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{TERMS—FIFTEEN SHILLINGS PER ANNUM, PAYABLE IN ADVANCE—SEVENTEEN SHILLINGS AND SIX PENCE WHEN SENT BY MAIL.}

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LORD DURHAM'S REPORT ON THE AFFAIRS OF CANADA.

FROM THE EARL OF DURHAM, HER MAJESTY'S HIGH COMMISSIONER, &c. &c. &c.

(Presented by Her Majesty's Command.)

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

UPPER CANADA.

(Continued.)

Such was the state of parties when Sir F. Head assuming the government of the colony, dismissed from the Executive Council some of the members who were most obnoxious to the House of Assembly, and requested three individuals to succeed them. Two of these gentlemen, Dr. Rolph and Mr. R. Baldwin, were connected with the reforming party, and the third, Mr. Dunn, was an Englishman, who had held the office of Receiver General for nearly 14 years, and up to that time abstained from any interference in politics. These gentlemen were at first reluctant to take office, because they feared that, as there were still three of the former Council left, they should be constantly maintaining a doubtful struggle for the measures which they considered necessary. They were, however, at length induced to forego their scruples, chiefly upon the representations of some of their friends, that when they had a governor who appeared sincere in his professions of reform, and who promised them his entire confidence, it was neither generous nor prudent to persist in a refusal which might be taken to imply distrust of his sincerity, and they accordingly accepted office. Among the first acts of the governor, after the appointment of this council, was, however, the nomination to some vacant office of individuals, who were taken from the old official party, and this without any communication with his Council. These appointments were attacked by the House of Assembly, and the new Council, finding that their opinion was never asked upon these or other matters, and that they were seemingly to be kept in ignorance of all those public measures which popular opinion, nevertheless, attributed to their advice, remonstrated privately on the subject with the governor. Sir Francis desired them to make a formal representation to him on the subject; they did so, and this produced such a reply from him, as left them no choice but to resign. The occasion of the differences which had caused the resignation was made the subject of communication between the Governor and the Assembly, so that the whole community were informed of the grounds of the dispute.

The contest which appeared to be thus commenced on the question of the responsibility of the Executive Council was really decided on very different grounds. Sir F. Head, who appears to have thought that the maintenance of the connexion with Great Britain depended upon his triumph over the majority of the Assembly, embarked in the contest with a determination to use every influence in his power in order to bring it to a successful issue. He succeeded, in fact, in putting the issue in such a light before the province, that a great portion of the people really imagined that they were called upon to decide the question of separation by their votes. The dissolution, on which he ventured when he thought the public mind sufficiently ripe, completely answered his expectations. The British, in particular, were roused by the proclaimed danger to the connexion with the mother country; they were indignant at some portions of the conduct and speeches of certain members of the late majority, which seemed to mark a determined preference of American over British institutions. They were irritated by indications of hostility to British immigration, which they saw, or fancied they saw, in some recent proceedings of the Assembly. Above all, not only they, but a great many others, had marked with envy the stupendous public works which were at that period producing their effect in the almost marvellous growth of the wealth and population of the neighbouring state of New York; and they reproached the assembly with what they considered an unwise economy in preventing the undertaking, or even completion, of similar works, that might, as they fancied, have produced a similar development of the resources of Upper Canada. The general support of the British determined the elections in favour of the Government; and though very large and close minorities, which in many cases supported the defeated candidates, marked the force which the Reformers could bring into the field, even in spite of the disadvantages under which they laboured from the momentary prejudices against them, and the unusual manner in which the Crown, by its representative, appeared to make itself a party in an electioneering contest, the result was the return of a very large majority hostile in politics to that of the late Assembly.

