lordships do agree humbly to
report as their opinion to your royal
highness that the rules which are made
the subject of such complaints of the
said House of Assembly of Lower
Canada against the said Chief
Justices Solomon Jewels and James
Cruik Desjardins, which their Lordships
observe were ~~made~~ made by the
said Chief Justices respectively upon their
own sole authority but by them in
conjunction with other Judges of the
respective Courts and within the scope
of that power and jurisdiction with
which, by the rules of laws and by the
Colonial ordinances and acts of Legislation,
these Courts are invested, and
consequently that neither the said
Chief Justices, nor the Court in which
they preside, have in making such
(rules

not continued.

could exceed their authority, nor have been guilty of any assumption of Legislative power.

His royal highness the prince regent having taken the said report into consideration, was pleased in the name and on behalf of his Majesty, and by and with the advice of his Majesty's privy Council, to approve thereof, and to order as it is hereby ordered that the said complaints so far as they relate to the said rules of practice be and they are hereby dismissed, His orders."

The Parliamentary History of the Province for the year 1816 is especially brief.

5 24
5

on the 26th January ~~XXXX~~ the second session of the eighth provincial parliament ~~of Lower Canada~~ was opened by Sir Gordon Drummond and soon afterwards the order in Council was communicated to the Assembly by message. The house felt indignation at the manner in which ~~it~~ its complaints were treated, and it was at once determined on a vote of the house to refer the matter to a Special Committee. This determination was carried in its effect on the 14th of February and until the 23rd the house was almost exclusively occupied with the subject. On the last named day the Committee reported the ~~above~~ following resolutions which the house adopted by a considerable majority.

Resolved, as the opinion of this Committee that the resistance and opposition of the Legislative Council, of which the said Jonathan Sewell and James Leitch were and are members, to the rights of the Commons of Lower Canada to exhibit the said charges and the obstructions subsequently interposed to the ~~introduction of them~~ prosecution of them, prevented this house from being represented by an agent to maintain and support the charges.

Resolved as the opinion of this Committee that

his house always has been, and is de-
-sires if an opportunity of being heard
on the said charges, and of supporting
them by evidence, and hath reason to
behave that no such opportunity hath
hitherto been offered to them.

Resolved as the opinion of their Com-
mittee, that a humble representation and
petition on the behalf of the commons of
this province to his Royal highness the
Prince Regent be prepared appealing
to the justice of his Majesty's govern-
ment, and praying that an opportunity
may be afforded to his Majesty's dutiful
commons of this province to be heard
upon and maintain the said charges.

Upon this decision of the house
Sir Gordon Drummond determined
to put an end of the session. In his
speech he expressed his regret that they
should have allowed any consideration to
be borne the respect due to the decision
of his royal highness the prince Regent
and he announced his determination to
recur to the sense of the people by
an immediate dissolution.

* Journals
of the Assembly
1816.

The legislative result of this session
is a simple act namely for continuing
without a single modification the
act of 1808 in the trial of Cumberston
elections.

* 48 Geo III 21

The legislature of the ^{Upper Province} had been called together by ^{the Lieutenant Governor} W. Gore & ~~the~~
~~President~~ 4th of February and was continued
in a time unusually long for the ^{Upper}
Province - namely until the 14th of April
following. It acted as though the house
was determined to make up for the legis-
lative stagnation which had ~~for~~ necessarily
prevailed during the year and to close

by Sir George Murray
and Sir John
Robinson.

+ In 1815 after Sir Gordon Drummond's departure in December the
the Government of Upper Canada had been successfully administered by

557.

sixth parliament by bringing up all arrears. Thirty nine acts were this year passed upon the statute book. Among them will be found several for the improvement of the administration of Justice by the establishment of Courts of ~~one~~ quarter sessions and courts of requests. The British laws were revised and consolidated into one act which remains with the exception of a single clause, in force to this day. An act was also passed to provide for the maintenance of Common Schools ~~by~~ granting £1000 annually for the purpose for four years.

* Authorizing the governor to authorize the payment of the Adjutant's postage, repeal - act by 4 Geo IV c. 6.

As the Assembly of Upper Canada came to ~~its~~ its legal termination about the time of the dissolution of ~~the~~ that ^{the} Province the elections took place ~~in~~ in both during the summer of this year. In the town Province ~~the~~ eighteen members only were chosen and the popular tone of the house was somewhat improved by the accession of some persons favourable to the questions which the Assembly was then engaged in presenting.

renewed by 60 Geo III c. 7 and 4 Geo IV c. 8.

Towards the latter end of my Sir Gordon Drummond was recalled and the Province was a few weeks under the administration of a President. On the 12th July Sir John Cope Sherbrooke came out as Governor in Chief*.

* Lieut. General Sir J. C. Sherbrooke had ~~been~~ ^{been best known} ~~the~~ ^{Commander of} the forces in Nova Scotia during the war. In the year 1814 he had been successful in reducing a ~~the~~ large portion of the enemy's territory lying entire from to New Brunswick. Under his orders Lieut Col. Pitt Rivers took possession of Fort Sullivan the Garrison surrendering at his discretion. ~~By~~ ^{By} his excellent the reduced distance on the Penobscot River in person the enemy having blown up the magazines and retreated with their field pieces. The United States Frigate had for security some of the Penobscot river landing her guns as well to lighten her as to form batteries for her defence. Captain Barré of the Dragon however with a small naval force and 600 picked men of the 60th under Colonel John was sent ~~to~~ by Sir J. C. Sherbrooke to capture or destroy her. At first the enemy offered spirited resistance but ultimately she set the frigate on fire and retired

with content
retired leaving a large portion of their ~~and name~~ 55865
in Captain Parrie's hands. By these and other
sweep the British acquired a tract of country
by which New Brunswick and Nova Scotia
were in consequence separated from each other
but the vague wording of the treaty of Grant
still leaves the boundary undetermined.

The new parliament was opened by Sir
John Sherbrooke on the 17th of January 1817 when
Mr Papineau was again elected Speaker.

During this session the constitutional
questions to which we have already alluded
though brought before the notice of the
house and again fully debated, raised
no proper issue ~~as~~ the impeachment
question was suffered to rest ~~by general~~
~~consent~~ notwithstanding the strenuous
efforts of ~~the~~ ^{Mr. James Stuart} ~~house~~ to revive it. It was alleged that
there was much of private spite in Mr. Stuart's
animosity towards Mr. Sewell, as ~~he~~ ^{he}
had been dismissed from the office of Solicitor
general and a relation of Mr. Sewell's had
been appointed in his place. ~~It is~~
~~more than mere~~ ~~or~~ ~~any~~ ~~at~~ ~~all~~ The conduct
of the Chief Justice had been
arbitrary and tyrannical; ~~and he~~ ^{in the extreme}
during the whole course of his subsequent
career ^{he has} been the greatest enemy the
people and assembly of Canada have
had to contend with. It is ~~not~~ much to
be regretted that the general question
was permitted to drop ~~but~~ by the Assembly
in despair of reconciling the numerous
difficulties with which it was beset but it
is still more to be regretted that the
author of "a Political and Historical account
of Lower Canada" should have indulged
in insinuations respecting the motives of
Mr. Papineau in acceding to the dropping
of the question. In the whole course of
that distinguished Statesman's political
career not ~~was~~ a single suspicion
has been raised against his honesty and
consistency.

Mr. Stuart
Subsequent
abandonment
of the
popular
party justice
gives a
suspicion of
the purity
of his motives
but as in
the case of
the Judge
he was in
questionably
right it is
scarcely worth
while to censure
his Springs
of action.

* he have
reason to
know that
he commented
author of
this work
lived to
change his
views on this
subject.

consistency. Even his political enemies who call him rebel admit and respect his political consistency. 66

* ~~Since~~ Since the unfortunate outbreak ~~in~~ which ~~is~~ a political enemy of Mr. Papineau's and still more so has in ~~the~~ his News paper the Quebec Gazette generously defended Mr. Papineau's consistent honesty against some of his generous enemy.

Whilst however the accusations against the Chief Justice were permitted to drop on the judge of the Court of King Bench Mr. Justice Touchon was impeached for various crimes and misdemeanours committed in his office. ~~His impeachment~~ ~~was~~ an address to the Prince Brevet on the subject was carried on the 25th of February and in the mean time the judge was suspended from his judicial functions.

The attention of the house was called by his Excellency to the great distress which prevailed in some of the County parishes in consequence and the house after ~~some~~ due consideration adopted the benevolent but questionable policy of expending nearly one half of the provincial Revenue in affording relief. An act was passed raising £14,250 to indemnify the farmers for relief granted to the sufferers during the year; another act appropriated £15,500 to immediate relief and a third placed at the disposal of Commis. overs no less than £20,000 for the purchase and distribution of seed corn, and in order further to aid the farmers the ~~the~~ vendors of seed wheat were declared to be privileged creditors giving them a rank with mortgage creditors.

400,000.

For roads and internal communication the Assembly provided much money being placed at the disposal of the various towns to be expended in improvement

making an aggregate of £55,000. The total
appropriations of this Session amounted to
nearly £165,000 including £19,000 for the payments
of the share of Upper Canada 16,000 for
the balance of salaries usually voted by
the Assembly 8,000 for a jail at Three Rivers
3,000 for ^{the support} ~~in some persons~~ and £2,250 for
the promotion of vaccination. The Revenue
was only £100,000 but there was on rather
there was believed to be an unexpended
balance of £140,000 in the hands of
the Receiver General so that even after
these liberal appropriations the province
was still deemed to be rich.

560 67

301

* It was not then known that the Receiver
General Caldwell was then annually
blundering the people. The circumstances
connected with the disclosure of the
defalcation - a fine charge for robbery -
like he found in the next chapter.

1791. 3
1801

It should be remarked that the Assembly
was not then alive to the importance of
Education. In the year 1801 - an act was
passed "for the establishment and advancement
of learning" but it had been almost barren
of fruits and it was not until the year
1823 that the subject of Education was
taken up by the House. If the various
sums expended in alleviating distress -
mostly arising out of a bad system of
cropping - had been expended in the establish-
ment of elementary and industrial schools
the evil in question could have been of less
frequent occurrence, and advantage
incalculable would have accrued to the
province. Lately the Assembly has evinced
the utmost zeal for the advancement of
Education but unhappily they have been
opposed by their legislative Councils in
almost all their efforts.

41 Geo III c 17
The Act
Chapter XVI 1801
the following year
that the subject
was taken up by
the House and
without
success, as
the Act was
rescued.

on the 22nd of March the Session was brought
to a close, Sir John Sherbrooke, assuming
to thirty seven acts.
The new Parliament of Upper Canada was
called together by the Lieut Governor on the
4th of February and continued in Session until
the

7th of April following an unusually long session for that Province. Notwithstanding its length however it was productive of only three statutes though many others were discussed by the assembly.

By the first act of this session two new Counties were admitted to the enjoyment of a share of the representation. In this respect the province of Upper Canada had adopted the wholesome practice of the United States of making representation bear due proportion with population; modifying the operation of the general rule by an occasional redistribution of the representatives. In other respects the proceedings of this legislature were not important.

We are now about to enter upon an interesting period in the Constitutional history of Lower Canada. The legislature was called by the 7th of January 1818 when his excellency Com-
manded to the house that he had received the commands of his Royal Highness the Prince Regent to call upon the Provincial legislature to vote the sum necessary for the ordinary annual expen-
-ture of the Province. These commands were
- I am continued his excellency "with a and
- persuaded me from you that weighty con-
- sideration, which their importance deserves."

Thus then the Assembly was called upon to redeem the pledge made in 1810 to take upon themselves the full payment of the civil expenditures of the province. In the interval
- that I expenditures had nearly doubled;
- a new feature in the case which called
- for some deliberation.

~~Consequently the delay arose in transmitting the necessary documents to the house and~~

It was not until the 24th of February that the documents necessary to enable the Assembly to act in conformity with the above passage in the speech were handed over to the house. On the 11th of March a motion to grant a supply to his Majesty was referred to a Committee of the whole house and their estimates for the civil list were referred to a ^{Special} Committee to examine the several items and report the same to the house. The committee accordingly
(Reported)

*~~W.A.W.~~
which revision

139 E
172
188
193
K
204
215

*Financial difficulties of Lower Canada Page 9.

on the 24th of March. They had examined the expenditure under ^{and} ~~had~~ ^{found} that many abuses had crept in, such as pensions drawn after the death of the grantee salaries drawn for local offices by persons resident in London, and expressed an opinion that it would be necessary to reserve the consideration of the subject next session.

* Journals 1818
app. E

The result was that the Assembly were unwilling to throw unnecessary embarrassment in the way of the executive, carried an address to the Governor on the 26th of March ~~and~~ stating forth that the peculiar circumstances which have prevented the House from seeing it an earlier moment the estimate of the Civil list Revenue and public accounts, and the advanced ~~state~~ ^{state} of the ~~reign~~ ^{reign} not admitting of the passing of a Bill of appropriation, they pray his excellency will be pleased to order that a sum (not exceeding for £42,263. 8. 9 (the sum demanded) be taken out of any of the unappropriated monies which shall here or hereafter may be in the hands of the account general of His Province and paying his excellency that the House will make good the same at the end of the next session of ^{the Provincial} Parliament.

The House divided on this address

This annual vote was acceded by the Governor and it seemed as if the Government was determined to give up to the ~~Executive~~ ^{Executive} ~~that~~ ^{that} ~~control~~ ^{control} ~~of~~ ^{of} ~~the~~ ^{the} ~~revenue~~ ^{revenue} and expenditure which the Constitutional act of 1791 conferred upon them. We shall presently find however that the intrigues of the ~~flaming~~ ^{flaming} officials again spend the question and so gradually converted a peaceful Country into a ~~scene~~ ^{scene} of perpetual turmoil and disturbance.

Accounts respecting the issue and redemption of

Army Bites were this year laid before the 69th Assembly. The issues had amounted to £3,442,000 of which £3,415,200 had been redeemed leaving £26,800 in Circulation at the end of 1817. This he remembers accounts for only a part of the expense of ~~that~~ the defence of Canada to England, during that war.

In consequence of the death of the Member for the County of Quebec an election took place and ~~Mr. James~~ Mr. James McCallum was returned & duly elected. A Petition was however presented against his return and ~~and~~ ~~the~~ ~~election~~ ~~was~~ ~~not~~ ~~valid~~. At a second election Mr. John Neilson was elected and notwithstanding an attempt on the part of the unsuccessful candidate to ~~bring~~ ~~him~~ ~~into~~ ~~question~~ on petition after much discussion he was declared to be his qualification. It was not accordingly found ~~and~~ Mr. John Neilson was returned, a petition was presented against him also but it was not heard during the session and was not subsequently prosecuted.

The petition against the return of Mr. James Callum was tried, in conformity with the act of 1808 already alluded to in former Chapter * but during the present session some change was made

* Chap. xviii c. 326. The act of the 48 Geo III c. 25. regulated the mode of trying controverted elections. By this act ~~the~~ ^{Sec 5 & 7} trial was before the whole house the members being sworn to decide impartially on the evidence ~~the~~ ^{Sec 5 & 7} members might be witnesses and (Sec 8) Commissioners might be appointed to hear distant witnesses. With this exception the witnesses were heard at the bar where the petitioner with their counsel (followed by Sec 9) were to attend. by Sec 13 the member petitioned against could not vote neither could any member who had not heard the evidence besides which no decision could be had without a quorum.

in the election law respecting controverted elections chiefly as to the mode of examining witnesses which might now, by Sec 2, be examined by a special committee of the house named for the purpose, the said
(Committee

Committee being enjoined by the same
Section ~~enjoined~~ to report to the house

574 69

* Further amended by 5 Geo. IV c 32 and 9 Geo. IV c 61.
In the note at page 326 of this volume there is an
error. The Consolidation Act therein there
alluded to is 5 Geo. IV c 33 (not c 5 as quoted),
and ~~the~~ consolidated the law of elections
generally, ~~and not~~ this law of ~~an~~ ~~incorporated~~
elections.

A Bill was this year passed, ~~with~~
~~granting a Charter to a number of individ-~~
~~iduals who had established a joint~~
~~stock bank in Montreal,~~ incorporating
a number of persons who had associated
themselves under an agreement to
form a Bank at Montreal, with a
Capital of £250,000. This bill was
passed by the Council, but was
reversed by the Governor and did not
receive the sanction of the Colonial
office until two years after.

We have recently alluded to the neglected
subject of Education. This year a bill
passed both houses for the encouragement
of education in the County parishes,
but it was reversed by his Majesty's
pleasure, and was never after heard of.

On the 2nd of March Sir John Thorburn
communicated to the house the decision
of the Prince Regent with regard to Judge
Foucher, which was to the effect, that
"that in this and in all similar cases
of impeachment by the assembly, the
adjudication of the charges preferred against
the party accused, shall be left to the
legislative Councils". At the same time
the Governor seems to have felt the
extreme difficulty of the case for at the
conclusion of his message he informed the
house that not having received from his
Royal Highness any instructions as to the
manner in which this his decision is to
be

carried into execution he has been under
the necessity of recurring to his royal
Highness in this pleasure in his respect
and for such instructions as his
Royal Highness may see fit to
give thereupon. Here the matter ended
in the present.

A singular discussion ~~was~~
on a question of privilege grew out
of the illness of ^{Sir John Spence} ~~the Speaker~~ on
the 20th of February a letter was ad-
-ressed to the Speaker by the two
Physicians attending his excellency
stating that as "his return to business
should be as gradual as possible"
The Physicians were of opinion
"that an early termination of the
present session of the provincial
Parliament was most warmly
to be desired as a measure
essentially necessary to his excellency's
recovery."

This was certainly a strange
mode of proceeding: - so strange indeed
that the house appears to have been
led by some improper influence. An
attempt was immediately made to
have the letter ~~struck~~ expunged from
the Journals but the Speaker decided
that it was not a matter to correct
the Journals until they were read
the following day. The motion was
renewed and after a warm discussion
carried by a majority of 13 to 10. An
attempt was then made to appoint
a committee to ascertain if any
improper or undue influence had
been made use of in the matter
by this motion was also negatived
by a majority of 13 to 9. Here the
discussion dropped.

* The proceedings
against Mr.
Justice Foucher
gave rise to
a singular
case of Con-
-suetude in
-stant. A Mr.
Munk one of
the prothonotaries
had deposited
certain papers
ordered by the
house and
in so doing
was taken into
custody by the
Sergeant at Arms
on the Speaker's
warrant. On
this he brought
an action for
false
imprisonment.
In consequence
of this a Special
Committee was
named to exa-
-mine precedents
and the result
is a record of
all that can
be found bearing
on the case not
only from the
Journals of the
two houses of
Parliament
but also from
the Journals
of several
provincial legislatures

as collected in the two
reports on the proceedings in reference to Sir F. Dundell in
1810 but also similar proceedings on nearly similar
cases in Jamaica and Canada. (Assembly's Journals
1818 App. G) In conclusion the Speaker and Sergeant at
Arms

Next continued

Orders were ordered to plead ^{to the action} and the Attorney General to defend them.

~~On the 1st of April his excellency still in a bad state of health went down to the Council Chamber and after giving his assent to ~~the~~ twenty eight Bills and reserving three put an end to the Session ~~with his~~ ~~speech~~ ~~his~~ Complimenting both Houses on the harmony of their proceedings and the laborious diligence with which they had been conducted ^{and} thanking them ~~essentially~~ ^{of supplies} for their conduct ~~of the~~ ~~year~~~~

On the 1st of April his excellency still in a bad state of health went down to the Council Chamber and gave his assent to twenty eight bills and reserved three for his Majesty's pleasure. He then in a short speech complimented the two Houses on the harmony of their proceedings and the laborious diligence with which they had been conducted; and thanked them essentially for their vote of supplies for the current year and finally put an end to the Session.

*. The proposal to vote supplies was held to be ~~rather~~ little short of treason under Sir James Craig the proposal being recognized the Members were thanked for ~~it~~ exercising it under Sir James I. C. Sherbrooke again and Lord Dalhousie the annual vote was treated as a sedition and his effusion - under Sir Francis Buxton it was accepted with thanks; under Lord Aylmer it was again condemned till at length the rights ~~of~~ of the assembly have been trampled under foot and the people driven into rebellion by the ever changeable policy of succeeding Colonial Ministers.

The Parliament of Upper Canada had been called together on the 5th of February and was prorogued on the same day

* 55 Geo III c 2
which act the
act of this
Session was
further con-
-tinued by the
2 Geo IV c 2

as that of Lower Canada. Several acts were
passed during this Session relative to the
administration of Justice, ^{one} of which was to
continue the act of 1815 respecting County
Courts. Several acts were passed respecting
licences for Pedlars, Sale of Wines and Auction
Sales, but the most important of the
Session was one for the amendment of
the Statute of 1795 respecting the registration
of deeds, the provisions of the act being
intended to remove certain difficulties
respecting the evidence of title, and ~~more~~ more
especially in case of the death of witnesses
previous to registration. An act ~~to amend~~
~~act~~ to determine the qualification of
Members of the Assembly was also
passed; its ~~relative~~ chief object appears
to have been chiefly to guard against aliens
finding their way into the House - a
Class of persons for whom the upper
Caution appears at all times to have
entertained an especial abhorrence.

~~He has already alluded to the ill
health of Sir John D. Sherbrooke~~

The ill health of Sir J. Sherbrooke
had induced him to request his uncle
and the Duke of Richmond who had
filled the viceregalty of Ireland was
appointed to succeed him. Sir John
had maintained a singular position
in Canada between two opposing political
parties - an object which is seldom
ever attempted without his appointment.
But circumstances favoured him. He
was the medium of a great Constitutional
reform to the Assembly and he retired
before the official party had recovered
sufficiently from the stunning effects
of the blow to concert that artful
conspiracy against the ~~the~~ great
function of the ~~Assembly~~ common's house
of Assembly which has since moved
Canada in misery. Hence during
this last political lull, if so it
may be called the mild and
really conciliatory disposition of his
welfare had full scope to exercise
itself. On his departure which
took place on the 12th of August 1818
he

Appropriate

was cordially addressed by the Clergymen
of Quebec Montreal and Three Rivers and
by the members of the two Councils.

* Some persons stated that Sir John Bybrooke
illness was feigned to avoid the approaching
difficulties which he foresaw (Political
and his usual account p. 62) but there is
no ground for the supposition neither is such
a supposition necessary, as Sir John could
have steered his usual without such simulation.

At the same time that the Duke
of Richmond ~~was appointed~~ ^{assumed} the Government
of Lower Canada his son in Law Sir
Pierpont DuRoi ~~succeeded~~ ^{relieved} Mr Smith of the administration
of that of the Upper Province.

on the ~~12th of October~~ ^{12th of October} he called
the provincial Legislature together. ^{27th}
Among the questions which occupied much of
the attention of the Legislature was that
of the "forfeited estates of Sailors". An
act was passed sitting with in the
preamble that certain of his Majesty's
Subjects during the late war had
departed from their allegiance and lived
war against his Majesty and the object
of the act was to vote their estates
in. Criminals, but certain the claims
thereon and to appropriate what remained
after satisfying lawful claims towards
compensating the losses of the loyal. It
was this was a subject in which many
of the Members of both houses had a
direct personal interest, as I have
expected, much care was bestowed on the
enactment.

558	50
20	10
21	572

Such distinct acts received the Governor
assent during their session but they
~~are~~ are not of a character to arrest
our attention and on the 27th November
the Legislature was prorogued.

The Parliament of Lower Canada
was called together by the Duke of
Richmond on the 12th of January but
only for the purpose of announcing the
death of Queen Charlotte and of proroguing
the Legislature until the 22^d of the same
month. ~~to show our respect~~ ^{to show our respect} ~~to his~~ ^{to his}
out of respect to his Majesty's memory.

~~from the Treasury of her Majesty whose~~
~~contact is not~~
 accordingly on the day appointed
 the Provincial Parliament met for
 business. In the speech which the Governor
 delivered there was nothing to excite
 the suspicions of the assembly on the
 financial question, and from the
 manner in which he spoke of ~~the~~
 the estimate being so prepared as to
 enable the House to attend to the whole
 of those measures which more peculiarly
 by original with their branch of the
 legislative business. There is reason to believe
 that he was not in the first instance
 a party to the official pretensions
 about to be put forward by the Council.

During the early part of the Session
~~but little~~ nothing occurred to
 arrest our attention and it was not
 until the 2nd March that a message
 from the Governor brought the
 financial question immediately before
 the attention of the House. Accounts were
 sent down to the assembly of the expenditure
 of the last year and together with
 estimate for the current year. By the
 former it appeared that although the
 House had voted that had been
 asked, the grant had been exceeded
 of the outlay and the House was asked
 to vote to make up the deficiency. In
 the estimates of the year there was
 a vote for the increase of expenditure
 proposed.

These accounts were referred to a
 Special Committee and although the
 language of the minority was extremely
 angry and ~~intemperate~~ and an attempt
 was made to ~~express~~ the order of reference
 the Committee nevertheless fulfilled its
 duty by making a very full report on
 which the assembly ~~ground~~ a bill voting
 against every item of the estimate, the
 sum set opposite the corresponding item
 in the ~~supply~~ estimate for 1817. In voting

* Journals 1819
 p. 9.

† Journals
 1819. p. 122.

‡ Financial
 difficulties
 p. 60.

§ These
 stems from
 the subject
 of 20th Decr
 resolutions
 Journals 1819
 p. 259 & 252.

scale prevalent in great Britain they can -
 defend themselves in safe lands, but 76
 the instant they were likely to be
 brought under the control of the
 Assembly frightful visions of American
 economy passed before their minds
 and they resolved not by repealing the
~~Bill~~ Bill to deprive the Government
 of the means of carrying on the Government

~~Bill~~ Bill had been annually passed appoint-
 ing Commissioners to treat with Commissioners
 named by Upper Canada respecting the
 appropriation of the revenue collected
 in support of Quebec, between the two
 provinces. This Bill the Council now
 wantonly rejected, and thus gave
 birth to a mis understanding between
 the two provinces which nothing but
 a common danger, sufficient to heal

Just irritation was produced by these
 proceedings which the Governor thought
 was not calculated to allay. After
 stating that he came to the province
 with a sincere desire to promote the
 general prosperity of the province and
 with a hope that he should meet
 with support in the execution of that
 desire he proceeded to search out the
 Council for approbation and the Assembly
 for condemnation.

"You gentlemen of the Legislative Council
 said he - have not disappointed my
 hopes; and I beg to return you my
 thanks for the zeal and alacrity and
 care shown in all that more immedi-
 ately belongs to your body."

"It is with much concern that I feel
 myself compelled to say that I cannot
 express to you gentlemen of the Assembly
 the same satisfaction nor my apper-
 ciation at the general result of your
 labours, at the expense of so much value-
 able time and of the public principles
 on which they rest as recorded on your
 journals."

The prosecution took place on the 24th
 April the Duke having previously attended
 to twenty nine bills.

The parliament of Upper Canada ended
 (on the

on the 7th of June ~~being the second session~~ in
inconvenient season of the year inasmuch as
many of the County members ~~are~~ were ~~and~~
agriculturalists.

The act passed in the year 1807 for the
establishing several schools was amended
during the present session and its provisions
seemed to lead to the extension of population
and settlement which had taken place

Two bills passed both houses for the establish-
ment of Joint Stock Banks, the one at
Kingston and the other at York, the Capital
of the province. The York was appointed
to be in virtue of a clause requiring
the establishment to take place by the
1st January 1821 the ~~act~~ ^{charter} became
repealed by non-usage. The second was
referred to the ~~good~~ pleasure of the
Crown. ~~The bill~~ the royal
assent was given in 1821 and the
present Bank of Upper Canada is the
fruit. The ~~act~~ acts passed during the
session were twenty three in number ~~and~~
many of them being for improvements
and for new divisions of the County
Police regulations and ~~for~~ other matters
rendered necessary by the growth of the
increasing settlement of the County. The
session was terminated by the Lieutenant
Governor on the 12th of July.

In the following month the Governor
General while on a tour through the
Upper Province was suddenly taken
ill at Richmond in Upper Canada
~~and~~ the symptoms of his disorder
leaving no room to doubt that he
was seized with hydrophobia. The
first symptom showed itself as
taking wine with a military officer after
dinner for that time the painful
symptoms increased and at length
on the 28th of August his excellency
~~of whom though delicious it truly~~
~~had~~ was fully sensible of the
~~nature of his disease~~ drunk under
the dreadful & calamity of the existence
(and

*He was
accompanied
by the Earl
of Dalhousie
Lieut. Governor
of Nova Scotia
afterwards
Governor
General of
Canada who
was then on
visit to
the Duke.

nature of which he was fully sensible. His unhappy and painful death excited great commiseration though his government had not been of a nature to cause the loss of his services to be lamented.

* Political & Account p 71

on the death of the duke of Richmond the Government dissolved on ~~the 11th of March~~ Mr. Justice Monk who was the senior member of the Council. Judge Monk immediately dissolved the Assembly thinking probably that it was worth the while of the official party to take the chance of accident in favour of ~~some~~ a house more favourable to official views. If that were the case his party was completely disappointed although nearly half the individuals were changed there was no change in the average state of the opinion to be found in the house except ~~perhaps~~ perhaps a greater degree of ~~absence~~ intensity given to the determination of the majority to adhere to principles they had laid down in with regard to the supply question.

Mr Perinier Meikland called the legislature ~~together~~ of the Upper province together on the 21st of February and prorogued it on the 7th of March. The acts passed in this brief session were only seven in number most of the arrears being discharged in the session of 1813. The only act ~~but~~ which demands notice is ~~in our~~ based on the ~~same~~ principle is one for increasing the representation of the Commons of the province - one which is based on the sound principle which is permitted to govern representation in the United States, that of increasing representatives with the growth of population. ~~The~~ In proroguing this Parliament of Upper Canada Mr Perinier Meikland referred to desires to be referred to the New Parliament of the Lower Province. That house however on being called together on the 11th of April resolved: "That the representation of the (Province

* This principle however requires the check of revision otherwise the legislature will have a tendency to grow into a large one. This Assembly of Massachusetts on the contrary is now as large as our house of Commons.

being incomplete, no member having as yet
been returned for Gaspe, the house was in
competent and could not proceed to the
air batch of Business."

~~afterwards the news of the death of
George the third reached Canada~~
The intelligence of the death of George the
third during reached Canada about
his time Sir Peregrine Maitland
seized the opportunity to get rid
of the refractory assembly which
was accordingly dissolved on the
24th of April.

* His death took
place on the
28th July 1760.

This dissolution being by the mere
operation of the law and ~~neither the~~
consequence of the private pique
of a governor nor of executive intrigue
tended rather to calm the mind of
the people. Sir Peregrine Maitland
moreover had not had time to
entirely himself with any party
so that at this moment the
state of the public mind was rather
favourable to the commencement
of a new administration. The person
chosen to succeed the Duke of
Richmond was the Earl of Dalhousie
a military officer who had served
in the peninsula who had for
some time held the reins of
government in Nova Scotia. Of his
character we shall say nothing
but as that will best be learned
by a perusal of the history of his
protracted administration.



575

Chapter XXI

Lord Dalhousie's ^{First} Administration
1820 - 1825

Lord Dalhousie's arrival - Visit - Upper Canada's
 Legislature meet - Finance Question - Resolutions
 of the Council - Proceedings of the Assembly
 thereon - Revenue General - Impeachment - Resolutions
 respecting the Duke of Richmond - Payment
 of Members - Provoquer - Provoquer - Parliament
 of Upper Canada - Lower Canadian Session of
 1821-2 - Speech & address - Permanent Supply
 Question - ~~Speech~~ Question of an agent - Revenue
 General - Proceedings respecting Mr. Richardson
 - Supplies and Indemnity - difference with
 Upper Canada - Assembly proposed in
 Legislature of the Lower Canada proposed in
 Proceedings in Lower Canada thereon - Delays
 sent to England - Session of 1823 - Choice of
 Speaker - Proceedings of the Council
 against the proposed Union - Resolutions of the Assembly
 - Distrust of Dr. Francis - estimates - appointment
 of Sheriff - Revenue general - Appropriations
 - Provoquer - Upper Canadian Session of 1823
 - Governor visits Nova Scotia - Proceedings
 respecting the Quebec Gazette - Session of 1823-4
 - Defalcation of the Revenue General - Views
 of the Assembly - China Trade - Canada trade
 act - Complaints against the Collector of Customs -
 Supplies - Navigation of the St. Lawrence -
 Clay reserves - Tenure - Sir James Mc Intosh
 Appropriation & Governor's visit to Montreal - Ambassadors
 to England - Sir F. Darton lieutenant Governor -
 General Election - Sir F. Darton visits Montreal -
 Meeting of the Legislature - Independence of the
 Judges - Civil list - Supply bills - Revenue
 General's defalcation - Provoquer - Upper
 Canadian Session -

Session of
Upper Canada

The Earl of Dalhousie arrived at
 Quebec in the New Castle Drygate from
 Halifax on the 18 of June 1820 and
 shortly afterwards made a tour through
 both Provinces on the 14th of December the Legislature
 (was

called together when Mr. Papineau was again chosen Speaker by the Assembly. In his opening speech, after alluding to the late King, as a friend whom he had known and honoured during 30 years, ~~and~~ a circumstance which elicited some unmerited eulogy, he entered at once upon the question of the finances, setting up on the part of the officers a ~~demand~~ ^{demand} for a permanent provision for the payment of salaries to which they had not before ventured.

With this view he told the house that the permanent taxes together with the hereditary territorial revenue of the Crown taken on the average of the last six years was not equal to the annual permanent charges upon the provincial civil list by a deficiency of \$22,000 and he called upon them to make a permanent provision to supply the deficiency.

100-28

* This was opening the very question.

The Constitution of the Courts of law; the expediency of enacting permanent revenue laws; the improvement of agriculture; the expiring ~~vested~~ ^{vested} laws; the settlement of waste land and the encouragement of ~~immigration~~ ^{immigration} were severally recommended, and his lordship concluded his speech by expressing his strong desire to promote the welfare of the colony in which he urged the necessity which existed in the support of the provincial parliament.

649
24
20
44
7
8
649

* to support permanent charges and permanent grants

This speech was, by some, considered ~~poor~~ ^{poor}; but it was not really so however. ~~They may take this as a proof, namely,~~ ^{Christie's} Memoirs 1215 that the Council warmly approved of it whilst among the members of the Assembly it created considerable ~~and~~

just alarm. Indeed in their frank and
 mainly ^{admits in reply} ~~and~~ to the speech the House
 abandoning the common place form
 usually adopted on such occasions
 and prepared their unequivocal dispute
 from the principles sought to be introduced.
 They should be added declared "bold
 themselves wanting in that sincerity
 which was due to the frankness of their
 excellencies character; in that duty and
 respect which they owed to their Sovereign
 by whose Commission he had submitted
 the proposal of an additional and formal
 grant of appropriation, which with such at-
 tention made would exceed half the usual
 amount of the whole provincial revenue
 were they not even at that early stage
 of the proceeding, most promptly to refer
 but he declared sense of his
 constituents the duty which they owed to
 their posterity and to that Legislature and
 government which the wisdom and bene-
 ficence of the mother Country had con-
 ferred on this province, together with the
 variable and uncertain future amount
 of that revenue which as well as their
 resources depended on a trade at that
 moment peculiarly uncertain, would
 preclude them from making any other
 but an annual appropriation for the
 general expenditure of the province
 conformably to the recommendation of
 his Majesty's government as signified
 to the Parliament of this province by
 his excellency Sir John Coape Sherburne
 late governor in Chief in his speech
 delivered from the throne at the
 opening of the Session on the 7th Decr
 1818. "I have followed page 579 "The establishment &c")

* Sir John to ~~was~~ demand was that the assembly
 should provide for the ordinary annual expenditures.
 It has since been contended that in considering this
 to mean "an annual appropriation" the assembly
 had overlooked the meaning of the word "Christie"
 p 217 It should be recollected however that by accepting
 the Bill of 1818. Sir John at least did not think this
 assembly had distorted his words

~~I was now understood that the great objection of the head of the executive was to the purchase of sailing by steam and that if some kind of plan of this nature were introduced it would be acceptable to his lordship and the demand for a permanent revenue would be raised. Under these circumstances the House, ever ready to encroach as far as his duty to His Excellency will permit, of which we have many instances, have been given a determination to vote by Chapter as it was called on heads of expenditure. To render the bill more palatable to the official class an account of the bill of 1845 was voted but we have~~

Note on board, moreover the annual appropriations were accepted by the Duke of Richmond & Co. in 1845, all the branches of the Legislature had been distorted and not in good order until these years

no means of ascertaining whether the Governor would have accepted it as it now existed that ~~the~~ stage having been reported by the Legislative Council in conformity with a resolution passed on the 6th March. The effect that the Legislature Council did not proceed on any bill of appropriation for the Civil which shall contain specifications therein by Chapter and items nor unless the same shall be granted during the life of the King. Here then was a new shape in which the provisions of the official class are ~~not~~ modelled. We have the influence of a fallacious or some ~~part~~ operating on the minds of men involved in producing a confusion of language. England has her "civil list" and Canada has her "civil list" and to demand that the one should be treated as the other seems at least plausible. Two facts however are kept studiously out of sight namely that the Civil list of England

Chapter 216 and Financial Department p 12 for instance Administration of Justice - Civil Service Collection of Revenue etc. while the Supply bill was making progress.

579
to follow the
end of page
577.

The establishment of permanent taxes
the house declared to be unpracticable
but at the same time his excellency
was informed that the house "would"
"carefully investigate the effects which
might result to the provinces and
to the commercial classes in particular
from the duration of the revenue laws
and that they would endeavour to adopt
every means in their power to inspire
Confidence in both his Majesty's Sub-
jects."

In other respects the address was
an echo to the speech.

* In the other
copies of the
speech were
and were in
away effor-
ing hope for
a fair under-
standing between
the parties
and the expec-
tion: Christie
p 210.
+ Christie
p 216 and
Financial
difficulties
p 12.

It was now understood that the great
objection of the kind of the expenditure was
to the practice of voting by items and
that if some modifications of the
~~present~~ features were introduced, it
would be acceptable to his lordship
and the demand for a permanent
revenue would be waived. This supposi-
tion was favoured by the manner in
which the estimate was sent down to
the house. The supply reported was
divided into classes or heads of expenditure
called chapters. They were six in
number and amounted in all to
£44,377.5 Sterling. This estimate was
sent down to the house on the
27th December.

"Under the impression above alluded
to the house was ready to concede, as
far as their duty to their constituents
with the promise of which every instance
have been given in the foregoing ^{pages} chapters,
came to the determination to vote the
supply by chapters and to render the
bill more palatable to the official
class an increase in the supply of
(1819)

1819 was voted though that measure did not quite make up the estimate; but we have no means &c

58085

(here follows page 578 when marked A)

*#44060.10.2

continued from page 578. B.

and that of Canada are alike only in name and that the life grant of the English Civil list was the price of a concession on the part of the British monarch by which he gave up what might be deemed the private property of the crown on receiving such a grant. The Civil list of England comprises ^{little more than} the personal expenses of the monarch whilst that of Canada is made to ~~include~~ include ~~cases~~ almost every expense of the Government.

in the
list

On the rejection of the supply bill by the Legislative Council the House of Assembly ~~presented to the Governor~~ ~~voted~~ a humble address to the Governor praying him to advance the money necessary to make up the sum of £46000 including £2000 for school masters and pledging themselves to make good the amount by bill at the ensuing session of the provincial parliament but Lord Dalhousie having from the first adopted the policy of the official party refused to comply with the Assembly's request.

Shortly afterwards the Assembly passed a series of resolutions in answer to those of the Council the first ~~declaring~~ of them declaring that the Legislative Council cannot prescribe to the House, the manner or form of proceeding on bills of aid or supply nor upon any matter or thing what so ever and that any attempt of the Legislative Council for that purpose is a breach of the privileges of this House.

The Bill was introduced to oblige the Revenue General to account annually to the province and otherwise to provide for

for the security of moneys in his hands but it
 was not carried to maturity. An act
 declaratory of the assembly's right to impeach
 and of the Council to be impeached
 was introduced but relinquished. At the
 same time the Council asserted their
 right by a resolution.

~~The~~ we have already seen
 the language held by the Duke of Richmond
 in proposing the Assembly in 1789; that language
 would not ^{possibly} under the circumstances have
 been admitted to had not Lord Dartmouth
 thought fit at the opening of the present
 session thought fit to hallow the
 policy of the Duke; ~~the~~ on
 this ground however the assembly deemed it
 fitting to pronounce an unequivocal
 opinion on the language so held, declaring
 that ~~any~~ all censure on any proceeding
 of this branch of the legislature by either
 of the other branches thereof is in
 a plain and exercise of power contrary
 to law, a breach of the undoubted rights
 and privileges of this house, and subversive
 of the constitution of Government as by law
 established in this province.

~~The Council also found something~~
 to find fault with in the administration
 of the Duke. In proposing the assembly
 he had ~~expressly~~ expressed his disapproval
 of their rejection of the Duke of Supply
 they now declared their undoubted right
 in voting Supplies to take and order

An attempt was made during the
 session to provide for the payment of
 the members of the Assembly but it failed
 & by a small majority. The appointment
 of an agent again engaged the attention
 of the legislature but a bill appointing
 Mr. James Stewart the late Director general
 who had moved the impeachment of
 the Chief Justices Lewis & Monk was
 reported in the council.

In the mean time the legislature was ad-
 mitted to measures of improvement.
 An act was passed for undertaking the
 building Canal at the expense of
 the province in case the Company should
 relinquish their rights. This was done
 and the canal was commenced on the
 7th of July. Various acts for internal
 improvement ~~to be done~~ were also passed
 with the usual liberality of the House.
 Acts were also passed for establishing ~~schools~~
 the Montreal ~~Bank~~ Canada, and
 Quebec Banks but they were reserved for
 the pleasure of the Crown. A bill
 was also introduced for the ~~establishment~~
 encouragement of education but it was
 never heard of.*

An address ~~was~~ ~~sent~~ to the Governor
 was carried toward the close of the
 session Complaining of various grievances
 which his excellency in reply assured the
 House should be communicated to his
 Majesty.

* This mode
 of disposing of
 Bills is called
 "Burking" in
 Canada

On the 17th March the House was
 presented his excellency expressing his
 dissatisfaction in the general result of the
 session whilst he commended the zeal of
 both houses. In reference to the financial
 question he ~~stated~~ ^{expressed} the Assembly ~~that~~
~~reading of his report~~ that the execution
 of his Majesty which by his command he
 had communicated at the opening of the
 session should not have been delayed.

Addressing both houses he stated "that
 the civil administration of the civil
 Government could be left without ^{any} pecuniary
 means but what he should advance on
 his own responsibility" the result of which
 would be to leave the executive Government
 (paralysed)

That of course the civil Government
 would be left without any pecuniary
 means but what he should advance on
 his own responsibility" the result of which
 would be to leave the executive Government
 (paralysed)

During the session The Session of Upper Canada was of short duration having met on the 31st of January and separated on the 14th of February 1821; yet during his brief sojourn the Legislature managed to carry into law about thirty one acts to completion. Among these were 2 general for internal communications and improvements and not a few to allow private individuals six months to have the the requisition affecting their estates under the alien act of 1814. Another law set on paper authorizing the Governor to borrow a sum of \$25,000 to pay the arrears of Militia pensions. Acts for the division of districts and Counties and for the settlement of boundaries, for the preservation of deer and salmon, and for other minor objects were also passed.

x 54 ju III
e9.