It is rather singular, however, that the result which Sir F. Head appears really to have aimed at was by no means secured by this apparent triumph. His object in all his previous measures, and in the nomination of the Executive Councillors, by whom he replaced the retiring members, was evidently to make the Council a means of administrative independence for the governor. Sir F. Head would seem to have been, at the commencement of his administration, really desirous of effecting certain reforms which he believed to be needful, and of securing the substantial power of the government from the heads of the party by which it had been so long monopolized. The dismissal of the old members of the Executive Council was the consequence of this intention; but though willing to take measures for the purpose of emancipating himself from the thraldom in which he was stifled that other governors had been held, he could not acquiesce in the claims of the House of Assembly to have a really responsible Colonial Executive. The result of the elections was to give him, as he conceived, a House of Assembly pledged to support him, as governor, in the exercise of the independent authority he had claimed. On the very first occasion, however, on which he attempted to protect an officer of the Government, unconnected with the old official party, from charges which, whether well or ill founded, were obviously brought forward on personal grounds, he found that the new house was even more determined than its predecessor to assert its right to exercise a substantial control over the Government; and that unless he was disposed to risk a collision with both branches of the Legislature, then composed of similar materials, and virtually under one influence, he must succumb. Unwilling to incur this risk, when, as he justly imagined, there was a party upon whose support he could rely to bear him safely through the contest, he yielded the point. Although the committee appointed to inquire into the truth of the charges made against Mr. Hepburn refused to adopt a report confirming those charges prepared by their chairman (by whom the accusation had been brought forward, and by whom the committee was virtually nominated), Sir F. Head persuaded the individual in question to resign his office, and to take one of very inferior emolument. From that time he never attempted to assert the independence which the new House of Assembly had been elected to secure. The government consequently reverted in effect to the party by which he had found in office when he assumed the governorship, and which it had been his first act to dispossess. In their hands it still remains; and I must state that it is the general opinion that never, was the power of the "family compact" so extensive or so absolute as it has been from the first meeting of the existing Parliament to the present time.

It may, indeed, be fairly said, that the real result of Sir F. Head's policy was to establish that very administrative influence of the leaders of a majority in the Legislature, which he had so vehemently disputed. The Executive Councillors of his nomination, who seem to have taken office almost on the express condition of being mere ciphers, are not, in fact, then, the real Government of the Province. It is said that the new officers of government whom Sir F. Head appointed from without the pale of official eligibility feel more apprehension of the present house than, so far as can be judged, was ever felt by their predecessors with regard to the most violent of the reforming House of Assembly. Their apprehension, however, is not confined to the present house; they feel that, under no conceivable contingency, can they expect an Assembly disposed to support them: and they accordingly appear to desire such a change in the colonial system as might make them dependent upon the Imperial Government alone, and secure them against all interference from the Legislature of the province, whatever party should obtain a preponderance in the Assembly.

While the nominal Government thus possesses no real power, the Legislature, by whose leaders the substantial power is enjoyed, by no means possesses so much of the confidence of the people as a Legislature ought to command, even from those who differ from it on the questions of the day. I say this without meaning to cast any imputation on the members of the House of Assembly, because, in fact, the circumstances under which they were elected were such as to render them peculiarly objects of suspicion and reproach to a large number of their countrymen. They were accused of having violated their pledge at the election.—It is said that many of them came forward, and were elected, as being really Reformers, though opposed to any such claims to colonial independence as might involve a separation from the mother country. There seems to be no doubt that in several places where the Tories succeeded, the electors were merely desirous of returning members who would not hazard any contest with England by the assertion of claims which, from the proclamation of the Lieutenant Governor, they believed to be practically needless; and who should support Sir F. Head in those economical reforms which the country desired far more than political changes—reforms, for the sake of which alone political changes had been sought. In a number of other instances, too, the elections were carried by the unscrupulous exercise of the influence of the Government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities. It was stated, but I believe without any sufficient foundation, that the Government made grants of land to persons who had no title to them, in order to secure their votes. This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places, to be given to the individuals entitled to them, if they were disposed to vote for the Government candidate. The taking such measures, in order to secure their fair right of voting to the electors in a particular interest, must be considered rather as an act of official favouritism than as an electoral fraud. But we cannot wonder that the defeated party put the very worst construction on acts which gave some ground for it; and they conceived, in consequence, a strong resentment against the means by which they believed that the representative of the Crown had carried the elections, his interference in which in any way was stigmatized by them as a gross violation of constitutional privilege and propriety.