During the summer of this year Lord Dalhousie again visited the upper Province - especially ~~and~~ the various Military Stations. He returned to Quebec in August and on the 11th of December again opened the Legislature.

In his speech ~~the Governor~~ his excellency told the house that he had adopted a course for the payment of the current expenses of the government "as nearly consistent as possible with the ~~existing~~ existing laws." He then informed both houses that "it had been established in the British parliament that the Civil list should be granted for the life of the King" and he now asked the King's name to ~~remain~~ remain a such a grant from the house.

2/23/3

*We may here observe that avote of the Governor's salary for the term of his administration would have been in strict analogy to a civil list for the monarch.

It will not be forgotten that this demand ~~the~~ was first breathed in the Legislative Council - the stronghold of the opposition party; it was taken up by Lord Dalhousie as he adopted every suggestion emanating from that body in strict analogy to a civil list for the life of the party.

and these cannot be adoubt but that the "King's Command" had been obtained from the Colonial office at his lordship's especial request. The Legislative Council in its ~~first~~ address lauded forth a triumphant echo but the Assembly very properly placed their duty to their Constituents before his Majesty's Commands and he merely expressed his willingness that in the execution of his discharge of his duty to their Constituents the recommendation of his Majesty should receive due weight."

12

On the 2nd of December the estimates were ~~sent~~ sent down to the Assembly and shortly after the House asked for copies of the Royal Instructions previous to 1792 - to 1797 - ~~and~~ to 1810 and to the latest period before the 7th of July 1818 so far as they applied to a proper provision for the support of the Civil Government; but an enormous and unauthorized increase had taken place, ~~to~~ the information was of course refused.

The House of the whole House in Committee was shortly after on the permanent supply question a resolution being moved that a permanent provision be made for the support of the Civil Government of the province, and of the Honour and dignity of the Crown during the life of his present most gracious Majesty; but the motion was negatived by a Majority of 35 to 5.

As the King's name had been made use of in his excellency's speech the House ~~was~~ embodied the ground of their refusal in an address to the Crown which ~~was~~ his excellency promised to transmit.

~~After~~ ~~days~~ ~~after~~ he sent a message to the House informing them that they ~~had~~

but he has ~~admitted~~ ^{admitted} on his own responsibility
 the necessity of completing the
 payment of the cost expended but
 that it would not now be in his power
 to make further advances or venture
 a greater stretch of responsibility, and
 requesting nearly \$35,000 for local
 establishments ^{and offices of the Public Works} which form no part
 of his Majesty's civil government and
~~are~~ are not connected with the Administration
 of Justice. - Now as all such local
 objects had usually been provided for
 by separate Bills distinct from the supply
 for the general purposes of the government,
 this request seemed naturally to
 excite the suspicion of the Assembly, especially
 as an estimate accompanied it and it
~~was of course not complied with.~~

In the course of this session the house
 again took the subject of an agent in
 England into consideration. As their
 Bill nominating Mr. James Stuart had
 had failed in the Council, they
 determined to proceed by resolution. They
 accordingly embodied in a resolution a
 request to Mr. Margaret Ross a Member
 of the House of Commons to procure
 the office. This happened at the
 same time ~~as~~ ^{when} the ~~Assembly~~ ^{Assembly} passed
~~a~~ a resolution in opposition to the
~~Assembly~~ ^{Assembly} and the result was
 that Mr. Mervyn in a letter to
 the Speaker of the Assembly described
 the charge on account of the mis-
 understanding which existed between
 the Assembly and the Council.

Three ^{resolutions} acts of the provincial Parliament
 were now about to expire and the
 Governor called the attention to the
 necessity for their renewal, as the
~~first~~ two of them related ^{related}
 & the one merely amended the other

253 Geo III C 11
 amended by 55
 Geo III C 2 and
 55 Geo III C 3

yielded £13,000 and the other £25000 but
 the house did not ~~deem~~ think fit to
 renew acts merely to furnish means
 for plunder to the executive they therefore
 carried a determination to await the
 issue of their address to the Crown hoping
 that the monstrous pretensions set
 up by the official party would not be
 sanctioned by the honest government. In
 this however they were cruelly deceived.

In order to guard the revenue against
 violations similar to those which had been
 so repeatedly perpetrated, the house
 resolved that it would "hold personally
 responsible his Majesty's revenue general
 of the province and every other person or
 persons concerned for all moneys levied on
 his Majesty's subjects which may lawfully
 legally come into his or their hands
 and then paid over by him or them under
 any authority whatever unless such payments
 before should be authorized by an express
 provision of law.

An attempt was made in the
 Council ^{by Mr De la Roche} to rescind the resolutions passed
 during the last session in reference to the
 supply question as debating terms to and
 interfering with the privileges of the Assembly;
 but the motion failed. In the course
 of the debate Mr John Richardson who
 was at the head of the Scotch Mercantile
 Clique at Montreal and moreover an
 intemperate and intolerant man
 indulged in the foulest abuse of the
 Assembly declaring "that it would not
 surprise him if a Committee of the
 Assembly were at that moment in
 consultation about replacing the personage
 at the Castle by another of their own
 choice." * when his language was
 reported to the Assembly they immediately
 passed a series of strong resolutions
 declaring the language of Mr Richardson
 "false"

* Christie
 Memoirs p 241

12

34.

"Scandalous and malicious a high contempt of the house and an odious attempt to destroy his Majesty's confidence in the loyalty of the house and of the people". The resolutions of the house were communicated to the Governor by Messrs. Messers accompanied with a request that he would remove Mr. Richardson from all places of honor and profit under the Crown. This request the Governor refused in as much as such a step would interfere with the freedom of debate.

Although the assembly had received great provocation it is impossible to condemn the decision of Lord Dalhousie on this occasion. An interference in the debate of the Council would have been wrong in principle and would have established a precedent which might have been turned against the assembly. Some correspondents by resolution took place between the Council and the assembly on the subject when at length the matter was finally dropped.

Not long after the address to the King embodying the assembly's reasons for the refusal of supplying Lord Dalhousie sent a message to the house stating that he had hitherto advanced on his own responsibility the sum necessary for the support of the civil government but that it would no longer be in his power to make further advances, nor would it be consistent with his duty to venture a greater stretch of responsibility. He therefore stated that he should apply the moneys placed at his Majesty's disposal by permanent act, together with the moneys which had belonged to his most Christian

Majesty ~~but~~ and in addition to this he
 called upon the assembly to vote a sum
 of \$ about £3000 for local establishments
 and objects of public charge which form
 no part of his Majesty's civil government
 and are not connected with the adminis-
 tration of Justice. Now as all
 funds for "local objects" had usually
 been provided for by ~~the Assembly~~
 separate bills distinct from supplies
 for the general purposes of the Government
 this vague demand naturally excited
 the suspicion of the Assembly the
 more especially as no estimate
 accompanied it. Hence it was not
 complied with.

Disputes had for some time existed
 between the two provinces on the division
 of the duties. Commissioners were appointed
 by both provinces but ~~they~~ those
 of Lower Canada declared themselves
 incompetent to settle the arrears which
 were claimed. The Commissioners for
 Lower Canada had endeavored to
 introduce the ~~bridge~~ bonding system
 which would have enabled both provinces
 to pay their own duties but it did not
 meet the views of the ~~top~~ Commissioners
 from Upper Canada indeed the difficulties
 arising from the facility of smuggling
 would have been very great.

The Assembly of Upper Canada determined
 to refer the matter to the home government
 and for that purpose appointed an agent
 to proceed to England with their complaints.
 Their proceedings were however
 through Sir Peregrine de Villiers & Lord
 Dalhousie but were not communicated
 to the Assembly of Lower Canada during
 the session. At the proceedings in Upper
 Canada

589

Canada took place on the 8th January 1894
the Assembly of Upper Canada was first
proposed would die after it was
alleged that Lord Dufferin withheld
them designedly from the Assembly. This
has been denied by his Excellency & but
the delay was never accounted for.

On the 18th February the house was
proposed with a speech replete with
reproach that the house should have
resorted to the unusual practice of
voting supplies. By a circular sent
out in regard to forming the ~~Assembly~~
~~on what the Governor called by the name of~~
~~persons holding office~~ that
the payment of their salaries would
be stated in the present whilst the
high functionaries connected with the
civil government and the administration
of justice were to be paid in full. This
was generally considered as an unfair
and unjust distribution and
entailed upon His Excellency a more
obloquy than was to be found within the
walls of the Assembly.

The assembly of Upper Canada had
been in session from the 21st of November to
the 17th of January. The measure respecting
the disputes with the lower provinces as to
the distribution of the revenues
has already been noticed. The
chief matter of importance which occupied
the attention of the Legislature during the
present session was the administration
of justice. A long act was passed
regulating the practice of the Court of
Chancery; ~~and~~ the laws respecting
the establishment of district courts
were consolidated and their provisions
extended. The militia laws were also
consolidated.

The effects of the ~~transfer~~ appoint-
ment of an agent to proceed to England
on the part of Upper Canada were
(some

* financial
difficulties
h. 13.
+ Christie 251

made apparent. on the 4th of July authentic intelligence reached the provinces that a bill was before parliament for to unite the two provinces and for other purposes. This bill was most unjust in principle and was designed by parliament to swamp the majority of the assembly of Lower Canada. It provided that each province should send sixty members to the united legislature at the same time that it established a qualification for members and would have compelled those who resided at the remote parts of the province to go many hundred miles to the seat of the legislature. It may have been thought that this union would have enabled the crown to obtain whatever supplies might, with the advice of that body be beneficial, he demanded. But the government was informed by the Commissioners for Upper Canada that the results of the measure would not fulfil the expectations and the scheme was ^{relinquished} until the sense of the people of Canada had been ascertained.

In addition to all this the English language was alone to be used in the written proceedings of the house.

The announcement of the measure created great excitement in Canada. In the Lower province several public meetings were held and at length Mr. John Neilson of Quebec and the speaker of the assembly Mr. Papineau were deputed to proceed to England to convey the remonstrances of the people of the Lower province against the measure.

Certain provisions however which were to be found in the original bill were embodied in a separate act called the Canada trade act and passed. This act was obviously the result of the representations of the Commission from Upper Canada. The provincial acts already noticed as being about to expire and yielding a revenue of £39000 were declared permanent "until altered by a legislative act of that province;" whilst

The bill was passed in the month of July 1791.

while regulations were made for the ⁹⁶ future division of the duties by means of arbitrators. This act completely set aside the privileges of the Assembly and was one of those flagrant violations of legal rights which we so often witness in our Colonial history.

The Assembly was called together on the 10th January 1823 and as Mr. Papineau had informed the Clerk of the Assembly that being about to proceed to England he could not take his seat when upon the Governor directed the house to choose another speaker which they did in the person of M. Vallières then an advocate of Quebec who was duly approved of by the Governor.

In his speech this excellent course announced the passing of the Canada trade act ~~and~~ and the postponement of the Union bill until the coming session after which he expatiated upon the difficulties which had arisen out of the report of supplies, and expressed a hope that a final arrangement might be made.

As the Union question was that which now occupied most attention a call of the house was ~~not~~ resolved on for the 21st of January. In the mean time the Legislative Council expressed a strong opinion by a majority of 15 to 5 against the measure declaring that it would excite of discontent among a people warmly attached to the Constitution; and moreover that it would have a direct tendency to weaken and embarrass the administration. Six members however signed a protest in favour of the Union. The Assembly ~~then~~ and the occasion of the call of the house passed a series of resolutions against the measure which were ^{embodied in petitions and} presented to the delegates Messrs Papineau & Neilson.

Sir Francis Burton, had arrived in the autumn of 1822 and early in the session Lord Dalhousie transmitted a message to the House stating that his salary was inadequate and recommending the House to increase it. As Sir Francis had rendered himself popular by the urbanity of his manners, the House promptly voted an increase of his salary from \$1500 to \$2500 a year together with \$2500 for house rent.

Pursuant to the recommendation of the Governor the House took the isolated position of the Eastern townships into consideration and in order to facilitate the administration of Justice passed a Bill erecting an inferior district called the District of St. Francis establishing therein a Court of Quarter Sessions and a Civil Court with a jurisdiction not exceeding ~~the~~ Twenty Pounds.

~~On~~ On the 5th of February the estimates were laid before the House when they were openly protested against the newly mounted disbursement in regard to the provincial expenditures already noted. A supply bill for the year. This & Antep- till passed the Council with a reservation or salvo of their pretensions. Several bills of indemnity were also passed for moneys expended without warrant during the last four years but the Judges were deemed offensive as their title ^{was} "to reimburse and indemnify his Majesty" and they were rejected by the Council. They were however additionally offensive to the Council by making some reductions and by containing clauses affecting the revenues to which the executive had claim.

ex. they were to ~~indemnify~~ in fact to indemnify the Governor and they were indeed erroneous in point of style. I mean chief officers have 107

+ This is the description of Christie p 264.

During the present year session the house took 98 cognizance of the appointment of the Lord of the Chief Justice to the office of Sheriff of the district of Quebec the house being of opinion, in which the Council at large joined, that the relationship which existed between them would not unfrequently interfere with the aids of justice. When for instance the Chief Justice was called upon to pronounce a decision touching the legality of any proceeding of the Sheriff the danger to be feared could be either that the judicial opinion would be trampled on if the Chief Justice abstained from giving an opinion that the Council would lose the benefit of his services. In consequence of conformity with these views an address was voted to the governor to take the matter into consideration he promised compliance but the only way in which the promise was kept was to go through the mockery of taking the opinions of the Judges as if Canadian judges were likely to give an opinion against their orders.

It was now known that the Receiver general was in a state of insolvency and the Governor as a means of meeting the expenditure found himself compelled to raise for £30,000 from the military chest on his own responsibility and to call upon the house for payment: as however no formal communication was made respecting the Caldwell's defalcation and as moreover his Lordship obstinately persisted in keeping him in office the house very properly took no notice of the demand.

The appropriations of the session were liberal. ~~to~~ a sum of £50,000 was voted

for the purpose of constructing a Canal
from Chambly to St. John's; \$12,000 for
the Sackville Canal; \$2500 for the
encouragement of agriculture besides
the appropriations. on the 22nd of
March the Legislature was pro-
-posed to Lord Dalhousie expressing
his satisfaction at the liberality
and delayance of the house.

* Where the
Commencement
between Lake
Champlain &
the St. Lawrence
is interrupted
by rapids.

The Assembly of Upper Canada
had been called together on the 15th of
January and continued in session
until the 19th of March. No less than
38 acts were passed during this session
but on looking them carefully over
we do not see any which demand
special attention. The promotion of
education & improvement seem to be
things to have been ~~to~~ well attended to.

The circumstances of the country
and the habits of the people and the
nature of the institutions rendered a
constant revision of boundaries
and territorial divisions necessary
and it is satisfactory to find that
where a new district was carved out
- a school act was sure to follow.
Among the acts connected with the
administration of the law was one
to provide for the reporting of cases
determined in the Court of King's bench.
In neither province has the business
of reporting been much attended to.

In the summer of this year Lord
Dalhousie visited Nova Scotia
where numerous addresses, so easily
procured on such occasions, were
abundantly bestowed upon him. When Lord
Dalhousie first went to that province
he found agriculture in a
deplorable state; he gave
during his administration

* In Lower
Canada the
present judge
Pike has
~~published~~
published
some reports
and lately
a young lawyer named
Stuart had done the
same.

Mr. Neilson brought the case before the
Court but his grounds were untenable.
Had he, however, confined his action against
S. Fisher, to trophies for the piracy, the
Canadian Tribunal

on the 25th Nov. the ~~the~~ Legislature
was called together and the ~~Government~~
~~his speech regarding the~~ ~~that this was the~~
~~last speech in the course of his speech~~
his lord ship said "we are in ~~the~~ at
the last session of this Parliament. Let
it be the anxious desire of all to
close our labours in that harmony
and effectual concert which always
promote public good and ensure public
prosperity. In that desire I think I
need not assure you of my cordial
concurrence."

22
17

Two days previous to the opening of the
Session Mr. Caldwell the receiver-general
was suspended from his office, an
arrangement having been previously made
by which the funds of the province were
placed into the hands of two commissioners.
Mr. Caldwell's own statement of his deficiency
was \$96,117.12.4. on entering upon his
office ~~in 1844~~ which his father had previously
enjoyed he was permitted to assume
a balance of \$39,874.10.10 upon which
assumption his father had been declared
guilt. It is believed and had been
asputed that the sum in question was
in fact a defalcation but that it was
worth the sons while to assume the
debt for the sake of enjoying the
situation for privilege of plundering the
Crown's lands &c.

To liquidate his enormous debt
Mr. Caldwell proposed to assign property
valued at \$32,000 and to pay \$1500 a year
out of the Squirey of Laforgue of which
he pretended to be only tenant in tail.
+ a will of his late father in favour of his son
Henry was attempted to be set up but it failed

He also ~~had~~ claimed a set off for services rendered by his father and himself without remuneration, which he valued at £45000. In the event of being permitted to retain his office he proposed to pay £1000 a year into the provincial treasury until the whole of his debt to the province should be liquidated.

~~The House~~ To this proposal the Assembly declined to listen on many grounds. They considered that the gross breach of trust committed, any claims, which might otherwise have existed, for a compensation. Mr. Caldwell's tenure of office had commenced with fraud and he was accordingly very properly excluded from being admitted into any negotiation with him could he ~~be admitted~~ ^{admitted} as a criminal. Another reason was that any inquiry into the state of the Revenue Branch accounts was resisted on the ~~ground~~ plea that he was ~~the~~ the officer of the Treasury and to them only accountable; hence the Assembly determined to look to the Treasury Treasury for the repayment of the duties of which the province had been ~~robbed~~ robbed. On this point especially, the House declined to pronounce on the reasonableness of his offer and shortly after an address to the Crown on the subject was voted expressing a hope that the people of the province might not be made to suffer in their property conferred under Royal instructions to an officer over whom they had no control; and that all hopes of the said moneys in the hands of the said officer, or disbursements thereof without the authority of law would be made good to his Majesty's Subjects in this province for the uses for which they were levied.

(Mr. Caldwell's)

People of the

Early in the session Lord Dalhousie sent down a message to the House stating that he had annulled the judges on the appointment of Mr. Sewell to the office

of Sheriff and that their opinions were
 in favour of the legality of the appointment.
 On receiving his message an address was
 voted regarding the Copies of the Judges
 reports. These were sent down accompa-
 nied by a message which exhibited in
 the conduct of the Governor a degree
 of weakness which his excellency's usual
 obstinacy had a tendency to hide. He
 told them that in addition to the opinions
 laid before them, he had the advantage
 of that of the Chief Justice (the father
 of the Sheriff!) and that he had
 also reason to know the Concursing
 opinion of Mr. Justice Kerr, who having
 early solicited the appointment for
 his son must therefore have thought
 there was no illegality or danger to
 the public interests in such an appoint-
 ment. Were it not that the subject
 and circumstances, permitted such
 an opposition we should be inclined
 to view the message as ironical.
 The subject was ultimately referred to
 a committee who reported a bill to
 disqualify relatives of Judges within certain
 degrees from holding certain offices,
 including that of Sheriff.

The administration of Sir George
 Prevost was brought before the
 assembly during the session and
 as the vote of the Assembly of
 £5000 for a Statue of Fleet had failed
 in the Council a proposal was
 made to erect an equestrian Statue
 to his memory in front of the house
 of Assembly but ^{the question} was deferred to
 without being pushed to division.

~~At a certain time and occasion~~
 it subject was now brought before
 the Assembly on which we found a
 somewhat singular union of parties.
 Namely the merchants the Assembly
 and the Legislative Council on the

598 103

* The following was the inscription proposed: In Memoriam
 illustri viri D. Georgii Prevost Patroci, hujusce Praesidis
 gubernatoris atque Confederationis ducis Canadae, hujusce Praesidis
 Hoc Monumentum gratis auctoritate Decemviri
 Superioris Canadae 1. Die Januarii 1824.

side arrayed against the Governor on the other.

The Merchants of Quebec complained by petitions to the assembly ^{and Council} of the extortions of the Collector and Comptroller of the Customs of Quebec. Both houses instituted enquiries and finding the allegations were proved addresses were voted to the Governor praying he would adopt measures to remedy the abuses. Lord Dalhousie's answer was merely an encomium on the character and conduct of the Collector Mr. Perrin, whose wife was the personal friend of Lady Dalhousie.

At this treatment the Merchants were highly indignant. To put the matter truth of the allegations to the test, actions were brought against the Collector by Mr. William Price an intelligent merchant of Quebec largely concerned with shipping, and verdict obtained. Other actions ~~were~~ were attended with a similar result and at last the indefatigable merchants who never forgive the loading of contributions upon themselves, succeeded in crossing the Collector to death.* The subject of the excessive fees engaged the attention of the Imperial Government and the will was to a certain extent revised.

Although the House had met in Nov it was not until the early part of Dec that the estimates were sent down by the Governor. The Classification already objected to was repealed, £33455.11.3 being demanded for the expenses of the Civil Government and Administration of Justice and £34191.12.2 for "local & provincial establishments".* A resolution "that a supply should be granted" was carried by a majority of one. It was then moved that the House should go into Committee on the following day and an instruction

22/11/4

42

* He died subsequently on his passage to England.

* This year's details were furnished Journals 1824 App: F. + 13 to 12.

to the Committee was carried to take into consideration the prodigality of the executive in appropriating the public moneys without the consent of the legislature and the deplorable state of the revenues from the defalcation of the Revenue General. Mr. Pakenham was the mover of these propositions which he supported with great ability. The Committee fully adopted the propositions. They recommended a vote at a reduction of 25 per cent on the salaries - a measure considered absolutely necessary by the defalcation of the revenue generally - which recommendation the house fulfilled voting \$43,101.65 thereby discharging very properly the ~~and~~ insidious discharge sought to be set up by the executive. The bill went up to the Council on the 4th of March was read a first time and on the same day the house resolved "to proceed no further in the consideration of the same". The Council at the same time adopted the Crown virtually praying for a violation of the Constitution by inviting the legislative interference of the Mother Country.

A demand on the part of the Governor to be reimbursed for the advances he had made out of the Military chest in 1822 and 1823 was ~~also~~ not acceded to. The house considering that it was merely an accommodation to the Revenue General, whom his excellency ^{had} created after his ^{and} advances had borne testimony to his knowledge of that officer's insolency.

26. 78.
19
30

The Americans had claims to the free navigation of the St. Lawrence ~~for~~ ~~the~~ ~~Navigation~~ party being alarmed at ~~this~~ ~~trade~~ a claim which they were in an advantageous position to enforce by our Commissioners having given up St. Barthelemy Island near Cornwall (which

to make provision for the amount. The Assembly however decided, but the moment the arbitrators paid the balance it ceased to form part of the disposable funds of the province and that it ought not to have been retained for the purpose of paying salaries.

The Canada ~~tenures~~ act of 1820 contained a clause permitting a change of tenure but on the unfair principle of utterly excluding the rights of the parties to a grant of lands to which they are entitled under the feudal tenure. The House accordingly under the impression that Squires would avoid the obligation to concede land at all times by converting their lands into ~~freehold~~ ^{freehold} holdings ~~for~~ ^{for} voted an address praying that on any application by a Squire in a Commutation of Tenures such conditions might be imposed as would preserve to the Subject to a grant of such waste lands at the usual dues & conditions.

There is now doubt that there existed at that time in Canada a greater attachment to the feudal tenure than it merited. It is fraught with弊病 & which checks improvement but to force a change on parties and even fraudulent principles can only confirm the erroneous attachment. The change of tenure has never been proposed on equitable principles; but a few selfish men have sought the ~~entire~~ interference of the mother country for the purpose of taking their own advantage. If by the operation of public opinion all that is bad in the feudal tenure would

A

The Parliament of Upper Canada ~~was~~ⁱⁿ ~~last~~¹⁸²³ session was called together by Sir Peregrine Maitland ~~on its~~^{last} session as early as the 11th of November and was re-opened on the 19th of January. It was a longer session than usual and the Statute book bears testimony of the security of business carried through the House. The ~~Act~~^{Acts} passed ~~amount to~~^{are} ~~over~~^{of} 27 in number besides which several ~~failed~~^{failed} in the Council.

The several acts which had been passed from time to time for the regulation of the election of members of Parliament were this year consolidated into one act, some few amendments being introduced chiefly respecting fraud in obtaining qualifications. The law respecting entailed elections was also amended by an other act.

A considerable number of acts was also passed for the regulation of highways and the improvement of internal communication generally. Among these was an act to incorporate certain persons therein named under the style and title of the Welland Canal Company. The object of this Canal is to connect the Navigation of Lakes Erie and Ontario which the falls of Niagara interrupt. It was at first intended that the Canal should be constructed for \$40,000 but there is reason to suspect that a small sum was raised for the purpose of involving the public in an undertaking which could not but raise the value of the property of the proprietors lying in the way had in the neighbourhood men who were then in poverty have grown rich by the job but although enormous

* By the 28th Dec. of the act the directors were authorized to commence as soon as they had raised \$500!

(Dunn)

109
have been squandered from year to year the
Cause is not yet in a perfectly efficient
state.

The plan of raising money by debentures
commenced in 1821 and have already noticed
This thrifless Custom has since been
carried to 44 up but even at this early
period it became necessary to authorize
the Governor & to ask the time of
the Creditors of the Province - to use
a merciful phrase - on as the
act appears it to deal with the
holders of debentures by postponing
the period of payment of the same.
By the same act a further loan of
\$25,000 was authorized "to be applied
towards the service of the present
year." It should be observed that the
State of the Province afforded no
prospect of a repayment except by
means of new loans and at the
present moment the ~~the~~ provincial
debt has attained such a height as
almost to destroy all prospect of
the payment of the interest. This
is the reason why some selfish persons
in Upper Canada desire an union
of the provinces Upper Canada is
poor and in debt - Lower Canada
is rich and ~~not~~ ~~in~~ ~~debt~~ ~~in~~ ~~debt~~
an union would be a partnership in
which the richer partner would have no
credit in the Capital introduced.

* The revolution
of Belgium
was chiefly
for the purpose
of dissolving
an unfair
union of a
similar nature.

rapidly fade away.

Just before the Session was brought to a close a vote of thanks was carried to Sir James Mackintosh and other members of the House of Commons who had defended the Union bill.

During the Session Mr. Pitt, Parnell and Mr. Neilson returned to Canada and Commended to the Assembly that the Union bill was abandoned and would not be resumed without due notice being given to the people of the Canada and that the close of the Session a vote of thanks was carried to Sir James Mackintosh and other members of the Assembly through whose instrumentality the measure had been laid aside.

On the 9th of March the House was prorogued in a speech which ought to have been followed by an instant refusal of the Government of their promises after expressing to both houses of the Legislature

in the commencement of Sir Thomas Dalhousie addressing both Houses, spoke at the Assembly on the subject of supplies on conditions which the other branches of the Legislature did not choose to fulfil. He ~~also~~ hinted that the people did not coincide with the Assembly on the point, and declared his deep determination not again to violate the strict letter of the law but to make the public feel the consequences of the failure of supplies. He then addressed the Council only whom he praised for the support they had given him; - not perceiving apparently that it was he who was their tool throughout the whole of the disputes.

A } In the month of May his Lordship visited Montreal where some address was got up. On the 6th of June his Lordship embarked

for England when Sir Francis Burton the
Lieutenant Governor assumed the administration.

604

Sir Francis was decidedly popular in Lower
Canada. He had not involved himself in
the political opinions of the dominant party
and had moreover on all occasions treated
the members of the Assembly and the leading
Canadians with courtesy. His bearing towards
others was that of a true gentleman; that
of Lord Dalhousie was not. Lord Dalhousie
was condescendingly kind to his inferiors
~~to his political~~ to the ruling party he
was courteous but to those who were
politically opposed to him he was haughty
and ~~and~~ not infrequently rude. Sir
Francis Burton's mind was refined though his
talents were not of a very high order; Lord
Dalhousie's ^{mind} was essentially vulgar without
any redeeming qualities.

In July and August the Elections took
place, and the majority was somewhat
strengthened.

In the autumn Sir Francis Burton took
upon himself to pay the salaries of the
public officers without the warrant ~~of~~ of
a vote of the Assembly. It was
understood that looked with confidence
to the House for indemnity and such was
the influence of his personal character
that his conduct was not objected to.

On the 29th of January 1825 the legislature
was called together. It will be remembered
that during the ~~the~~ absence of Mr. Papineau
Mr. Vallières had filled the office of
Speaker. This office ~~but~~ he seemed
indisposed to give up and he was easily
induced by his friends to criticise the Chair
with Mr. Papineau. On a division however
he ~~was~~ completely failed Mr. Papineau
having 32 votes and ~~the~~ he himself only

Among the occurrences of the year 1824 may be mentioned the
establishment of the Colonial Advertiser by Mr. W. L. McChesney
who has since become Antagonist to the party he has played
in the event mentioned.

12. In his opening speech Sir F. Burton anticipated
beneficial results to flow from the
deliberations and proceedings upon which
the ~~the~~ legislature was about to enter
urging both branches cordially to unite
in

the purpose of obviating the financial difficulties and of preventing their recurrence.

This speech was favourably received. By the removal of the absent of Lord Dalhousie it seemed as though a weight had been removed from the public mind; and the ~~two~~ parties seemed to anticipate a profitable session.

During the session of 1824^{the thanks of the} the Assembly had been voted to Sir James Mackintosh and the members who had opposed the Union and at the commencement of this session Sir James only was laid before the house.

After thanking the Assembly for their approbation of his conduct; he alluded to the necessity of having an agent in the House of Commons and added "if the same unfortunate circumstances should still continue to prevent the formal appointment of an agent the members of the Assembly may perhaps devise some means of giving the individual whom they wish to act for them with such proofs of their confidence as may be as nearly equivalent to formal agency as the situation of the province ~~will~~ admit will allow." But although they did for the appointment of an agent was ~~not~~ rejected^{xx} by the Council no step was taken to fulfil the recommendation of Sir James Mackintosh;

dated 11 Augt 1824 see Christie p 307 in note where the letter is given entire.

xx For the letter of Diles to reject the same year

See par: paper session of 1824 No. 149 and Sep: 1823^{No 400}

It occupied a considerable portion of the ^{session} ~~meeting~~ of the House was occupied in discussing the question of the independence of the Judges. The difficulties ~~which~~ which this question involves may be easily stated. The Judges now hold office no during good behaviour but during the pleasure of the Crown. This most monstrous of all abuses - this insupportable bar to judicial purity the assembly had long been endeavouring to remove. They accordingly moved certain resolutions which in point of fact contained a species of proposal. They resolved that the Judges ought to hold office during good behaviour;

that in the want of wrong-doing they should
 be impeached by the assembly, the Council
 having the power to try the said impeachment
 and that the Judges should be excluded from
 the Executive and Legislative Councils.
 on a Complacence with these terms
 the house pledged itself to secure adequate
 permanent salaries to the Judges.

* This was a
 conception
 which the
 Assembly
 ought not to
 have made.
 of more vicious
 tribunal than
 the Council
 could not be
 bound. It is in
 the vicious
 constitution of
 the Council that
 all the diffi-
 culty lies...

The first measure of the assembly
 in reference to the financial affairs of
 the province was an address to the
 Court Governor for a copy of the despatch
 to Sir John Sherbrooke in 1818 conveying
 the Command of the Prince Regent
 on the subject of the Civil expenses. In
 John it will be recollected has asked
 for the "annual expenses" the house
 voted a supply bill for that year and
 it was not until a subsequent period
 that the pretensions of the official class
 were heard of. The present address of
 the house was for the purpose of strengthening
 their case but his excellency told that
 the dispatch in question was Confidential
 and could not be communicated. The
 inference drawn from this desire to conceal
 was natural enough, - many members
 concluded that it was a strong argument
 in favour of the views of the majority.

In the estimates which were sent
 down to the house, the offensive distinction
 between "permanent" and "local" objects and
 salaries was omitted, but the house
~~following~~ ~~the~~ ~~house~~
 called upon to report a
 "deficiency" in the ~~same~~ ~~amount~~ moreover
 nothing known was heard of a
 vote for the King's life but the house
 was called upon for "an aid" ~~of~~ £31,456
 to meet the "Current expenditure of the year"
~~over~~ ~~and~~ ~~above~~ the sum ~~also~~ appropriated
 by law.

Before taking further steps the house
 addressed his excellency for copies of despatches
 relative to the demand made by Lord
 Dalhousie for a permanent civil list

and to the house's address to his Majesty on the same subject: - the answer was that after a strict search, they could not be found.

Soon afterwards the house went through the civil list and after rejecting some salaries voted a sum of £58074.2.11 for the expenses of the current year. This was somewhat less than the sum demanded, the difference being occasioned by the omission of certain salaries which the House desired should be abolished - generally sinecures.

The supply bill which passed the Assembly and was accepted by the other branch of the Legislature was such ^{virtually} to secure to the house ~~the~~ control over expenditures without which a representative constitution becomes a mere mockery. It enacted that in addition to the revenues appropriated in defraying the expenses of the Administration of Justice and for the support of the civil Government of the province there shall be supplied and paid out of the unappropriated moneys of the Crown such sum or sums as may make up and complete a sum not exceeding £58074.2.11 for the expenses of the year ending 31 Oct. 1825.

This Bill was really a great concession on the part of the Assembly. It acknowledged that certain revenues were already appropriated for the expense of the administration of justice whilst the ~~present~~ head of the Executive was expected to attend to the wishes of the Assembly as expressed in their votes, and by making the ~~supply~~ supply Bill annual the house retained a sort of sovereignty that if wishes were to be attended to. To ~~prevent~~ remove all difficulty the house did not vote the supply ~~but~~ by items or by chapters though it was intended in debate that the Executive would do well to look to the Journals of the house for the views of the Assembly and as already hinted the circumstance of the vote being annual gave the house a power of revising what was in current.

This Bill succeeded so much that the Council deemed it ~~not~~ wise to accept it. The only member who opposed it being Mr. John Richardson, who was at all times

115- The first session of the new parliament of upper Canada met on the 13th of January but although the house was in session three months only six acts passed the several branches of the legislature. Among these the only one requiring notice is that for extending the Capitol of the Welland Canal and for making other alterations in the original act.

In the month of September of the present year Lord Dalhousie returned to Quebec in the Herald, one of his majesty's yachts. On the same day his friend Francis Burton sailed for England on leave bearing with him the good will of the province and receiving from the inhabitants of Quebec and Montreal at the moment of his departure very flattering demonstrations.

the
who
the
been
as the
at
sel
ab
of
spl
had
to

by
see
to
let
re

of the esteem and respect they entertained
for his person and strong expressions
of their satisfaction with his adminis-
tration of the Government. *

The transactions connected with
Lord Dalhousie's second administration
will be detailed in the next chapter.

* Christie's
Memoirs p. 118.

acted by the most bitter hatred of towers, the 608 115
apostasy, and by Mr. Grant - a poor creature
who had no opinion of his own, but who
generally ~~followed~~ ^{acted} with Mr. Richardson.

In accepting his title Sir Francis Buxton acted
entirely on his own judgment ~~it did~~ and there
could be no question that he did right. The
~~Safe~~ ^{Assembly} ^{and their conclusions} were the payers, the Council
their party, and the receivers of the money voted.
Both had agreed to it, - it was a species of
Compromise between the payers and the
receivers and there was no reason why
the representatives of the Crown should step in
between ~~on~~ that was in fact an arrangement
of convenience. Lord Dalhousie, with Lord
Dalhousie at his elbow, thought otherwise;
and secretly ^{in the probability} instigated by the friends of the
official party who had deemed it prudent
to agree to ~~the~~ ^{an} arrangement which they disliked,
his lordship consented the best governor for
not having adhered to the instructions of 1820
and 1821 and it turned out however that those
instructions had never been seen by Sir Francis
the Censure ~~was~~ was withdrawn.

During the session Mr. James Stuart
who had taken an active part in favour of ^{the} union of the provinces and who had ^{been taken}
been deputed to England in ~~place of~~ ^{away to} ^{Lord Dalhousie}
as the agent of the Unionists was made ^{18.}
attorney general. Mr. Stuart had formerly
acted with the majority whom he had
abandoned this appointment was especially
offensive.

Toward the close of the session the Assembly
addressed the best governor to know if he
had received any answer to their address
to his Majesty praying ~~to be~~ ^{to be}
~~the~~ a reimbursement of the money lost
by the defalcation of the revenue general. His
excellency replied that no answer had been
received but that he was instructed
to take steps for recovering the debt from the
late revenue general by legal process.

Several
abort ap-
ticipations
were made
this session
one of which
was
\$1500 - was
afforded to
give a
minimum
of the first
Steamboat
to run between
Halifax to
this side Nova
Scotia added
\$750.

On the 22nd of March the house was
prorogued. His excellency complimented the
legis. nature on their diligence thanked
the assembly for the supplies and expressed
his great satisfaction at the amicable
arrangement of the pecuniary concerns of
the Province.

A

In the mean time the Legislature of Upper ¹¹⁶ Canada had been called together by Sir Peregrine Maitland on the 7th of November. The very first act in the Statute book is a grant of ~~£~~ £1000 for the sufferers by the Hurricane; Five the news of which had then just reached the province. The Session was somewhat prolific in laws, - thirty one Statutes having been passed by the two Houses and sanctioned by the Governor. A great majority of these are of a purely local character and the best presents but few which demand especial notice. Among the grants of money are several for internal improvement besides an act ~~for~~ ~~the~~ ~~Wells~~ ~~and~~ ~~Coal~~ ~~Company~~ ~~to~~ ~~raise~~ ~~£~~ ~~25000~~ to authorize the Government to raise £25,000 by way of loan and to advance the same to the Wells and Coal Company.

An act was passed for the encouragement of the Manufacture of paper, by offering a sum of £125 as a premium to whomsoever should first set up a ~~new~~ paper mill. This mode of encouraging manufactures in the first instance is not liable to the objections against prohibitory duties or encouraging bounties. Paper had since become a thriving manufacture in both provinces.

The list of Bills passed by the Assembly but either rejected by the Council or not allowed us to render them unacceptable to the Assembly. ~~entire exhibit~~ shows that the interests of those people in Upper Canada were similar to those in operation in the Lower Provinces. The Bills rejected or declining to be acted on were three in number besides four which were rejected by the Assembly on account of the changes introduced by the Council. The first in the list is a bill

609

Chapter XXII
Lord Dalhousie's Second Administration.
1825 - 1828.

Expectations raised by Sir Francis Burtens Conciliatory Policy destroyed by Lord Dalhousie's return - Part the Session of 1826 - topics of the speech - vote in aid of the sufferers by the Liverpool process - Reception of the Generals despatch - more equal representation - independence of the Judges - Supplies - Prorogation of Session of Upper Canada 1826-7 - disallowance of Bills - Provincial debt - obstruction of the Legislative Council - Lower Canadian Session of 1827 - Supplies - representation bills - Lord Dalhousie's speech - dissolution of General Election - New Parliament convened - Governor refuses their choice of Mr. Papineau as Speaker - Public Meetings - Militia and Municipal dignities - Petitions - Delegates appointed to England - Session of Upper Canada - 1827 - Alien and Naturalization law - Petitions - Proceeding in the House of Commons - Committee of 1828 - Result of the enquiry - recommendations - recall of Lord Dalhousie - appointment of Sir James Keith

to Lower Canada
Sir P. Meville
to Nova Scotia
and Sir John
Colborne to
Upper Canada.

The mild and conciliatory government of Sir Francis Burton had created a hope in the minds of the people of Canada, that the despotic and vexatious policy of the mother Country was ~~now~~ finally abandoned and that peace and justice might be expected at the hands of the Colonial office; but Lord Dalhousie's return in September 1825 destroyed that hope and created as much depression in the minds of the people as it rekindled the hopes and regenerated the passions of the dominant faction.

Soon after his lordship's return a proclamation was issued calling the assembly together to meet for the despatch of business 21st of January 1826 and by their consent all parties were deemed disposed to await the great proclamation on the day appointed for the opening of the session which his lordship opened in a speech wherein he congratulated the Country on the great advantages they enjoyed and recommending to their

insert
rather

consideration such measures of improvement
as the growing prosperity of the County might
demand. He alluding then, addressing the
Assembly promised that finances accounts
and faintly indicated his own doubts
respecting the disposition of the Assembly
to ~~be~~ sacrifice the best privileges of
the ~~the~~ their Constituents by attending to
the supplies which it would be
his duty to ask in his Majesty's name.

The improvement of the System of
Education, the establishment of registry
offices, a better distribution of parishes,
the promotion of education and the
renewal of expiring laws were solemnly
recommended to the Legislature.

*Journal
1826. p. 8.

After the members had ~~the~~ of the
Assembly had returned to their
houses ~~of~~ ^{the} Standing Committees
were appointed ~~and~~ ~~to~~
~~take~~ besides a Special Committee
to prepare an address to the address
which did not depart from the ordinary
practice of being an echo of the speech.
The recent return of his excellency
might have suggested an additional
topic but the address breathed no
complimentary expressions. The house indeed
would have consulted the feelings of
the County had such an expression
found its way into their address.

One of the first newspapers of this
excellency to the house related to the
dreadful Conflagration which had
happened at Mississinicki in New
Brunswick in the Autumn of 1825, as already

~~the~~ ~~had~~ ~~been~~ ~~for~~ ~~some~~ ~~days~~
reported to be on fire in the neighborhood
of New Castle Chatham Mississinicki of several
parishes and other towns of the Town
of New Brunswick, but little apprehension
was felt at an occurrence not unusual
until the 7th of October when the
wind rose ~~and~~ ~~caused~~ ~~and~~
owing probably to the ~~causes~~
of the 2

that had been obtained against the late Governor General in the House of £500,000. 6. 8. 812 121

The question of the better representation of the ~~provinces~~ inhabitants of different parts of the province was this year again brought before the Assembly but without being productive of the desired result. Since the division of the Country in 1752 by Sir Alexander Clarke parts of the Province then almost ~~un~~ inhabited had become populous and were wealthy. As these were remote from the parts antiently settled ~~as they held their lands under the English tenure and were therefore not always able to take part in elections as soon as they spoke the English language and held their lands under the English tenure they very naturally desired a more direct representation. Their claims were not unheeded, and it was said the Assembly in complying with their desires that of the recent census had been ordered. The returns of this census were this year communicated to the house and ~~and~~ ^{and passed in the assembly} ~~and~~ ^{more} ~~and~~ ^{expedient} brought forward for the ~~division~~ ^{division} of the province ~~and~~ ^{into counties} ~~and~~ ^{more equal} representation of the people; ~~but it was not until the year 1829 that the measure attained completion. After this Bill did not meet the views of the Council. It ~~was~~ established representation on the fair basis of population whilst that body had hoped to introduce some similar scheme of "virtual representation" which should give their party influence in the lower house. Hence the Bill was lost in that house and it was not until the year 1829 that the Assembly ~~at~~ succeeded in obtaining justice in the unrepresented portion of the people.~~~~

On the 14th February the Committee appointed to house a part into Committee on

From the date of the Resolves until the middle
of March the house was continually in
Committee on the accounts and estimates.
A bill in conformity with the Assembly's
former resolutions and with the Supply
bill of last session was prepared and
just as they were on the point of
passing it Mr. Hunt received a despatch
from Lord Dalhousie communicating
a copy of a despatch of Lord Dalhousie
dated 4 June 1825 censuring Sir
Francis Buxton for having recommended
the act of 1825 and authorizing him
not to sanction any measure of a
similar nature. The house was greatly
indignified with Lord Dalhousie for
withholding not communicating his despatch
at an early period of the Session and
in a report on prisoners in the Session of
1828-9 his Lordship's conduct was strongly
announced upon. The Session was thus
brought to a close &c &c &c

+ Resolutions
were passed
on the
22^d March
by a majority
of 17
Sir
F. Buxton
and were
communicated
to him by
the Speaker
on the 25th June
+ Report of
the Committee
on prisoners
1829 Chap 19.