It cannot be matter of surprise that such facts and such impressions produced in the country an exasperation and a despair of good government, which extended far beyond those who had actually been defeated at the poll; for there was nothing in the use which the leaders of the Assembly have made of their power to soften the discontent excited by their alleged mode of obtaining it. Many even of those who had supported the successful candidates were disappointed in every expectation which they had formed of the policy to be pursued by their new representatives. No economical reforms were introduced. The Assembly, instead of supporting the governor, compelled his obedience to itself, and produced no change in the administration of affairs, except that of reinstating the "family compact" in power. On some topics, on which the feelings of the people were very deeply engaged, as, for instance, the clergy reserves, the Assembly is accused of having shown a disposition to act in direct defiance to the known sentiments of a vast majority of its constituents. The dissatisfaction arising from these causes was carried to its height by an act that appeared, in defiance of all constitutional right to prolong the power of a major ty which, it was supposed, counteu on not being able to retain its existence after another appeal to the people. This was the passing an act preventing the dissolution of the existing, as well as any future, Assembly, on the demise of the Crown. The act was passed in expectation of the approaching decease of his late Majesty; and it has, in fact, prolonged the existence of the present Assembly from the period of a single year to one of four. It is said that this step is justified by the example of the other North American colonies; but it is certain that it nevertheless caused very great dissatisfaction, and was regarded as an unbecoming usurpation of power.

It was the prevalence of the general dissatisfaction thus caused that emboldened the parties who instigated the insurrection to an attempt which may be characterised as having been as foolishly contrived and as ill-conducted as it was wicked and treasonable. This outbreak, which common prudence and good management would have prevented from coming to a head, was promptly quelled by the alacrity with which the population, and especially the British portion of it, rallied round the government. The proximity of the American frontier, the nature of the border country, and the wild and daring character, together with the periodical want of employment, of its population, have unfortunately enabled a few desperate exiles to continue the troubles of their country, by means of the predatory gangs which have from time to time invaded and robbed, under the pretext of revolutionizing, the Province. But the general loyalty of the population has been evinced by the little disposition that has been exhibited by any portion of it to accept of the proffered aid of the refugees and foreign invaders, and by the unanimity with which all have turned out to defend their country.

It has not, indeed, been exactly ascertained what proportion of the inhabitants of Upper Canada were prepared to join Mackenzie in his treasonable enterprise, or were so disposed that we may suppose they would have arrayed themselves on his side, had he obtained any momentary success, as indeed was for some days within his grasp. Even if I were convinced that a large proportion of the population would, under any circumstances, have lent themselves to his projects, I should be inclined to attribute such a disposition merely to the irritation produced by those temporary causes of dissatisfaction with the Government of the province which I have specified, and not to any settled design on the part of any great number, either to subvert existing institutions, or to change their present connexion with Great Britain for a junction with the United States. I am inclined to view the insurrectionary movements which did take place as indicative of no deep-rooted disaffection, and to believe that almost the entire body of the Reformers of this province sought only by constitutional means to obtain those objects for which they had so long peaceably struggled before the unhappy troubles occasioned by the violence of a few unprincipled adventurers and heated enthusiasts.

It cannot, however, be doubted that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent approaching, if not amounting to disaffection, had gained considerable ground. The causes of dissatisfaction continue to act on the minds of the Reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself, the suspicions and terrors of that trying period, and the use made by the triumphant party of the power thrown into their hands, have heightened the passions which existed before. It certainly appeared too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of Reformers were subjected to suspicion, and to harrassing proceedings, instituted by magistrates whose political leanings were notoriously adverse to them. Severe laws were passed, under colour of which individuals very generally esteemed were punished, without any form of trial.

The two persons who suffered the extreme penalty of the law unfortunately engaged a great share of the public sympathy; their pardon had been solicited in petitions signed, it is generally asserted, by no less than 30,000 of their countrymen.—The rest of the prisoners were detained in confinement a considerable time. A large number of the subordinate actors in the insurrection were severely punished, and public anxiety was raised to the highest pitch by the uncertainty respecting the fate of the others, who were from time to time partially released. It was not until the month of October last that the whole of the prisoners were disposed of, and a partial amnesty proclaimed, which enabled the large numbers who had fled the country, and so long, and at such imminent hazard, hung on its frontier, to return in security to their homes. I make no mention of the reasons which, in the opinion of the local Government, rendered these different steps advisable, because my object is not to discuss the propriety of its conduct, but to point out the effect which it necessarily had in augmenting irritation.