Assembly amounting to \$2043.162. but as the Governor claimed the revenues alluded to all he asked for was "a further supply for the civil expenditure of 1826, in aid of the aforesaid estimated revenues" of \$30 by which it appeared that the total revenue of the province amounted to \$134,742.75 of which a further sum was allotted to \$25,550. of the remaining \$108,987 the Governor claimed \$33,517* the account of which he said only "showed for the Assembly's information" leaving at the disposal of the house only \$72,570 out of which his excellency ^{asked} for ~~with~~ something more than \$30,000 "as a further supply for the civil expenditure of 1826"

nothing hence
 62843.162
 3
 40091.11
 91448
 22822
 87
 75472.117

* of this sum the chief items were ~~\$20,000~~ duties \$23346 levied under the 14th Sec III c 80 - \$5355 a prominent appropriation of the Assembly - \$3986 the proceeds of the casual and hereditary revenue, and \$590 for fines and forfeitures

1826 in aid of the aforesaid estimated revenue?"

~~From the date of the 29th of March 1826 to the end of March the house was engaged in Committee on the ^{accounts} ~~estimates~~ of the Special Committee had also been appointed to prepare the Deb ~~and~~ in conformity with the Assembly's former resolutions ^{virtually} ~~admitting~~ their right to confront the whole of the revenues of the province ~~and~~ ^{by voting the whole of the appropriations} but was not prepared with and the ~~begin~~ ~~of~~ ~~the~~ ~~supply~~ ~~bill~~ ~~the~~ ~~29th~~ ~~of~~ ~~March~~ ~~the~~ ~~former~~ ~~in~~ ~~the~~~~

here insert annexed paragraph

~~which~~ ~~was~~ ~~brought~~ ~~to~~ ~~a~~ ~~close~~ ~~without~~ ~~any~~ ~~step~~ ~~towards~~ ~~a~~ ~~settlement~~ ~~of~~ ~~the~~ ~~question~~ the assembly evincing no disposition to betray their sacred trust as guardians of the liberties of the people and the Executive obstinately adhered to a claim for which not the shadow of a legal right existed.

On the twenty-ninth March the session was put an end to by the Governor in a speech wherein he stated that for the

617

that the Assembly had been long struggling to obtain ^{from the Council} some measure of liberality towards a useful and energetic class of the inhabitants - the Settlers of American origin. This year they succeeded in over coming the opposition of the Council, when the Executive stepped in to obstruct the measures of humanity and sound policy. ~~The~~ In fact the Legislature and Executive Council, being ~~the~~ ^{some} for the most part composed of the same persons, an apparent conspiracy could be made by the second Chamber and thus a load of obloquy be gotten rid of with a free determination to ~~obtain~~ nullify the said conspiracy in another stage. Messrs de Perignon and Lewis was advised to disallow acts which the Legislative Council found they could no longer reject with safety. Among the acts passed during this session ~~are~~ ^{to be found a}

of the acts passed during the session a larger proportion ~~than usual~~ ^{than usual} and ~~character~~ ^{character} of the general utility and permanent character than usual. A great number of acts were passed to facilitate the various works in operation in different parts of the province for the improvement of the internal ~~to~~ ^{communications}. Among these the first act ~~was~~ passed requires special notice. Government had in 1806 determined on constructing a Canal to unite the waters of Lake Ontario with the Ottawa river. The object being to avoid the St. Lawrence in the event of war with the United States. An estimate had been laid before Parliament showing that the work could be completed for £189,000 towards which the British Parliament voted £5000 in 1826 ~~and £44,000 in 1827~~ to make commencement*. To facilitate the

* Parliamentary paper 380. 22^d May 1827. In 1827 £44,000 was voted. In 1825 upwards of £1,000,000 had been expended on a canal which Parliament in the first instance was supposed would cost only £169,000

wishes of Government, an act was passed for the regulation of the rights of strangers and other necessary matters without which government could not proceed.

An act was also passed authorizing the governor to take £50,000 stock in the Welland Canal on account of the province - the money to be raised by way of loan. The purchase of existing shares

- * Loans up to this time for various purposes
- 2 Jan 18 C 5 - £25,000 to pay duties on Prisons
- 4 Jan 18 C 24 - 25,000 for general purposes
- 7 Jan 18 C 20 - 25,000 in the Welland Canal
- 8 Jan 18 C 17 - 50,000 to take stock in the Welland Canal

these loans create a habit in upper Canada of carrying expenditure beyond income which has since raised the debt of the province to an amount to place the payment of the interest even, in great jeopardy.

~~ways of long continued in 1822 and the policy was extended with a degree of impudence which carried to an extent which shows that the dominant party consider a national debt provincial debt.~~

The proceedings of the legislative Council were marked by the same character as during previous sessions. Fifteen bills passed by the assembly failed in the upper house besides which four bills passed by the Council as to cause their final rejection by the house among ~~these~~ ^{the two classes} we find the bills already mentioned respecting the allowance of capital to prisoners, the naturalization of aliens, the removal of religious disabilities and others of an equally humane liberal and noble character.

~~The Session of Lower Canada~~

* Parliam. ^{mentary} Paper 1833 435.

The Parliament of Lower Canada was convoked by Lord Dalhousie on the 23rd of January ¹⁸²⁷ in a speech in which the determination of the executive to maintain its pretensions to the certain branches of the revenue was expressed, the following passage (paraphrase)

619

paragraph: ~~the speech~~ the only portion
of his excellency's speech addressed to
the assembly.

"I have directed the accounts of
the revenue and expenditure of the
past year" said his excellency "to
be laid before you and also our
estimate of the supply I am to require
for the public services in attendance
on instructions I have recently received
from his Majesty's Secretary of
State."

The proceedings of this session with
respect to supplies did not materially
differ from what has already been related.
with regard to 1826. The accounts were
laid before the house and a grant
demanded for the balance of our
demands for the balance of our
last claim. This of course could not
be granted, and on the 24th of March
the determination of the house was
formally recorded in their journals
by affirming the resolutions of a
committee sitting both - that the house
continued to adhere to its former resolutions
and adjourned - that the house does
not sanction in any way payments
made out of the public revenue without
the authority of an act of the Legislature
but that "the house continues disposed to
grant a supply for the current year
in the manner provided in the act passed in
1825 and in the bill of 1826" although
"the present estimates do not afford to
this house an opportunity of granting
such a supply."

* Journal
1827. p 319

The Assembly renewed their attempt
to vote for the more equal representation
of the provinces but with no better
success other means of general
utility were equally unobtainable.

On the day after the determination
of the Assembly with respect to the
supply had not yet been put
an end to the session. having first
agreed to twenty one bills which
had been introduced in by the two
houses. Most of these were of a local
or

temporary character. Two acts were
 enacted one being for creating the seats
 of members on their acceptance of
 places of emolument under the Crown
 - a & salutary acts necessary for the
 preservation of the independent character
 of the Assembly and the other was
 for the regulation of the ~~the~~ parochial
 subdivisions of various parts of the
 Province an act which ought certainly
 to have been either allowed or refused on
 the spot as it is quite absurd to submit
~~an act~~ an act relating to matters purely
 local to the tribunal of the Colonial
 House.

Lord Dalhousie's address to the Assembly
 was long and bitter. The results of
 your proceedings in this respect ^{and his} have
 been, the refusal of the supplies
 necessary for the ordinary expenses of
 the Government the loss of the Militia
 bill, the failure of the provision
 for the maintenance of prisoners in your
 jails and houses of correction for the
 support of the insane and foundlings
 and for the establishment of Education
 and charity and a total obstruction
 of local and public improvements.

Nothing could ~~be~~ have been more
 unfounded than these accusations.
 With regard to the supplies we
 have seen that the House did not
 depart from its ~~of~~ willingness to offer
~~expressed~~ ~~of~~ to vote supplies in
 accordance with the Feb of 1825.
 In like manner in the ~~other~~ ^{other} cases
 mentioned as well as in many more
 the House passed bills which our
 either lost in the Council or
 amended on principles to which the
 House had already expressed their
 objection. The great ~~the~~ question
 between the House and the Executive
 and the Legislative Councils was
 responsibility; any attempt to
 render 12

521

the officials responsible we know
 to ruin the measure in which such
 attempt found a place. Lord Dalhousie
 had long before blindly embraced
 the views of the dominant faction
 in which he succeeded in implicating
 the Colonial Ministers and thus
 raising his contents to ~~at~~ a very
 high pitch. Having thus wrongfully accused the
 Assembly of conduct to which they were
 and always had been strangers his
 lordship continued

"In this state of things and with
 this experience of past years, it is now
 no longer consistent, with a proper
 discharge of the high trust committed
 to me to embalm papers of a nature
 to better reason in the representative
 branch of this province; but it is still
 my duty to call upon you as public
 men, and to call upon the country as
 deeply interested in the result, to consider
 seriously the consequences of perseverance
 in such a course."

"I shall conduct the government
 with the means in my power with an
 undiminished desire to do good; but
 while I must submit myself to the
 interruption of any public improvement
 under the authority of the civil govern-
 -ment I will declare my deep regret
 at such a state of things; I think it
 right to convey to the ~~country~~ country
 a few and unreserved expressions of
 my sentiments of deep public mis-
 -fortunes and I will leave no doubt
 on the public mind of my determination
 to persevere firmly in the path of my
 duty with a faithful regard to the
 rights of my sovereign, with which
 are also combined the best interests
 of the province."

* Meaning
 of course
 the revenues
 claimed by
 the executive.

+ Meaning
 the Executive
 pretensions.

From the determination of the Assembly
 on the ~~one~~ one hand to adhere to the
 principles they had laid down and
 from the ~~fact~~ of intemperance and even
 (insulting

insulting tone of the Governor on the other
 it was evident to all parties that there
 was no room for ~~any~~ accommodation
 or compromise between them even if
 the state of opinion in the country had
 favoured such a course. ~~But~~ ^{the} ~~Assembly~~
 the resolution which followed the
 prorogation of March 1827 did not
 take either the Assembly or the
 country by surprise. In the summer
 the elections took place and the
 result was that the people gave a
 solemn sanction to the course
 pursued by the late assembly and
 gave ~~to~~ ^{to} a condemnation of the
 conduct of the Governor by returning
 all those members ^{who had} ~~which~~ ^{had} taken
 a prominent part in the disputes with
 the executive, ~~and~~ ^{and} on the whole
~~the house was marked in its~~
~~character that~~ ^{character of} the
 house was such as to warrant the
 anticipation of new and more storm
 opposition to the pretensions of the
 executive than that which Lord
 Dalhousie had just gotten rid of.
 A specimen of the charge applied
 may be gleaned from the relation for
 the borough of William Henry. It was
 generally considered a government
 borough; yet Dr. Wolfred Nelson* a
 man of ^{marked} democratic principles and
 of great intelligence and unimpeachable
 honesty succeeded in ousting the attorney
 General ^{as must all sorts of corruption} ~~Winkler~~ ^{Such} ~~was~~ the
 enthusiasm in favour of the course
 pursued by the Assembly.

On the 20th of November the house
 was evoked by Lord Dalhousie
 when the choice of the Assembly
 rested on the Honourable Louis
 Joseph Papineau ^{as Speaker} who had for
 so many years fulfilled that
 office with honour to himself and
 advantage to his country. When
 however this speaker was presented
 to the Governor to his formal approval
 he had the receptive folly ^{to}
 disallow

* This gentleman
 was in now in
 the Montreal
 Jail on a
 charge of
 High treason
 - ^{and} ~~indeed~~ ^{indeed} the
 promised
 amnesty
 has by three
 times given
 him liberty.

AA

See below
on page 15.

In a former chapter we had occasion to notice
 the want of skill displayed by the first
 Assembly with regard to the ~~British~~ law.
 It will be remembered that the law was
 very properly made temporary, thus requiring
 renewal from time to time, and for that
 reason giving the Assembly an apparent
 and only an apparent control over the
 acts of the executive. The factitious
 character of this control arose from this:
 that whilst the enactment portion of the
 law was temporary, the ~~repealing~~ ^{repealing} ~~portion~~
 portion was temporary also. Hence the
 moment the ~~repealing~~ annual legislative
 statutes expired, the ancient ordinance
 was ~~held~~ held to be revived and so
 asked upon by the earl of Dalhousie.
~~Some officers of the militia~~ The Governor's
 account of the dismissal is contained in
 the following extract from his despatch
 of the 29th Jan'y 1828. Several officers of
 militia, either believing or affecting to
 believe that that there was no military
 law in force, refused to attend the summer
 muster and otherwise ~~acted~~ exhibited
 a spirit of disobedience to orders; and
 these persons have been dismissed, whatever
 the circumstances of their conduct, or
 situation were such as to make an
 example necessary. † despatch ubi Supra. (See other side)

4. The Militia
 laws expired
 on the 1st May
 1827. in con-
 sequence of
 the bill for
 prolonging
 their duration
 having fallen
 through in the
 Assembly,
 after being
 amended by
 the Legislative
 Council who
 wished to
 alter the
 system. (See
 Dalhousie's
 despatch
 dated 29th Jan'y
 1828. P. 101.
 Paper 1820 no 73.

823

the assembly's choice and two days after the 192
Legislature was prorogued. Long and unprofitable
able discussions arose as to the "right"
of the governor to refuse the Speaker.
Unquestionably the practice of submitting
the choice of a speaker to the Crown
though now deemed a matter of form,
gives something like a right to revise
the actual exercise of the right. In
this country it would be a dangerous
exercise of the prerogative but in Lord
Dalhousie's case the fact that he
had the power and that was to him
all sufficient.

Lord Dalhousie was an ^{impatient and} intemperate
man who had been bred up in
soldier and was destitute of the
qualities necessary to the administration
of a representative constitution. Hence he
converted a mere political difference
into a ^{little} personal quarrel, strife.

~~the assembly's choice of Mr. Papez as speaker had dismissed that gentleman from the Militia in which he held a Captain's Commission.~~

During the summer of 1827
several meetings had been held in the
country some of them connected with
the elections ~~but not so general~~
~~but also of the~~ of a political character.
and others not, but all of them
for the purpose of laying before the
King and the two houses of Parliament
the grievances under which the people
were suffering.

On the 12th of July a
"general election" was ~~declared~~ "denouncing"
these meetings as "tending to excite
discontent among the people".

Notwithstanding the general order the
meetings continued to be held, and as
the Militia officers and the popular
Magistrates attended they were most
unceremoniously dismissed. Among
~~the persons thus "honoured~~
by dismissal - such was the language
of the time - was the honourable
Speaker, who held a Captain's com-
mission.

After the abrupt termination of the
"three days" assembly an important

* This order
will be found
in a Par. paper
1830. No 73

* Reports of
the Special
Committee of
the Assembly
on Grievances
1829 p. 22.

here insert
par: 504

This is not an honest statement. The
~~substance of~~ secret is hidden in
the "spirit of ~~disobedience~~ disobedience otherwise
exhibited - that otherwise being a
constitutional exercise of the right
of petition with which this
arbitrary and intemperate government
desires to interfere.

133

Public Meeting was held at Quebec for the purpose of considering the expediency of submitting the ~~the~~ alarming state of the province and the abuses and grievances which therein prevailed to his Majesty and both houses of Parliament. At this meeting a series of Resolutions were passed setting forth the arbitrary conduct of Lord Dalhousie in appropriating more than half the gross amount of the public Revenue to the payment of the salaries of the officers of the Government exclusive of the usual special appropriation. The Resolutions also complained that the salaries of public officers had been greatly increased without the concurrence of the Legislature, - that the Members of the Executive and Legislative Councils were for the most part salaried officers dependent on the Crown and having no sympathies in common with the people, - that large sums of money have been applied by warrant of the executive Government without any appropriation by the Legislature whilst the necessary appropriations were rejected by the said Councils. The Resolutions also complained of the robbery of the public by the Receiver-General Caldwell of the misapplication of the funds of the Duchy estates of the abuses of the land granting system and of other grievances pressing most heavily upon the people.*

At the same time, resolutions similar in their broader features and differing only in details were passed in other parts of the Country in Petitions founded on these resolutions ~~and~~ circulated and in an in conceivably short time no less than 87000 signatures were attached to them the population being then about 480,000† or between one fifth and one sixth of the whole population being - a larger proportion than probably ever signed a petition or petitions on a single subject in any country where the practice

* See Appendix to the report of the Canadian Committee of 1828.

† Census of 1825 423,000

B.

The Upper Canadian parliament was assembled by Sir Peregrine Maitland on the 15th of January 1828. and was prorogued on the 25th of March following.

The first act passed in this session was of a liberal character for relaxing the stringency of the law respecting aliens. It did not go so far as to annul the power granted to the Crown by the act 54 Geo III of declaring settlers from the States alien and "vesting their estates in his Majesty" but it provided a remedy by empowering the Commissioners under the act above cited to remove claims of real estate not actually sold and soon to rectify errors where sale had taken place. ~~This act was followed by others~~

* The ~~act~~ Naturalization act of 1827 which had been removed was reprinted in this year by the King in Council and tended with the acts above noticed to give greater security to a large class of ~~settled~~ the people.

Another act was also passed concerning the liberality of the Assembly's grants and act for the relief of Dissenters. This act enabled the societies mentioned in number eleven - to hold land enough to build churches. The defect of the act was in naming the sects to be benefited. The principle of good for any thing should have been of universal application.

+ not to exceed five acres.

The number of acts passed by the Legislature during this session was twenty many of which were ~~of~~ notes of general interest.

Besides these acts which passed the order of the Legislative Council and of the government twenty two bills were in one way or other wrecked on the conflicting interests perpetually at work in the colonies to ~~possibly~~ nullify every thing that is ~~at all~~ salutary in the way of legislation. Of these 22 bills for 5 only were passed in the Council. Twelve were rejected by the Assembly and rejected in whole procedure with by the ~~Legislative~~ Council; and ~~four~~ four others were set aside as to ~~passage~~ their rejection in their altered state by the Assembly.

Among these two classes we are to be found some former acquaintances of beneficent character such as the felon's Criminal bill, the dissenters marriage bills the dissenters relief bill and some others.

In the course of the summer about 8000 of the inhabitants of the Upper Canada signed a petition complaining of their grievances. Another petition was also prepared and signed by the Free laymen praying for a share of the clergy reserves which the Church of England Clergy exclusively appropriate. This last petition was brought before the House of the Canada Committee. The ~~Central Group~~ ~~Bayesian~~ ~~was~~ ~~defeated~~ ~~to~~ ~~some~~ ~~extent~~ ~~in~~ ~~its~~ ~~misstatements.~~ A "Chart" of the religious sects prevailing in Upper Canada had been put forward during the previous year by Archdeacon Strachan who was and is still at the head

This chart was into a
then resident in
196
head of the English Church of U.C.
nowly failed and Mr. Swift's
they are requested to rectify the erroneous information
which it was calculated to produce.

197

The General Election in Upper Canada took place in the month of July. ~~and~~ ~~the result was~~ on this occasion Mr. Wm. Lyon McKenzie the proprietor and Editor of the Colonial Advocate was returned for the County of York, inhabited by the most intelligent farmers of the Upper Province. York had before this time usually returned official persons to the House but on this occasion Mr. McKenzie and a Mr. Lepe Ketchum a wealthy Tannery were returned by triumphant majorities.

* McKenzie's Sketches of Upper Canada
 Lond on 1833.. p. 127.

625 *prachea piovilis*.*

* equivalent to 4,250,000 for Great Britain and Ireland.

+ Affluence agent of the Assembly in London.

here insert annex para graph B.

To support the prayer of these petitions, three Members of the Assembly were deputed to this Country, namely John Neilson Member for the County of Dubuque who had been previously deputed to England in 1822 on the Union question; Denis B. Vigor a Member for the County of Kent, and Austin Cuvillier Member for the County of Montserrat.

On the 2nd of July these petitions from ^{Lower Canada} came before the House of Commons, and every circumstanced debate ensued therein it was very generally admitted that the Assembly and people of Canada had much to complain of, that the grievances were numerous and severe and that ~~the~~ above all that the ~~most~~ ^{most} grievous were mainly attributable to the Executive and Legislative Councils who sought only their own aggrandizement and that of their party to the utter and systematic regard to the welfare of the Mass of the People. The leading Speakers of the Whig party were loud in their denunciations of these obnoxious bodies. Mr. Stanley and Mr. Labouchere were conspicuous in their debates ~~and~~ so much so indeed that they were long deemed the avowed friends the people of Canada both in this Country. The result of the debate was that a Committee was named

~~to do strongly in favour of the cause from Lord Stanley's former opposition to the various charges of the Council thus expressed ~~to the~~~~

* As Lord Stanley's conduct of his private opinion it would be presumptuous to speak ^{had} under your a complete revolution since 1828 ^{and 1829} deem it important to place the strong language in which he expressed ~~his~~ ^{his} ~~opinion~~ ^{opinion} ~~in~~ ⁱⁿ ~~his~~ ^{his} ~~own~~ ^{own} ~~words~~ ^{words} upon record. He is now the supporter of the institution he then condemned, - the bitter enemy of those whom he then befriended.

"The Legislative Council were ranged on the side of the Government to oppress the people, and in raising those feelings of discontent which led them to make war upon each other. The Legislative Council he was fully satisfied was the root of all the evils which had oppressed that country for the last ten or fifteen years. These complaints were not of squabbles which sprung up on the moment, but of evils of long standing."

said he

* * * *

mandate "to inquire into the state of the civil government of Canada as established by the Act 31 Geo III c 31 and to report their observations there on to the House."

On the 8th day the Committee commenced its labours and between that date and the 15th July heard the evidence of numerous persons* consisting of persons of high position from the two provinces and of Members of Parliament and others who had been or were connected with the Canadian. ~~All~~ documents bearing on the question ^{namely the} petitions, special dispatches, documents connected with land granting in Canada and the United States. ~~Annals of the population~~ - Proclamations of 1763 and 1792 were referred to the Committee and ~~in July~~ ^{viewed} towards the end of July a report ^{was agreed to} and was laid before Parliament.

subject for lengthened dispute,

- * Samuel G. Lee
- Edward Ellice
- John Nelson Esq
- Mr. Simon Mc Gillivray
- Dennis B. Picher Esq
- Austin Colclough

* Among these were Messrs. Nelson and Colclough the representatives of the petitioners of Lower Canada. Samuel Galey Esq the defender of Lord Dalhousie. J. C. Hunt who

came to try and procure for the presbyterian clergy a share of the good things in the gift of the Government several "Religious" persons from Upper Canada who came on ~~the same~~ ^{errand} a similar errand. Some clergy of the Church of England who of course fought on the other side and lastly persons resident in this country connected either officially or otherwise with the Canadian. Amongst the last glass ~~is~~ ^{may be mentioned} Mr. Edward Ellice Simon Mackenzie and the Right Honourable R. Millist Morton? See Report and evidence of 1828 (Par. paper 569.)

He considered that the Legislative Council was that institution which especially required revision and alteration. They acted as a paltry and impotent screen for the protection of the Governor. In all instances they were opposed to the people, and were placed as a substitute for an Aristocracy, without possessing the qualifications of an Aristocracy according to our notions of that body in England,—imposing salutary checks, and exercising a judicious vigilance over the councils of the country.—(Speech on the 2nd May, 1828.)

The general features of this report were an acknowledgement of the perfect justice of the complaints of the Colonists, and a recommendation of a ~~more~~ ^{more} ~~considerate~~ ^{considerate} line of conduct towards them in future. The suggestion of that the evils complained of should be immediately remedied.

Of most of the grievances complained of the Legislative Council had been pointed out as ~~not~~ the all-productive cause. On this subject the Committee express themselves as follows:

"one of the most important subjects to which their enquiries have been directed has been the state of the Legislative Councils in both the Colonies and the manner in which these assemblies have been constituted. Your Committee strongly recommend that a more independent character ^{should} be given to these bodies; that the majority of the members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the Constitution with the interests of the Colonies would be attended with the greatest advantage. With respect to the Judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, your Committee entertain no doubt that they did better not be involved in the political business of the house. Upon similar grounds it appears to your Committee, that it is not desirable that Judges should hold seats in the Executive Council."

Another important point complained of then as well as more recently was the undue interference of the British Legislature in the merely local affairs of the Colony. On this subject the Committee express themselves as follows.

Your Committee are desirous of recording the principle which, in their judgment should be applied, to any alterations in the Constitution of the Canada which were imparted to them under the former acts of the British Legislature of 1791. That principle is to limit the alterations which it may be desirable to make by any future British act as far as possible to such points as from the relation between the Mother Country and the Colonies, Canada can only be imposed by the paramount authority of the British Legislature; and they are of opinion that all other changes should, if possible be passed into effect by the local Legislatures themselves, in amicable communication with the local Government. *

* Report page 8

After making other minor recommendations the Committee concluded their report by recording their complete conviction that neither the suggestions they have presumed to make, nor any other any other improvements in the laws and constitutions of the Colonies will be attended with the desired effects unless an impartial, conciliatory and constitutional system of government be observed in these loyal and important Colonies. †

Under this impression that the recommendations of this Committee could be executed in good faith effectually and in good faith the report gave great satisfaction in the Colonies both Provinces. The popular papers received it as the commencement of a better era - they all people believed that the Council would not merely be changed in name - for that they could not but feel would be a mere delusion - but

† Report page 3.

be effectually be brought into harmony with the assembly. The evil to be remedied was the ~~want of~~ ~~harmony between the two bodies, and~~ ~~the~~ ~~apparent~~ ~~change~~ ~~which~~ ~~fell~~ ~~short~~ ~~of~~ ~~the~~ ~~remedy~~ ~~thus~~ ~~will~~ ~~would~~ ~~be~~ ~~constant~~ ~~of~~ ~~position~~ ~~interposes~~ the Legislative Council, to the ~~of~~ ~~the~~ ~~assembly~~ - ~~as~~ ~~to~~ ~~the~~ ~~measures~~ based on the desires of the people expressed through their representatives. ~~Whatever~~ ~~changes~~ ~~might~~ ~~be~~ ~~made~~ in the present composing the assembly they would not be regarded as fulfilling the expectations of the people of Canada unless they had the effect of producing that harmony between the two chambers the want of which was the precise evil complained of. In expressing satisfaction with the report of the people of Canada did so, ~~and~~ with the full understanding, and under the impression that the changes contemplated would be radical, and effectual. It will be seen hereafter that ~~no~~ such effectual change was ~~effected~~, attempted, ~~or~~ ~~even~~ ~~contemplated~~, indeed from the nature of the body ~~to~~ ~~which~~ ~~it~~ ~~was~~ ~~appointed~~, the manner of its appointment ~~and~~ the influence in ~~constant~~ ~~operation~~ to prevent its being any thing but an irresponsible body endowed with ~~no~~ interests diametrically opposed to the people, the effectual execution of the recommendations of the Committee would have been impossible even assuming the most honest intentions on the part of the Colonial ~~Administration~~ ~~Administration~~ Administration.

The satisfaction with which this report of the Committee was, under a most erroneous impression to it received, received was not a little heightened by

The information received at the same time that Lord Dalhousie was to be recalled. This was considered an earnest of a more conciliatory line of policy towards the Colony. and Sir James Kempt his lordships successor, who reached Quebec on the 8th of September 1828 certainly entered upon the government of a people favourably disposed towards him.

Sir James Kempt had for some time previous to this, ~~appointed~~ ~~at~~ ~~had~~ administered the Government of Nova Scotia where he had given satisfaction; but the Government of that Colony presented no difficulties so that no inference as to his ~~Capacity~~ Capacity to govern a Community torn by civil dissensions could be drawn from the circumstances. This much was however in his favour. Nothing could be worse than the administration of the Earl of Dalhousie who never won the people's approval in all their efforts to improve their government, but they were insulted whenever they complained of the vicious state of things. Hence ~~any~~ ~~moderate~~ an early exhibition of most courtesy or some reputation of intellect would be so secured of the popular leaders as gently to smooth the way new government. The removal of Sir James Kempt from Nova Scotia led to another change. Sir Peregrine Maitland who had been long enough in Upper Canada to make the people heartily tired of him, was removed to the vacant Government whilst that of the Upper Province was given to Sir John Colborne and officers who had gained a military reputation in Spain - a character generally ~~is~~ ~~implied~~ implied with qualities unfavourable to the

conduct of an important civil office

Chapter XXIII

1828 - 1830

Sir James KemPTH administration*

* Sir James
 KemPTH was
 merely Admin-
 istration and
 not Govern-
 General. The
 Lieut Govern-
 of Upper Canada
 was as usual
 stated Sir
 John Colborne
 for whose
 military
 character
 see Col.
 Napier's
 admirably
 history of
 the Peninsula
 War.

Sir J. KemPTH assumed the Government - Meeting of
 the Legislature - Suspicious phrase in his speech -
 Address - Comment on the Committee of the
 House of Commons - Message on Finance - Plan
 for the year only Supply Bill - Bill for the
 equal representation of the province - ~~proposed~~
 but finally agreed to. - Proceedings relative to
 W. R. Christie - Tension prolific in laws - Prorogation
 result of the session - Parliament of Upper
 Canada - Eight new members added to the Assembly
 - Upper Canada - Petitions - Lord Stanley's letter
 and Speeches - Lower Canadian Session 1830
 Finance question - Expulsion of W. Christie -
 Jewish relief bill - Parliament of Upper Canada
 - Loans - Death of Geo IV. - Disputations
 elections - Sir James KemPTH relieved by
 Lord Bylandt.

Sir James KemPTH assumed the administration
 of the Government of Lower Canada on the
 8th of September 1828. The recall of Lord
 Dalhousie, really in obedience to the public
 opinion which had been expressed with
 more than usual force, combined with
 the recommendations of the Canadian
 Committee met the expectation that
 Sir James was appointed & people for
 the purpose of carrying those recommend-
 ations into execution procured for the
 new Governor at degree of confidence
 and raised in the minds of the people
 and of the assembly a degree of hopes
 which the court did not certainly
 fulfil. Sir James KemPTH administration
 as we shall presently see was rather of
 negative character. He did really
 nothing towards the satisfaction
 settlement of these questions at issue
 between the Assembly and the official
 oligarchy; whilst he carefully abstained
 from insulting the people. Moreover

he was
 authorized
 to do nothing,

(at the

very moment that the commands of the Colonial office would have forced him to adopt a line of policy highly obnoxious to the Legislature, he fairly made his escape from the Colonial Government, leaving all difficulties to his successor.

The provincial parliament met on the 21st of November. It will be remembered that the first meeting of this the thirteenth parliament had just been duly constituted a session, Lord Dalhousie having undertaken to use the mildest terms respectful to certify the ~~choice of the~~ ~~Speaker~~ ~~Assembly~~ of choice of ~~the~~ ~~Speaker~~ ~~Assembly~~ which had fallen on Mr. Papineau whose talents and acquirements whose honesty and consistency and whose courtesies and bland demeanour combined with a dignity of

* He was doubly fortunate in the moment of his return to England as well as in that of his departure from Canada; for soon after his return he was appointed Master General of the Ordnance.

~~character~~ amounting on fitting occasions, to sternness of character and proved to qualify him for that high and important office. Lord Dalhousie's error was rectified by Sir James Kemp's prompt approval of the choice the Assembly had made and after the usual compliments, the session was opened by his excellency in a speech ~~wherein~~. In the speech from the throne the legislature was assured that no exertions should be spared to promote conciliation by measures in which the undoubted prerogative of the crown and the constitutional privileges of the legislature would be ~~equally~~ equally respected.

Alluding to the financial difficulties the legislature was informed of the determination of the Colonial office to relieve the Government from all responsibility in that head by managing all future negotiations

solemn investigation after deep and prolonged deliberation, the Committee made a report an imperishable monument of their justice and profound wisdom and authentic testimonial of the reality of our grievances and of the justice of our complaints faithfully interpreting our wishes and our wants. Through this report so honourable to its authors his Majesty's government has become better than ever acquainted with the true situation of the province and can better than ever remedy existing grievances and obviate difficulties for the future."

With the exception of an expression of sincere grief at the arbitrary and manifestly illegal acts which by depriving the Province of the aid of the Legislature during the whole of the past year ~~and the remainder of the year~~ and the remainder of the address contained nothing out of the ordinary course. A division took place on the above paragraphs but they were carried by a majority of 32 to 3

24700
3400
28100

On the 20th of November the promised message for the adjustment of the financial difficulties of the province was transmitted to the Assembly. In this message the house was informed that the Imperial Statute ~~of 1791~~ passed in the 14th and 31st years of his Majesty the reign of Geo III imposed upon the Lords of the Treasury the duty of appropriating the revenue ~~collected~~ collected under the first named Statute; that the revenue collected together with the sum permanently granted under the ~~41st~~ provincial Statute of the 41st Geo III amounted to £34,700 which with the proceeds of the Casual

~~Revenue~~
~~of the~~
~~Province~~

Casual and territorial revenue ~~and~~ amounting for the current year to \$3400 made a total of \$38,100. . . out of this sum the house was informed it was his majesty's determination to pay the salaries of the person administering the government and the judges. "But" continues the message - his majesty being graciously disposed to mark, in the strongest manner the confidence which he reposes in the liberality and affection of his faithful Commons of this province has been pleased to Command his excellency to announce to the assembly that no further appropriation of any part of this revenue will be made until his Excellency shall have been enabled to become acquainted with their sentiments as to the most advantageous mode in which it can be applied to the public service; and it will be gratifying to his majesty if the recommendation made to the executive government of the province on this subject shall be such as may be able with propriety and with due attention to the interests and efficiency of his Majesty's government to be adopted.

This plan was merely to meet the necessities of the ensuing year & for the future a further proposal was promised; and on the faith of ~~these assurances~~ ~~the success~~ ~~disposition~~ of the provincial ministers to adopt ~~these~~ promised measures in their message the house was asked "to make such further provision for the exigencies of the public service of the province as, which the amount of the crown revenues above mentioned may prove inadequate may require".

not merely ~~in~~ compliance with their request a bill was introduced ~~not merely~~ providing for the expense of the year

635

18100
 42
 1829
 1830
 1831
 1832
 1833
 1834
 1835
 1836
 1837
 1838
 1839
 1840
 1841
 1842
 1843
 1844
 1845
 1846
 1847
 1848
 1849
 1850
 1851
 1852
 1853
 1854
 1855
 1856
 1857
 1858
 1859
 1860
 1861
 1862
 1863
 1864
 1865
 1866
 1867
 1868
 1869
 1870
 1871
 1872
 1873
 1874
 1875
 1876
 1877
 1878
 1879
 1880
 1881
 1882
 1883
 1884
 1885
 1886
 1887
 1888
 1889
 1890
 1891
 1892
 1893
 1894
 1895
 1896
 1897
 1898
 1899
 1900

The 21st of the 1829

year 1825, but a second Bill accompanied it providing for the payment of the arrears of previous years. This bill was agreed to by the Council and was accepted by the governor as an earnest of ~~the~~ a better understanding between the Assembly and the executive. The Assembly thus with great liberality permitting all jealousies to sink into oblivion as acknowledged in his excellency's opening speech, placed the ~~governor~~ in administrative question in the best possible state for future adjustment, by liberally voting to ~~supply~~ ^{to liquidate all arrears and to provide} ~~the~~ ^{for the} public service until parliament could be again called together. This end being attained by the executive, nothing more was heard of the ~~plan~~ ^{provision} for the permanent settlement of the debt, during the present session.

The subjects of the representation of the provinces in the Assembly upon which the Assembly had been engaged since the year 1825 but to which the Legislature Council was opposed except on the condition of giving power to the minority was again brought before the consideration of the Legislature and at length carried to a successful termination. A Bill augmenting the Council ~~generally~~ ^{separately} from 50 to 84 with a provision for further augmentation in proportion to population passed the house on the 20th of February by a majority of 21 to 2. The Council ~~which~~ ^{which} ~~had~~ ^{had} ~~refused~~ ^{refused} ~~to~~ ^{to} ~~pass~~ ^{pass} ~~it~~ ^{it} ~~in~~ ⁱⁿ ~~obedience~~ ^{obedience} ~~doubtless~~ ^{doubtless} ~~to~~ ^{to} ~~the~~ ^{the} ~~desires~~ ^{desires} ~~of~~ ^{of} ~~the~~ ^{the} ~~executive~~ ^{executive} ~~and~~ ^{and} ~~of~~ ^{of} ~~the~~ ^{the} ~~colonial~~ ^{colonial} ~~office~~ ^{office} ~~during~~ ^{during} ~~probably~~ ^{probably} ~~perceived~~ ^{perceived} ~~that~~ ^{that} ~~the~~ ^{the} ~~invitation~~ ^{invitation} ~~engagement~~ ^{engagement} ~~upon~~ ^{upon} ~~the~~ ^{the} ~~passage~~ ^{passage} ~~of~~ ^{of} ~~useful~~ ^{useful} ~~measures~~ ^{measures} ~~was~~ ^{was} ~~such~~ ^{such} ~~an~~ ^{an} ~~inconvenient~~ ^{inconvenient} ~~highly~~ ^{highly} ~~relayed~~ ^{relayed}

their opposition and agreed to the Bill with amendments. These amendments¹⁵⁰ although infringements of the perfect equality of the ~~proportional~~ representation were agreed to by the Assembly in the same conciliatory spirit as that which they evinced with respect to the Supply bill. The bill was finally reserved for the pleasure of the Crown and only became law on the 5th of October following.

~~Another bill was passed~~
 A bill was also passed to provide for the continuance of the Assembly until the standing the demise of the Crown. This act was also reserved for his Majesty's pleasure but it was not agreed to ~~any~~ until the first year of the reign the fourth namely on the 1st of Jan 1831 hence it did not ~~change~~ the ordinary course on the demise of George the fourth.

A considerable sensation was produced during the present session by the proceedings of the House in reference to Mr. Robert Christie the member for Gaspe, which with the circumstances relating thereto we proceed to explain.

It will be recollected that Lord Dalhousie during the last year of his notorious administration had dismissed from the Commission of the peace such persons as were opposed to his lordships political conduct. It was given in evidence before a Committee of the Assembly that Mr. Christie had publicly stated that he had suggested to the then governor in Chief the propriety of striking out of the Commission of the peace the names of Messrs. Duromet, Neilson, Blumshet and Belange (at that time Justices of the peace for the district of Quebec) on account of their conduct as members of the provincial ~~assembly~~ parliament in acting in presiding at Committees wherein
 (votes

640
638

had been passed in opposition to the wishes of the Administration; and that he openly avowed his opinion that those persons who had not given their support to all the measures of the administration were unworthy to hold any office whatever under the Government. The mis conduct of the said Robert Christie is aggravated by himself being a member of the assembly, and by his having ~~himself~~ taken advantage of the opportunities, which as such he daily enjoyed to act as a spy on the conduct of the members of this house and to make a report thereof to the Governor with the intention of irritating him against those members whose votes and conduct he thus reported: - and in fact it appears to your committee that in consequence of these reports made in pursuance of this disgraceful system of espionage the said Messrs Turbott Neilson Blanchet and DeLange, men universally respected as upright and true magistrates, were dismissed from their office of Justices of the Peace, and their names omitted in the last Commission of the peace now in force in the district of Leeward.

on the bringing up of the reports from which the above is an extract Mr. Christie presented a petition denouncing the allegations and praying to be heard at the bar of the house. The petition was ordered to be printed and was afterwards referred to a committee of the

* Journals
1828-9 appen
dix D.
Report of the
Committee
on the
dismissal
of the Justices
of the Peace

† It is somewhat curious that Mr. Christie's friends moved the printing of fifty copies, the Chairman of the Committee moved in amendment that one hundred be printed instead of fifty yet strange to say Mr. Christie's friends who pretended to have opposed this amendment but it was carried by a majority of 32 to 4

Journals 1828-9 p 470.

efforts, at all times deservedly strenuous.
 Mr. Christie was certainly a paragon
 of honor to the majority of the Assembly
 who had carried him off to a
 most unjustifiable length. If his
 conduct had been left to produce its
 own punishment, which it most certainly
 would have done, in all probability
 his conduct would have taken a
 right view of the matter and from a
 more selfish motive would have
 returned a more better deserving
 and ~~was~~ therefore enjoying the
 confidence and good will of the people
 of the Assembly. The house however excited
 Mr. Christie into a minority and the
 consequence was a degree of sympathy
 to ~~the~~ Mr. Christie's own merits
 would not have been published.

This session was for ~~the~~
 more prolific in laws than any which
 had been before or has since
 occurred. No less than 77 acts
 stand on the Statute book,
 besides which ~~of~~ 24 Bills passed
 the Assembly and 13 the Council
 without meeting the approbation of
 the other house. Among the bills
 passed by the Assembly and either
 rejected by the Council or ~~not~~ allowed
 in a manner to disapprove the
 Assembly, will be found ~~many~~ many of
 those which had been previously
~~rejected~~ passed and similarly rejected
 - namely ~~to~~ bills to ~~repeal~~ members
 to vacate the ~~the~~ seats of members who
 shall accept office, ~~to~~ to allow
 Council to prisoners, to give relief to
 religious congregations, to disqualify
 the Judges from sitting in the Legislative
 Council in corporations, to ~~appoint~~
 and appointing an agent for the
 Province

Province so that notwithstanding the disposition of the head of the Executive to Conciliate the Council ~~it~~ was a little so disposed as soon.

Among the acts which I added into law were several of a most useful character, for the regulation of trade the promotion of education and the advancement of Science within the Province. On the whole the Stagnation caused by the arbitrary Conduct of the late Governor had in consequence of these ~~acts~~ provisions held out to the people and the hopes grounded thereon to a certain extent been revived and a prospect was opened which a little skill united with liberality on the part of the Colonial administration at home might easily have turned to good account.

On the 14th of March Sir James dismissed the House, proposing the two Houses, thinking they in his speech for the delay with which they had discharged their legislative duties. one report only was expressed namely "that they inhabitants of the Province ~~would have~~ been relieved from any in consequence to which they may be subjected under the Ordinance now in force by the passing of a *Resolva Dile*."

The result of this session may be stated in a few words by Courtous conduct and fair promises on the part of the Executive much that was useful was brought about but as to the removal of any financial difficulties which had previously existed nothing was in reality effected.

In the mean time the Parliament of Upper Canada had been called together by

Lieut John Colborne on the 8th of January*
and it contained in Latin until the 28th
of March, during which time twenty
two acts were passed by both houses
and received the governor's assent.

642 155
* 1st Session
of the 10th
Parliament

The first act passed was the following:
Luskay and others holding similar
scruples to as to an oath to give
evidence or affirmation in Criminal
cases. Of the latter acts a ~~great~~ ^{great} proportion
were of a local character being for
the improvement of local importance
to the province as tending to develop
new resources but scarcely demanding
specific notice in this place.

The bills reported by the Council
were this year ~~at~~ numerous as the
acts passed, and among them were
some of more general importance
than ~~the~~ any of the successful
bills. A bill appointing Commissioners
to that with ~~the~~ Commissioners from
lower Canada failed in consequence
of the Council's amendment.