The whole party of the Reformers, a party which I am inclined to estimate as very considerable, and which has commanded a large majority in different Houses of Assembly, has certainly felt itself assailed by the policy pursued. It sees the whole powers of government wielded by its enemies, and imagines that it can perceive a determination to use these powers inflexibly against all the objects which it most values. The wounded private feelings of individuals, and the defeated public policy of a party, combine to spread a wide and serious irritation; but I do not believe that this has yet proceeded so far as to induce at all a general disposition to look to violent measures for redress. The Reformers have been gradually recovering their hopes of regaining their ascendancy by constitutional means; the sudden pre-eminence which the question of the clergy reserves and rectories has again assumed during the last summer appears to have increased their influence and confidence; and I have no reason to believe that any thing can make them generally and decidely desirous of separation, except some such act of the Imprial Government as will deprive them of all hops of obtaining real administrative power, even in the event of their again obtaining a majority in the Assembly. With such a hope before them, I believe that they will remain in tranquil expectation of the result of the general election, which cannot be delayed beyond the summer of 1840.

To describe the character and objects of the other parties in this province would not be very easy; and their variety and complication is so great, that it would be of no great advantage were I to explain the various shades of opinion that mark each. In a very laboured essay, which was published in Toronto during my stay in Canada, there was an attempt to classify the various parties in the province under six different heads. Some of these were classified according to strictly political opinions, some according to religion, and some according to birthplace; and each party, it was obvious, contained in its ranks a great many who would, according to the designations used, have as naturaliy belonged to some other. But it is obvious, from all accounts of the different parties, that the nominal Government, that is, the majority of the Executive Council, enjoy the confidence of no considerable party, and that the party called the 'family compact' which possesses the majority in both branches of the Legislature, is, in fact, supported at present by no very large number of persons of any party. None are more hostile to them than the greater part of that large and spirited British-born population, to whose steadfast exertions the preservation of the colony during the last winter is mainly attributable, and who see with indignation that a monopoly of power and profit is still retained by a small body of men, which seems bent on excluding from any participation in it the British immigrants. Zealously co-operating with the dominant party in resisting treason and foreign invasion, this portion of the population nevertheless entertains a general distrust and dislike of them; and though many of the most prominent of the British immigrants have always acted, and still invariably act in opposition to the Reformers, and dissent from their views of responsible government, I am very much inclined to think that they, and certainly the great mass of their countrymen, really desire such a responsibility of the government as would break up the present monopoly of offices and influence.

Besides those causes of complaint which are common to the whole of the colony, the British settlers have many peculiar to themselves. The immigrants who have settled within the last ten years are supposed to comprise half the population. They complain that while the Canadians are desirous of having British capital and labor brought into the colony, by means of which their fields may be cultivated, and the value of their unsettled possessions increased, they refuse to make the colony really attractive to British skill and British capitalists. They say that an Englishman emigrating to Upper Canada is practically as much an alien in that British colony as he would be if he were to emigrate to the United States. He may equally purchase and hold lands, or invest his capital in trade in one country as in the other, and he may in either exercise any mechanical avocation, and perform any species of manual labour. This, however, is the extent of his privileges; his English qualifications avail him little or nothing. He cannot, if a surgeon, licensed to act in England, practise without the license of a board of examiners in the province. If an attorney, he has to submit to an apprenticeship of five years before he is allowed to practise. If a barrister, he is excluded from the profitable part of his profession, and though allowed to practise at the bar, the permission thus accorded to him is practically of no use in a country where, as nine attorneys out of ten are barristers also, there can be no business for a mere barrister. Thus, a person who has been admitted to the English bar is compelled to serve an apprenticeship of three years to a provincial lawyer.