Petitions
Shewings etc

~~on the 22nd of January 1820 the~~
Parliament of

~~We have~~ The act for the more
equal representation of the people
of the province ^{of Lower Canada} ~~of~~ the Assembly
came into force on the 5th of
October 1821; by this act anticipating
the more important alterations
which would take place at the
next general election, the Governor
was authorized to issue writs for
the return of one member for
Dorchester and Shefford ~~respectively~~
and two for each of the Counties
of Missisquoi, Sherbrooke, and
Stamford respectively. This was
accordingly done on the 19th of October
(and 12

643

We have already alluded to the Upper Canadian Petitions of 1828, - it is now necessary to advert to the ~~some~~ certain transactions which grew out of them. During the course of the winter of 1828, a Committee appointed by the inhabitants of the Home district held a Correspondence through their Chairman Mr. W. W. Dods with the Honorable Mr. (since Lord) Stanley on the petitions which were signed, and the following is an extract from Mr. Stanley's letter to that gentleman ~~and~~ showing his notions respecting the Government of Canada at that day. The letter from which we are about to quote was dated 24th April 1829 and is remarkable inasmuch as ^{we find} Stanley ~~in 1829~~ in 1827 voting directly contrary to his opinions as expressed in 1829 and aiding to the full extent of his power in permitting the Canadian to having taken his advice.

Said Mr. Stanley -

" Upon the subject of the constitution of the Legislative Council, (which I do not hesitate to say, without any disrespect to, or reflection upon, the individuals who compose it, is at the root of all the evils complained of in BOTH provinces) - upon the exclusion of the judges with the single exception of the Chief Justice, from all interference in political business - and upon the necessity of introducing some alteration into the present jury system - the three most important points of your petition, you will find that the opinion of the Committee entirely concurs with yours, and that opinion I am disposed to support to the utmost of my power. "

" On the last, and one of the most important topics, namely, the appointment of a local ministry, subject to removal or impeachment when they lose the confidence of the people, I conceive there would be great difficulty in arranging such a plan - nor are the wishes of the petitioners very clearly expressed - for in point of fact the remedy is not one of enactment but of practice - and a constitutional mode is open to the people, for addressing for a removal of advisers of the Crown, and refusing supplies, if necessary, to enforce their wishes. I do however think that something might be done with great advantage, to give a more really responsible character to the Executive Council, which at present is a perfectly irresponsible body, hardly recognised by the Constitution, and effective chiefly as a source of patronage. "

On the 14th of May the York petition was presented but it ~~was~~ was gotten rid of in consequence of a violation of the rules of the house, - the petitioners

having alluded to words spoken in debate
by a member of the house.

644 157

On the 5th of June we again find
the question of Canada before the
house Mr. Stanley Mr. Leborne
and others being the Secretary of
the Colonies Sir George Murray
to state what measures he intended
to propose for the improvement of
the government of Canada. On this
occasion Mr. Stanley again expressed
himself in strong terms against the
Council which he had since so
often deplored. ~~Political Proficiency
can be secured by research further
than this.~~

After stating that he considered
the Council at the root of all the
evils which had taken place in
the Colony administration of the Colony,
he thus continues:

It was in vain to attempt to carry on the Government in the Colonies in a proper manner, if all the orders were issued by the Government at home, and were supported, without reference to circumstances, by the Legislative Council, who often acted in opposition to the wishes of the colonists, expressed as they only could be expressed through the House of Assembly. If the Government meant to maintain their sway over the country, they must do it through the will of the people. It was to be hoped that the right honourable gentlemen would not attempt to force an Aristocracy in the form of a Legislative Council upon a state where there are no natural materials for its existence.—(Speech of 5th June, 1829.)

Political Proficiency could scarcely
go much further than this.

~~of the House of Commons~~

645

158

eight members were added to the assembly
 on the 22nd January 1830 the provincial
 Parliament was assembled by Sir James
 Craig Ramsay. The first part of his
 speech was of the congratulatory kind.
 Dishep had ~~prevalent~~ and stagnation
 had prevailed during the last year
 but the country and its commerce
 were now in a more flourishing state
 in consequence of which the revenue
 had greatly increased. During the
 last session acts had been passed
 for the encouragement education and
 the Governor was in the form of the
 two houses that schools had in conse-
 quence been very generally established
 in the province.

Alluding then to the financial
 question which in an unsettled state
 his excellency said. "It will be
 my duty to convey to you by message
 of communication which I have received
 his Majesty's command to ~~make~~ make
 to you upon the subject of the financial
 question which has given rise to
 so much controversy in the province"

~~and several resolutions of general
 interest were then read and~~
 The speech then concluded by recommending
 several useful measures
 to the consideration of both houses.

The addresses both of the Assembly
 and of the Council were as usual
 mere echoes of the speech.

On the 29th of January the house
 message came down on the subject
 from his excellency on the subject
 of the financial difficulties but it
 was not of a character to ~~settle~~
 satisfy the contending parties. The
 House was informed that "circum-
 stances which could not be controlled
 rendered it impossible for his Majesty's
 Government to bring under the consideration
 of parliament in their last session the
 measures contemplated for the financial
 adjustments

71
 copy

January 24th
 13

adjustment of the financial questions which have given rise to the controversy in the Province. This was the question for the past period and for an indefinite time and was not acted upon during Sir James Kempt's administration.

Notwithstanding this dis-appointment the house continued its session and contributed every thing which lay in its power to promote a good understanding with the executive by passing a Supply bill which was carried by Sir James Kempt.

The case of Robert Christie again came before the house by the return of that gentleman for Guffe. It was not merely resolved that he is unworthy to hold a seat in the house a member of the house and cannot sit as a member thereof but a motion was submitted though not ultimately passed on a division in the affirmative, praying his excellency to dismiss him from any place of honour or profit he may hold during pleasure under his Majesty's Government.

A bill was this year passed 1820 for the relief of persons of the Jewish faith. This bill had been for years annually proposed by the Assembly and regularly thrown out by the Council. This year however the Council from what new motives was not opposed again to the bill but it was referred for Sir James's pleasure. Fifty eight acts were sanctioned (this

Journal
1820
See ante p. in note.

be contracted ^{in England} in conformity with a power given ¹⁶²
 to the ~~Queen~~ Queen General, for the
 purpose. The principal was not named
 because there was "good reason to
 believe" said the preamble "that a
 loan might be effected in England at
 a reduced rate of interest" thus the
 negotiator was expected to get as large
 a principal as possible for the same
 value as our annual payment. Thirty
 four acts were passed during the
 session ~~and~~ besides which several were
 reported by the Legislative Council.

The death of George the fourth
 took place on the 29th June and as
 the act passed in the ~~October~~
 year 1829 providing for the continuation
 of the Assembly in the event of the
 demise of the crown had then
 passed and was not sanctioned during
 the reign of ~~George~~ of the above
 named monarch, the elections took
 their usual course ^{the Provincial} Parliament
 being dissolved on the 2nd of September
~~of September and October~~ the elections
 took place in September and October
 in accordance with the act of 1829
 adding 34 members to the assembly
 and making a more equitable dis-
 tribution of members ~~and~~ according to
 population, as already alluded to.

~~I was during the latter month~~
~~of the year relieved Sir~~
 James Kemp in the government of
 the Province. At that time
~~the Province was~~
~~managed by~~

This closed the administration of
 Sir James Kemp who during the
 month of October was relieved by

the arrival of Lord Aylmer whose
administration will form the subject
of the next Chapter..

650 163

—
—
—

651

164

Chapter XXIV.

Lord Aylmer's Administration
1830 - 1835

650 700.
50.
16.6
37.
C. 75.

Lord Aylmer - Legislative ~~function~~
~~opened~~ 24th Convoked for the 24th Jan'y. -
Moral proceedings - Christie's expulsion
Finance question - Lord Goderich's proposal
- expelled by the Assembly - ~~supplies~~ -
Resolutions of the house - Bill of Supply -
agent - accusation of attorney general - Close of
the Session - ~~the~~ Session of Upper Canada - Permanent
Civil list - its consequences. Lower Canadian Session of
1831-2 - Lord Goderich's answer to the petition of ~~the~~ the Assembly
- its reception - independence of the Judges - Civil list -
supplies - Fabriques question - close of the Session - Upper
Canadian Session - Expulsion of Mackenzie - Montreal Election
- Troops fired upon the Citizens - Cholera - Session of 1832-3

Of Lord Aylmer but little was known at
the time he assumed the Administration of
the government of Lower Canada except
that he was an Irish Viscount and
that he had displayed intrepidity
as a Cavalry officer.
On receiving the Province he found
the Legislature almost prostrated until
the 14th of December Lord Aylmer
further

Mr. Christie in the County of Joseph was brought before the assembly on a motion that the entries on the Journals in 1827 & 1830 be ~~and~~ ~~the~~ ~~most~~ referred to a Committee. This motion was carried by a majority of 26 the numbers being 46 to 20. The Committee reported the resolution which was adopted by the House to the effect, that "Mr. Christie be returned to Joseph in the same Robert Christie mentioned in the said entries" - and "by reason thereof cannot sit or vote in this House as a member thereof" * Having already fully discussed the subject it is not necessary to add any comment.

* division
 ayes. 43
 Nays 22

On the 14th of February the Estimates were sent down to the House accompanied by a message intimating that certain items included in last years estimate had been omitted in conformity with instructions received by his Majesty's Government to that effect. The sum demanded was £57,154. 17. 6 "the appropriated Revenue at the disposal of the Crown" were estimated at £44,000 and "the amount for which a supply was required" was stated at £13,154. 17. 6

14
 + These were the items objected to by the assembly.

Before any proceedings were taken on the estimates, ~~another~~ ~~the~~ message was sent down to the house on the 25th of February embodying a proposal for the final adjustment of the financial question. In this message Lord Blenheim stated that he had received a despatch from Lord Grenville containing a proposal to the following effect, that his Majesty placed ~~at~~ at the disposal of the Legislature "all his interest in those taxes which are now levied in the Province by virtue of different acts of the British Parliament and which are appropriated by the treasury under his Majesty's commands together with all funds and booties levied under the authority of such acts. That his Majesty relying on the liberality and justice of the Legislature of Lower Canada invites them to consider the propriety of making service (settled

dated 24th Dec 1830 and printed in the Minutes of Evidence along with the 10th.

provision for such portion of the expenses of the Civil Government of the province as may upon examination appear to require an arrangement of a more permanent nature than those supplies which it belongs to the Legislature to determine by annual votes. * * * His Majesty conceives the disposal of these revenues with cordial good-will and cannot doubt that it will be met with a reciprocal feeling by the representatives of an attached and loyal people."

The revenues to be given up were stated as follows:

Customs' duties levied under the 14 Geo III 1799	
after deducting a portion for Upper Canada upon an average of 2 years	£ 28,336
Licenses under ditto and 41 Geo III	2,764
Fines & forfeitures average of 2 years	599
Total	£ 31,699*

The Civil list to be proposed

Customs under Imperial act.	£31,742	* This sum was stated
14 Geo III 1799		
Licenses under ditto	2,200	
Ditto under provincial act	62	
41 Geo III		
Customs and ditto	3,735	
Fines & forfeitures	386	* Stated at £31,699 Sterling in Lord Goderich's despatch but corrected by Lord Abinger.
Total * Currency	£ 38,125	

Lord Abinger was at the same time instructed by the Colonial Secretary for a permanent Civil list which should be divided, like the Civil list of this Country into separate Classes with a definite expenditure assigned to each.

The Classes were as follows:

- 1 Salary of the Governor and Provincial Secretary with Contingencies £5,300
 - 2 Salaries of the Judges 12 in number and of the Attorney General with allowance for circuits and Contingencies 11,450
 - 3 Pensions & Miscellaneous 2,750
- Total £ 19,500

Message that the duration of the Civil list should be for the life of his Majesty.
 Lord Hyland's Message went no further than this, but

It was intimated at the same time that the Legislature having already appropriated a sum of £5000 for the purposes contemplated all that they were now asked for was the moderate sum of £14500 to complete the arrangements. It is proposed to send the Lord Goderich's despatch stating the mode in which the arrangement could be carried into effect. He stated that a Bill was about to be submitted to Parliament giving up the Civil Revenue which being for the most part levied by the authority of Parliament could not be cited in any other way. The operation of this act was to be postponed until 1 July 1832 in order to give the Legislature time to make the necessary provision but it was also proposed to introduce a Clause empowering his Majesty to bring the act into operation at an earlier period should it be necessary.

* Minutes of Evidence p 20.

"It now only remains for me to state ~~the~~ continued his Lordship that the duration of the Civil list may be either for the life of his Majesty or for some definite term of years not under seven as may be more agreeable to the provincial legislatures.

It should here be remarked that this proposal as it came from Lord Goderich was mutilated in two essential particulars. First not a word ^{in the first instance} was communicated to the House respecting the proposed Bill and second the alternative of a seven year civil list was suppressed.

+ The mutilation of despatches afterwards became a subject of complaint against Lord Hyland.

On the 25th of the same month a Statement was sent down to the House of Commons which it was ^{deemed expedient} to exempt from the proposed arrangement. Its amount accompanied the Statement by a despatch we learn that they amounted to

Grp Revenue of the Jesuit estates	2500
Rent of Kings Post	1200
Fees of St. Maurice	500
Rent of Kings Wharf	357
Debt de Reint	965
Inds et ventes	3265
Sand fund	1800
Tambre fund	1150
	£11,231

a sum of £11,231 or after deducting a sum appropriated to education and the enormous expenses of such =

the people of Canada were made aware
of Lord Jeffrey's motives in withholding
them. The house also addressed his lordship
on an account of the revenues under these
several heads claimed by the Crown. All
these were published except those of
the Lord's estates which ~~had been~~ ^{were} ~~withheld~~
refused. The house then addressed his
lordship praying to know how ~~these revenues~~
the ~~Lord's~~ casual and hereditary revenues
were to be expended when his lordship
answered that the items chargeable
thereupon ~~were~~ were to be 1 The advance-
ment of Education 2 The payment of the
clergy of the established church 3 the
payment of £1000 per annum to the
Roman Catholic Bishop and 4 an
allowance of £600 to Presbyterian Mi-
nisters.

On the 4th of March his excellency in
answer to an address to that effect com-
municated to the house the intentions of
the Ministry with respect to the Bill
concerning the Lord Godolphin's despatch;

~~the proceedings & documents~~
~~being upon that~~ These several
answers to the Assembly's addresses
together with every document relating
to the subject were referred to the
Finance Committee of the Assembly. On the 12th of
March the Committee made a long
and minute report to the house, ~~the~~
~~scope of which~~ in the course of
which, a former resolution was cited
embodying the principle by which the
house proposed to be guided*, concluding

Finance

6 25
36

* Resolved. "That under no circumstances and upon no con-
sideration whatsoever ought this house to abandon or in
any way compromise its inherent and constitutional
right as a branch of the provincial parliament, repre-
senting his Majesty's subjects in this Colony to super-
intend and control the receipt and expenditure of
the whole public revenue arising within the Province."

with a recommendation "that it is inexpedient
that any further permanent provision
for the expenses of government be made".
This report was adopted by the house
and on the 15th of March the failure of

Lord Goderich's project was formally announced
by Lord Blyden to the Colonial Office which
it arrived on ~~the~~ before the 15th May.

~~We have been talking particularly in detail of~~
~~because Lord Stanley repeatedly accused the~~
~~Assembly of a breach of an agreement~~
~~in 1825. It is necessary to be somewhat~~
minute with regard to dates because the
House of Assembly has been repeatedly
accused of a breach of faith ~~by Lord Stanley~~
in thus rejecting the proposals of Lord
Goderich. Lord Stanley has attempted to
make it appear that there was an
agreement between the Colonial Minister
and the Assembly that the former
should ~~pay~~ carry through the House
a bill giving up the disputed revenue in
return for which the Assembly should
vote a permanent civil list as demanded
and that the Minister having performed
his part of the agreement ~~should~~ the
Assembly refused to perform theirs. Now
not merely is this without a shadow
of foundation - ~~and~~ but Lord
Stanley must have been aware that
it was false at the very moment
that he uttered it. From the moment
that he denounced the Council ^{in 1825 and} ~~in 1825~~ ^{see ante}
he continued down even to the present
moment to take part in all discussions
relating to Canada. Setting aside the
ignorance displayed by his Lordship
in talking of an agreement of the Assembly
nowhere to be found in its journals, it
is clear from the dates that nothing of
the kind could have been understood by
either party. The first the Assembly
heard of the matter was on the 23rd of
Feb but even then the intentions of the
Government with regard to the bill were
studiously concealed from the Assembly.
On the 12th March they were told of
the intentions of the Government with
regard to the Bill, on the 12th they
rejected the demand of the Colonial
Secretary this rejection was known to
Lord

Goderich on the 15th of May and it was not until the 22nd of September that the Bill in question was passed, so that is plain that Lord Goderich not only did not regard the Bill as one part of our great object he did not even regard it as requiring a condition; for he carried it through the house without less than four months after he knew that the assembly had rejected his proposal.

* This was admirably explained by Mr. Rolbruck in his address at the bar of the House of Commons in the Spring of 1838.

† Considerable discussion arose on this point - Journals. 1831/2 57.

~~It should be stated~~ It should be stated that on account of the important matters which were before the house & the many means were adopted to secure a full attendance of members. After having fixed the Quorum at 42 the house resolved that they would not ~~not~~ grant leave of absence to any member but on the most urgent and accidental business. Specially stated to their house nor unless there be fifty members present in town. Immediately after the receipt of Lord Byles's message relating to the financial proposal a call of the house was ordered for the 8th of March when it was resolved that the House should resolve itself into a Committee of the whole to take into consideration the state of the province.

on the 8th of March the call resulted in a very full attendance seven members only being absent. ~~The House then~~ ~~resolved into a Committee~~ on the state of the province and a series of thirteen resolutions were moved by Mr. Nelson. The house then went into Committee on the state of the province where a motion was made by Mr. Pennington seconded by Mr. Lafontaine that an instruction should be given to the Committee to consider whether it would not be expedient to grant no subsidy until the principal grievances of which the province had complained should be redressed.

‡ The conditions were six relating to the ~~financial~~ ^{refusal of the imperial act keeping dates} ~~question~~ ^{reform in the Legislative Council} & the attendance of the Judges in the L. Council 4 Casual & territorial Revenue 5 funds of the Leasur-estates of the Conception of land in franc alleu - that is entirely free.

The leading members however were not disposed to shut out all suggestions with the exception and this extreme resolution was lost by a majority of 50 to 19.

On the 12th of March Mr. Nelson moved a series of 13 Resolutions ~~relating to the~~ ^{embodiment} of the principal complaints of the House respecting the various evils under which the Country suffered. The abuse of the revenues of the Jesuits' estates, the improper management of the wastelands of the Crown, want of local Municipalities, insupportable state of the judicature particularly in the distribution of offices, irresponsibility of officers the improper composition of the Legislative Council and lastly the neglect of the recommendations of the Committee of 1828. These resolutions were ~~unanimously~~ carried without division ~~for these other which~~

* See Minutes of Evidence p. 35-6.

but three others which were brought forward ^{gave rise to} ~~met with~~ considerable discussion. The first of these ascribed the legislative Council to be "the chief cause of these abuses" whilst the second stated that these "fatal results" could only have been introduced under the erroneous supposition that it was possible to find in America fit materials for the formation of an aristocracy sufficiently numerous independent and respected. After much debate these resolutions were carried by a majority of 2 only the numbers being 32 and 30. A resolution was then moved ~~to the effect~~ ^{to the effect}

36

that in order to produce harmony between the two branches of the Legislature an independent Council should be introduced by adopting the principle of Election. An attempt was made to get rid of this resolution by a side wind but it was rejected by a majority of 24 to 18 when the resolution was referred to the Committee and the House ultimately concurred in the whole system.

* The Recorder of this session was Mr. A. N. Morin who afterwards came to England as a delegate from the Assembly

This was the first time that a demand

By the two last clauses it was provided that the act was not to be in force until the Assembly should have an agent under provision and enactment and nor until an indemnity should be granted to the present provincial agent. Neither of these bills were acceptable to the house but embracing the continued opposition of the Legislative Council, the Assembly on the 20th March passed Resolutions that the Honorable D B Viger be requested to present to England with the Petitions and that the Clerk of the house be authorized to pay him \$1000 out of the Contingent ~~expense~~ fund like his disbursements could be otherwise provided for. This principle the House has since continued to act upon and the agent has been receiving the Government out as the agent of the province but ~~as~~ for practical purposes may be said to be a distraction without a difference.

The accusations against the attorney General Mr. James Stuart originated in some petitions presented in 1830 complaining of Malversation in his office but into the bulk of which the House had not then taken to acquiesce. The Complaints were now renewed and after a careful investigation the House agreed to Resolutions declaring that Mr. James Stuart had prosecuted bitter offenders ^{before the Superior tribunals} for the purpose of augmenting his emoluments; that at the ~~last~~ ^{last} Provincial election for the purpose of increasing the votes in his favour he had induced certain persons not qualified, to take the oath that they were and had thus been guilty of subornation of perjury; that he had prosecuted persons who had voted against him as unlearned qualifications, whilst he had refused to prosecute those who had voted in his favour on similar qualifications; that by this partial and unjust conduct he had brought the administration of

965
 68

of Criminal justice into his hands and 176
Catechist had been guilty of high crimes
and misdemeanors and was unworthy
of the confidence of his Majesty's
government.

and presented

An address to the Commons was prepared
praying that he would suspend Mr
Stuart from office, with his requests he
complied and his determination was
communicated to the house on the 28th of
March.

Early in the session ~~the~~ in former
Chapters allusion had occasionally been
made to the subject of a payment to
Members and to the efforts of the assembly
to obtain that end. Early in this session
these efforts were renewed by a resolution
that it was "expedient to give an
aidance to members of this house
for the expenses incurred by them in
attending in their places, whether performing
their duty in the house or not."

* By a Major
ity of 34 to 22

It was on paper provided for the payments
to members but it was rejected by the
Council. Thereupon the house included
a vote of £2000 for the purpose in
the supply bill already mentioned
~~and it was~~ as having passed. This
was doubtless done by the direction
of the Executive or Salary receiving
Members of the Council. But as for
St. Leger, some resolutions were
passed at the same time, ~~and de-~~

+ For these
resolutions
see Minutes
of Evidence
page 34.

claiming that any grant not asked
for by His Majesty was unparliamentary
and unconstitutional. The only effect
of these resolutions was to enforce
the general opinion of the Service and
Selfish character of the ~~house~~. They
passed alike believing the same
to be unparliamentary and unconstitu-
-tional. The resolutions therefore could
not impugn the motive of the assembly
whilst they certainly amounted to a
censure of wrong doing on the part
of

of the Legislative Council themselves. There 1864 177
was remarkably some delay in the payment
of the Members as the Officers & Gentlemen
who in their legislative Capacity had
agreed to the law did not scruple
to induce Lord Seymour to delay its
execution. This has not unfrequently
occurred. The Executive Council had been
known to intrigue to intrigue against
the acceptance of a Bill by the Crown
after having assisted in their legislative
Capacity, in the passing of the same.*

* "This ought not to have happened for the
Governor has no right to suspend or delay
the execution of a Law, and those who recommended
that delay or for whom refused to pay
the payment of the Members had done better
to have openly resisted the its passing in the
Legislative Council than to have promoted
or retarded its execution in the Legislative Council
of the Castle of St. Louis." Review of the Session of
1831. as given by Andrew Stuart to the late
Attorney General. Mr. Stuart is a man of great
ability and ~~and~~ of considerable liberality who
once acted with the majority of the
Assembly but he has latterly attached himself
to the minority from whose course he
continually finds himself compelled to differ.
He may be said to have placed himself
in a false position.

We must now hasten to close our
account of this important Session. ~~The~~
~~absence of persons~~ It generally
happens that the first Session under a
new Governor is fertile in useful
measures. He had had no time to
become a partizan and all parties
seem disposed to yield something
for the sake of harmony. We have
seen that Sir James Phipps first
Session resulted in the completion of
many useful laws which Lord Dalhousie's
arbitrary Conduct had stopped. This previous
to this Session there had been no previous
darning up of useful measures - so to speak.

monthlies the number of copy papers
amount to 57. Besides these the Council
received and mutilated a large number
besides which seven Bibles were reserved
for his Majesty's pleasure.

Among these were acts to incorporate the Cities of
Quebec and Montreal, and "an act to declare
Persons of the Jewish faith entitled to all the rights
and privileges of the other Subjects of his Majesty
in this Province".

On the 31st of March Lord Aylmer made
an end of the Session with a very short
speech in which he complimented both
houses on the zeal they had displayed
and thanked the House for the supplies
they had granted, adding however that
"the measure of his thanks would have
been more complete" had the House
agreed to Lord Goderich's proposal.

In his despatch to Lord Goderich a few
days after he ~~had~~ ~~mentioned~~
stated that he had remarked towards
the close of the Session a very decided
improvement in the tone and temper of the
assembly, which if met by judicious
measures on the part of the Executive
might go far ~~in~~ ~~bringing~~ ~~about~~
bringing about a greater degree of political
responsibility in this Colony than it has
enjoyed for years past.

See Minutes
of Board of
33.

and was
reorganized
on the 16th
March.

The Session of Upper Canada was called
together ~~on the 7th of January~~
soon after the opening of the Session
a proposal ~~was made~~ for a permanent
Provincially similar to that which was
agreed by that assembly of Lower Canada. The
Upper Canadian Assembly, however, was
composed of more plain materials.
The official party had a majority in
that house and a Bill was readily
passed though not without an animated
opposition granting permanently the annual
sum of £6500 to be commenced on the
opening of the Province proposed to be given
up. By this act the ~~franchise~~
Assembly ~~was~~ voluntarily gave
up their most important Constitutional
franchise and thereby betrayed the trust

confined upon them by their Constitutions.
 An assembly desiring the good of the
 Country now find its powers limited to
~~the making of laws and to raising~~
 money for improvements and its control
 of ~~the~~ a licentious execution confined
 to the voting of a few minor postulant Salaries.
 An assembly on the other ~~hand~~ hand
 desiring ~~to~~ to maintain at once ~~and~~
 so unchecked and uncontrolled. ~~Confine~~
 The profusion of which the house has been
 guilty has brought the province to a
 state of Bankruptcy; ~~The Credit of~~
~~the State~~ ~~is~~ ~~ruined~~ from the passing of the
 title under notice may be dated a
 course of conduct which has indeed by
 making the Upper Canadian Government
 a disgrace to a civilized people.*

The number of acts passed during
 the session was twenty-seven besides
 which ~~many~~ ^{a large number} were rejected by the
 Council and otherwise got rid of.
 Among these ~~acts~~ ~~passed~~ acts passed
 I fully assented to was one for raising
 £2000 of ~~debenture~~ ^{of property} to be devoted to the
 improvement of ~~the~~ and another to raise
 £5000 for the use of the Welland Canal
 Company.

* The Govern-
 ment of Upper
 Canada is
 called by
 the Whigs
 people of that
 province an
 Algerine
 Government

on the 15th of November the Legislature
 of Lower Canada was called together
 for a Session of the year chosen as
 "being the most convenient to the
 majority of the ~~Members~~ two houses."
 In his excellency's speech several public
 improvements were especially recom-
 mended to the notice of the Legis-
 tature especially the Harbour of
 Montreal and the Communications
 between the ~~Eastern~~ Townships † and
 the Cities of Quebec & Montreal.

† Lord Aylmer
 speech. The
 house having
 last session
 resolved on
 the expediency
 of fixing the
 time of the
 Meeting of the
 Provincial
 Parliament for
 the 15th Nov. —

† The Townships ~~are~~ comprise that
 district of County lying south and
 west of the Seigneuries bordering on the
 St. Lawrence which is settled by persons speaking
 the English language, and under the local tenure.

The Legislature was also recommended to revise the quarantine regulations as the Cholera was raging in Europe and it was apprehended that it might visit America.

A copy of Lord Frederick's Despatch in answer to the Assembly's petition was presented and the speaker ~~was~~ wound up with a speech for grand eloquent bombast. His lordship told them that the sentiment of "attachment to the people of this happy land" was present with him wherever he went. "It sweetens & guides his lordship - every official occupation, and as I part about my daily task of duty it teaches me to look back myself this question - what can I do this day to promote the happiness and prosperity of Canada? &c."

* This excited the movement of the bills of Montreal in a song, the burden of which was "C'est la faute à Papineau", attributing ironically all our untoward occurrences, to the speaker. This couplet occurs.

"S'il se pense aux Patriotes
que lorsqu'il met sa Culotte"

On the 18th of November ~~Lord Frederick's despatch~~ ~~was~~ ~~communicated~~ ~~to~~ ~~the~~ ~~Assembly~~ Lord Frederick's despatch, dated 7th July was communicated by Miss Gifford to the Assembly. In this despatch Lord Frederick went through the complaint embodied in the Assembly's address. With regard to the proceeds of the revenues of the Society's estate his lordship admitted that they should ~~be~~ ^{always have been} devoted to education. Lastly he stated they had been so devoted and the only question which arose related to the control, namely whether it should be with the ~~Assembly~~ ~~or~~ ~~the~~ ~~Crown~~. He cheerfully conceded it to the former but

proposed a wish that existing establishments
 should be maintained. His Lordship seems to
 have forgotten that this would include
 existing classes. The ~~College~~ ^{he added} should be given
 converted into a barrack ^{he added} should be given
 up as soon as the Legislature should provide
 adequate barracks for the troops. Lord
~~John~~ ^{Lord} ~~Godwin~~ ^{Godwin} that the troops are not
 kept in Canada at the request of the
 the good of the people but merely to
~~keep~~ ^{keep} ~~the~~ ^{the} ~~peace~~ ^{peace} ~~there~~ ^{there}; hence the
~~condition~~ ^{condition} was a mockery. With regard
 to the withholding of promised grants
^{for the purpose of} ~~the~~ ^{the} ~~second~~ ^{second} ~~prosecution~~ ^{prosecution};
 Lord Godwin's promise ~~was~~ ^{was} ~~not~~ ^{not} ~~fulfilled~~ ^{fulfilled};
 but to the complaint that the Council
 were in the ~~bad~~ ^{bad} habit of opposing them;
 belong to Education he ~~stated~~ ^{stated} ~~had~~ ^{had} ~~and~~ ^{and} ~~not~~ ^{not}
 refused ~~that~~ ^{that} he ~~could~~ ^{could} not interfere.
 The ^{question of the} ~~lands~~ ^{lands} of the Crown was, he
~~stated~~ ^{stated} ~~under~~ ^{under} ~~an~~ ^{an} ~~act~~ ^{act} ~~of~~ ^{of} ~~the~~ ^{of} ~~the~~ ^{the} ~~House~~ ^{House} ~~of~~ ^{of} ~~Commons~~ ^{Commons}
 Education and as to their complaints
 respecting the ~~bad~~ ^{bad} ~~regulation~~ ^{regulation} of
 trade he reminded the House that
 such regulation was inseparable from
 the imperial functions of the British
 Parliament. In reference to local
 municipalities, the want of which the
 Sixth resolution complained of, his Lordship
 stated that the affixing of the Royal
 Assent to the Dublin & Montreal incorporation acts
~~it~~ was evidence of his Majesty's dis-
 position to cooperate with the Assembly
 and that assent was further inclined
 to agree to any "well considered laws"
 to enable the local authorities to ~~regulate~~
 regulate their own affairs. In the
 answer to the Seventh resolution it was
 also considered that on the subject of
 the conflict of the different systems of
 law in operation in the province far
 greater benefit ^{was} due to the deliberate judgment
~~is~~ ^{is} ~~than~~ ^{than} ~~of~~ ^{of} ~~enlightened~~ ^{enlightened} ~~men~~ ^{men} in the
 Province than to any external Authority
 whatever" and Lord St John was rejoined
 "to announce to the Council and Assembly
 his Majesty's ~~determination~~ ^{determination} entire disposition"

* A Son of
 the Chief
 Justice - a
 Clergyman of
 the Church of
 England drew
 a Salary
 as Chaplain
 to the Jesuits!
 A Catholic
 order which
 as been many
 years extinct
 saving the
 salary.
 Fourth
 Resolution

money in their hands at short intervals. Her 670-183
agents however in Lordship lost sight of the
Character of the Legislative Council - a
body which had already visited several
times over for rendering public affairs as
possible and had been thrown out as
vile for the security of money in the
hands of the Queen General. To the
complaint of the Agents respecting the
Canada trade act Lord Godrich's
answer was similar to what was
given to the complaint respecting
conflicting systems of law. and I subject
to a Dispute especially arising out
of the obstructions in position of the
Legislative Council. but by the
Constitution of the Council, his Lordship
insisted that from the Output of a
separate Commission.

This despatch was received by ^{Minutes} ^{of Evidence} ^{to 41.7 Journals}
the Assembly on the 29th of November and of the Assembly
series of short resolutions passed in 1831-2-3
houses in which the promulgation in
transmitting and answering the petition
was gratefully acknowledged whilst
the house pledged itself in ~~and~~
and the third resolution to provide
such remedies as lay in its power, gave
earnest of its sincerity by referring the
several subjects alluded to in the
dispatch to separate Committees.

The first subject taken up by ^{Minutes} ^{of Evidence}
Assembly was the independence of ^{to 40}
the Judges. On the 5th of Dec Lord
Byron transmitted a message
to both houses recommending to the end
the enactment of ~~and~~ to the other
the concurrence in a bill to provide
for the salaries, retired allowances of
and in accidental expenses of the Judges
and for rendering them independent
of the Crown and of the popular branch
of the Legislature.

Just before this message was received
the Committee to whom ~~had~~ the question
consideration of the state of the administration
of Justice

171

*I had always been located at Quebec and so it still continues.

had been reported a series of Resolutions proposing that a court of appeal should be created consisting of four Judges; that the said court should be a circuit Court holding three terms in each of the cities of Quebec & Montreal and in the town of three Rivers; that it should have a criminal as well as a civil jurisdiction. The Resolutions further proposed that there should be eight Judges for the courts of original jurisdiction (besides the Judges of the inferior Districts of Gaspey and St. Pierre) who should also hold circuit courts in the most populous parts of the country.

~~In this despatch, however, the Resolutions were not reported as proposed but in a form which~~

Lord Lyburn's message had been referred to a Committee. On the 28th of December the report of this Committee was brought up and was immediately taken into consideration by a Committee of the whole house, when it was resolved by a majority of 34 to 29 that the Judges should be excluded from the legislative Council. It should here be observed that Lord Goderich in his despatch on the subject had insisted that "the Chief Justice of Quebec should be a member of the Council in order that they might derive the benefit of his assistance in framing laws of a general and permanent character". This consideration appears finally when the Bill itself was in effect the clause was lost by a majority of 34 to 24.

xx dated 8th July 1831 and to be found in the Minutes of Evidence p 50

With regard to Salaries the Bill made provision on a liberal scale and by a motion to that effect by Mr. Nelson they were made chargeable not on the general fund of the province

(as

the execution desired but upon the point
 to which the execution laid claim namely
 the Casual and Landed Revenues and
 the funds already appropriated for the
 administration of Justice. By the
 same act the Legislative Council was
 created into a Court for the trial of in-
 fringements - a plan suggested by the
 practice of the Mother Country rather
 than by the fitness of the Council for the
 office. No appeal to the King in Council
 was allowed - such a provision being
 considered too tedious and expensive

+ a more
 unfit body
 could scarcely
 be found - of
 which
 the House
 afterwards
 became con-
 vinced.
 + Lord Alington
 Minutes of
 Evidence p 56.
 + it

Subsequently the Bill passed the Council
 unanimously; and we have Lord Alington's
 own testimony that "it was considered by
 all those well acquainted with the affairs
 of the Colony as an indication of the good
 disposition of the House of Assembly" & its
 however it contained some points at
 variance with Lord Godrich's instructions
 the Governor did not venture to give
 in the Royal Assent but reserved it
 for his Majesty's pleasure. At the
 same time Lord Alington -

~~I take leave with the utmost~~
~~submission to recommend it to the favourable~~
~~consideration of his Majesty. "Once rejected"~~
 added his Lordship - "it is highly probable
 that no other from the House of Assembly
 at a future period can be looked for
 upon more favourable terms or even upon
 terms equally favourable". This recommendation
 however was disregarded and in a despatch
 dated 10 April 1802 Lord Godrich informed
 the Governor "his Majesty would not
 be advised to assent to the Bill" § § 16 & 166.
 The cause of the rejection lay in the
 claim of the Crown to the duties revenues
 out of which the Bill provided that
 the Salaries should be paid. To secure this
 immediately after the above Bill passed
 the Assembly Lord Alington sent down
 a message again asking for a permanent
 civil list deducting of course those
 items proposed to be provided for by the
 above Bill

673

* Governor's Salary	4500
Secretary (Civil)	500
do (Provincial)	400
Attorney General	300
Solitor do	200
	<u>£5900</u>

186
 but the house showed its
 attachment to the principle
 by which it proposed to
 be guided, and abstained
 from granting even the
 trifling sum asked for
 supply. This was also

papers ~~being~~ on the principle already
 observed by the house namely a grant
 of "such sum or sums as together with
 the sums already by law appropriated,
 shall amount to £58095 9. 0 Sterling".
 This Bill similar to that which had
 been accepted in 1831 was now resumed
 but Lord John Russell accepted it on the
 plea that its rejection would cause
 great inconvenience in the Colony.
 Such was the state to which the
 great questions were brought during the
 present session and it is impossible
 to peruse the several despatches and
 public documents referred to without
 feeling strongly impressed with the
 opinion that ~~the~~ the Colonial
 administration missed an opportuni-
 ty of producing harmony between the
 Legislature and the people, to the neglect
 of which we may have been witness of the
 present ~~disunity~~ *disunity*.

Among the secondary and more
 local questions may be mentioned
 the attempt of the Assembly to break
 into a species of "Select Vestry" or
 more properly speaking close corpo-
 ration system observed in the man-
 -agement of ~~the~~ temporal affairs of the
~~parochial~~ parochial affairs, in
 Lower Canada. The fabriques or
 vestries as we may call them,
 held in the election of Church wardens
 had previously been attended by the
 outgoing Church wardens and the
 cure seems the body merely renewed
 itself. on the 2nd of December some
 resolutions were
 be

in upon

(Anciens Marguilliers)

Proposing to admit "every proprietor of real property to deliberate and vote at such meetings" 674
This naturally gave umbrage to the 187

~~Primates and the American out-going church
wardens; and all of this the Party
of the minority took advantage to turn
the priests and their hearts against
the assembly.~~

at those Councils with
the fabricues. The ~~honour~~ House however
determined to oppose itself to irrespon-
sibility in what so ever shape it might
appear, and the Resolutions were
approved by a Majority of 32. to 17.
But few of the English Members voted
on the occasion. ~~But the Conduct of~~

49

~~At this period of an important
charity was passing in this Kingdom which
the history of it is the relief of sick and indigent~~ ^{Prisoners}

An act was passed during this
Session, which has given rise to some
disputations in this Country especially
amongst that portion of the press which
affects to advocate Colonial interests.

This ~~is~~ becomes the more necessary
as the ~~late~~ history of the act had
been obscured by such his statement.

* Presuming
the interests
of all those
who prey
upon our
Colonies and
we may add
upon the
people at
home.

It should be remarked, that a
vast number of indigent persons
had been annually landed at
Quebec in a perfectly destitute con-
dition and but for the voluntary
efforts of humane individuals, many
~~would~~ would annually perish; ~~represented~~
by ~~any~~ any efficient fact for the regulation of
Population hundreds were cast up
on ~~board~~ board of ships in an un-
dressed state without any guarantee that
they had with them the necessaries of
life and after being ~~subjected~~ ~~to~~ ~~the~~ ~~distress~~ ~~of~~
unfrequently subjected to the distortions of
unprincipled Ship-masters were
thrust in rags and filth upon the
(Wharves

of Duke. It is impossible to imagine the
~~flight of misery that~~ ~~constantly~~ ~~meets~~ ~~the~~ ~~eyes~~ ~~of~~ ~~the~~ ~~people~~
 It seemed as though the promoters of
 emigration sought only to get rid of
 a wretched population and whether
 whether they perished on ship-board
 or in a strange land was never
 inquired. The Papage money was
 needed before hand, and no
 common jury could be ~~summoned~~ ^{summoned} at
 sea ~~the~~ responsibility to ~~create~~
 the moment the unfortunate might
 have died or alive on the ~~other~~
 side.

To relieve the misery of the recent
 immigrant voluntary societies were
 formed but they found the demand
 on their funds so great that an
 appeal to the Legislature was
 determined upon. In 1831 plans of
 relief were discussed in the public
 prints and a public meeting was
 held. Through the medium of the
 press and at this public meeting the
 of the Duke's Emigrant Society the
 plan was first broached of a
 tax per head on the ships carrying
 passengers to be expended wholly upon
 the ~~care~~ ~~of~~ ~~the~~ ~~unfortunate~~ ~~immigrants~~
~~themselves.~~

In conformity with this plan a
 - carried plan a bill was introduced
 by Mr. Jacob De Witt a gentleman
 of great benevolence whose exertions
 in behalf of the immigrant population
 entitled him to the respect of his fellow
 citizens. The Bill provided that a
 tax of one dollar per head should
 be charged on all ships bringing passengers
 the sum so levied to be devoted in
 equal proportions to the relief of the sick
 and to the forwarding the rest to
 parts of the country where their labour
 was in demand. This bill was passed

* Children
 under 3 years
 of age not to
 count; from
 3 to 7 - 2 cents
 7 to 14, - 2 as
 1 - above 14
 the deemed
 adults.

the 6th of february and was immediately
repealed by the Council, the Speakers on
the repeal in ~~concerning it as a~~
of (many of them connected with
the thickmow and others who had
in ~~passage~~ the misery of their passengers)
denouncing his measures of matchless
benevolence as merely a French scheme
to check immigration knowing that at the
same time that it was the work of
English men and persons of English origin.

On the 7th than a week after its rejection
came a dispatch from the ~~Colonial~~
Lord Goderich, in whose sight the
plan had fortunately found favour,
the directing Lord of the Admiralty
it to the ~~Department~~. This was done
on the 14th february, after was accor-
dingly passed through the House and
on the 20th of the same month the
Serivile Council passed the very
measure which they had just before
condemned. A moving speaking Commem-
orary on this mischievous body could
scarcely be found.

* Mr. Justice
Kerr one
of their own
Body was
chisney
of the Duke
knewing when
it was discepd.

The number of acts assented to by Lord
Bymer was 73 besides which that royal
Assent was withheld from 1 and
9 were reserved. Among these latter
last was the supply bill already
mentioned, of the rest many were
reserved as Empiring Corporate functions
- in virtue of a general instruction
given to all Colonial governors. Several
upon the 25th of february Lord of the Admiralty
closed these ~~supplies~~ appropriations were
made for Education & Internal Communication
and in compliance with the Commons
recommendation a \$10000 was granted
to establish boards of health and to enforce
a system of quarantine.

On the 25th of february Lord Bymer
closed the Session, praising the delayment
of the Assembly but regretting the rejection of

677

Darwinay.

1832.3

684

1874

652

rejection of the ^{humanity} Civil list proposed for their
 adoption by Lord Goderich. Toward the
 latter end of his speech, he spoke in terms
 of satisfaction of the Oia for the independence
 of the Judges, which he characterized as
 the first practical effect of Lord 190
 Goderich's despatch of the 7th of July.

The Parliament of Upper Canada
 met on the

(See Annexed paper)

Marked BB.

=