By an act passed last session, difficulties are thrown in the way of the employment of capital in banking, which have a tendency to preserve the monopoly possessed by the chartered banks of the colony, in which the Canadian party are supreme, and the influence of which is said to be employed directly as an instrument for upholding the political supremacy of the party. Under the system also of selling land pursued by the Government, an individual does not acquire a patent for his land until he has paid the whole of the purchase money, a period of from four to ten years, according as his purchase is a Crown or clergy lot, and until the patent issues he has no right to vote. In some of the new states of America, on the contrary, especially in Illinois, an individual may practice as a surgeon or lawyer almost immediately on his arrival in the country, and he has every right of citizenship after a residence of six months in the state. An Englishman, therefore, is in effect less an alien in a foreign country than in one which forms a part of the British empire. Such are the superior advantages of the United States at present, that nothing but the feeling that in the one country he is among a more kindred people, under the same laws and in a society whose habits and sentiments are similar to those to which he has been accustomed, can induce an Englishman to settle in Canada in preference to the United States; and if in the former he is deprived of rights which he obtains in the latter, though a foreigner, is it not to be wondered at that he should in many cases give the preference to the land in which he is treated most as a citizen. It is very possible that there are but few cases in which the departure of an Englishman from Upper Canada to the States can be traced directly to any of these circumstances in particular; yet the state of society and the feelings which they have engendered have been among the main causes of the great extent of reemigration to the new states of the union. It operates, too, still more to stop emigration from England to the province, and thus both to retard the advance of the colony and to deprive the mother country of one of the principal advantages on account of which the existence of colonies is desirable—the field which they afford for the employment of her surplus population and wealth. The native Canadians, however, to whatever political party they may belong, appear to be unanimous in the wish to preserve these exclusive privileges. The course of legislation since the tide of emigration set most strongly to the country; and while under its influence the value of all species of property was rising, and the resources of the province were rapidly, and (for the old inhabitants) profitably developed, has been to draw a yet more marked line between the two classes, instead of obliterating the former distinctions. The law excluding English lawyers from practice is of recent origin. The Speaker of the reforming House of Assembly, Mr. Bidwell, was among the strongest opponents of any alteration of that law which might render it less rigidly exclusive, and on more than one occasion gave his casting vote against a bill having for its object the admission of an English lawyer to practise in the province without serving a previous apprenticeship. This point is of more importance in a colony than it would at first sight appear to any one accustomed only to such a state of society as exists in England. The members of the legal profession are in effect the leaders of the people, and the class from which, in a larger proportion than from any other class, legislators are taken. It is therefore not merely a monopoly of profit, but to a considerable extent a monopoly of power, which the present body of lawyers contrive, by means of this exclusion, to secure to themselves. No man of mature age emigrating to a colony could afford to lose five years of his life in an apprenticeship from which he could acquire neither learning nor skill. The few professional men, therefore who have gone to Upper Canada have turned their attention to other pursuits, retaining, however, a strong feeling of discontent against the existing order of things; and many who might have emigrated remained at home, or seek some other colony, where there course is not impeded by similar restrictions.

But, as in Upper Canada, under a law passed immediately after the last war with the United States, American citizens are forbidden to hold land, it is of the more consequence that the country should be made as attractive as possible to the emigrating middle classes of Great Britain, the only class from which accession of capital, to be invested in the purchase or improvement of lands, can be hoped for. The policy of the law just referred to may well be doubted, whether the interest of the colony or of the mother country are considered, since the wealth and activity, and consequent commerce of the province, would have been greatly augmented, had its natural advantages of soil and position been allowed to operate in attracting those who were most aware of their existence, and eminently fitted to aid in their developement; and there is great reason to believe that the uncertainty of the titles which many Americans possess to the land on which they have squatted since the passing of this law is the main cause of the disloyalty, or rather very lukewarm loyalty, evinced by that population in the western district. But when this exclusion had been determined upon, it would at least have been wise to have removed every thing that might have seemed like an obstacle in the way of those for whom the land was to be kept open, instead of closing the principal avenues to wealth or distinction against them in a spirit of petty provincial jealousy.

The great practical question, however, on which these various parties have for a long time been at issue, and which has within a very few months again become the prominent matter in debate, is that of the clergy reserves. The prompt and satisfactory decision of this question is essential to the pacification of Canada; and as it was one of the most important questions referred to me for investigation, it is necessary that I should state it fully, and not shrink from making known the light in which it has presented itself to my mind. The disputes on this subject are now of long standing. By the Constitutional Act a certain portion of the land in every township was set apart for the maintenance of a 'Protestant' clergy. In that portion of this report which treats of the management of the waste lands, the economical mischiefs which have resulted from this appropriation of territory are fully detailed: and the present disputes relate solely to the application, and not to the mode of raising the funds, which are now derived from the sale of the clergy reserves. Under the term 'Protestant clergy, the clergy of the church of Engand have a way claimed the sole enjoyment of these funds. The members of the church of Scotland have claimed to be put entirely on a level with the church of England, and have demanded that these funds should be equally divided between both. The various denominations of Protestant Dissenters have asserted that term includes them, and that out of these funds an equal provision should be made for all Christians who do not belong to the church of Rome. But a great body of all Protestant denominations, and the numerous Catholics who inhabit the province, have maintained that any such favour towards any one, or even of all the Protestant sects, would be most unadvisable, and have either demanded the equal application of those funds to the purpose of all religious creeds whatsoever, or have urged the propriety of leaving each body of religionists to maintain its own establishment, to repeal or disregard the law, and to apply the funds to the general purposes of Government, or to the support of a general system of education.

The supporters of these different schemes having long contended in the province, and greatly inconvenienced the Imperial Government by constant references to its decision, the Secretary of State for the Colonies proposed to leave the determination of the matter to the Provincial Legislature, pledging the Imperial Government to do its utmost to get a Parliamentary sanction to whatever course they might adopt. Two bills in consequence passed the last House of Assembly, in which the Reformers had the ascendancy, applying these funds to the purposes of education; and both these bills were rejected by the Legislative Council.

During all this time, however, though much irritation had been caused by the exclusive claims of the church of England, and the favour shown by the Government to one, and that a small religious community, the clergy of that church, though an endowed, were not a dominant priesthood. They had a far larger share of the public money than the clergy of any other denomination, but they had no exclusive privileges, and no authority, save such as might spring from the efficient discharge of their sacred duties, or from the energy, ability, or influence of members of their body. But the last public act of Sir John Colborne before quitting the government of the province in 1835, when was the establishment of 57 rectories, has completely changed the aspect of the question. It is understood that every rector possesses all the spiritual another privileges enjoyed by an English rector; and though he may have no right to levy tithes (for ever this has been made a question,) he is in all other respects in precisely the same position as a clergyman of the established church in England. This is regarded by all other teachers of religion in the country as having at once degraded them to a position of legal inferiority to the clergy of the church of England; and it has been resented most warmly. In the opinion of many persons, this was the chief predisposing cause of the recent insurrection, and it is an abiding and unabating cause of discontent. Nor is this to be wondered at. The church of England in Upper Canada, by numbering in its ranks all those who belong to no other sect, represents itself as being more numerous than any single denomination of Christians in the country. Even admitting, however, the justice of the principle upon which this enumeration proceeds, and giving that church credit for all that it thus claims, its numbers could not amount to one-third, probably not a fourth of the population. It is not therefore, to be expected that the other sects, three at least of whom—the Methodists, the Presbyterians, and the Catholics—claim to be more numerous than the church of England, should acquiesce quietly in the supremacy thus given it. And it is equally natural that the English dissenters and Irish Catholics, remembering the position which they occupied at home, and the long and painful struggle through which alone they have obtained the imperfect equality they now possess, should refuse to acquiesce for themselves in the creation of a similar establishment in their new country, and thus to bequeath to their children a strife as arduous and embittered as that from which they have so recently and imperfectly escaped.

But for this act, it would have been possible, though highly impolitic, to have allowed the clergy reserves to remain upon their former undetermined and unsatisfactory footing. But the question as to the application of this property must now be settled, if it is intended that the province is to be free from violent and perilous agitation. Indeed, the whole controversy, which had been in a great measure suspended by insurrection, was in the course of the last summer revived with more heat than ever, by the most inopportune arrival in the colony of opinions given by the English law officers of the Crown in favour of the legality of the establishment of the rectories. Since that period the question has again absorbed public attention, and it is quite clear that it is upon this practical point that issue must sooner or later be joined on all the constitutional questions to which I have previously adverted. I am well aware that there are not wanting some who represent the agitation of this question as merely the result of its present unsettled character, and who assert, that if the claims of the English church to the exclusive enjoyment of this property were established by the Imperial Parliament, all parties, however loud their present pretensions, or however vehement their first complaints, would peacefully acquiesce in an arrangement which would than be inevitable. This might be the case if the establishment of some dominant church were inevitable. But it cannot be necessary to point out that in the immediate vicinity of the United States, and with their example before the people of Canada, no such institution, real or fancied, occasioned and supported by British rule, would be regarded in this light. The result of any determination on the part of the British Government or Legislature to give one sect a predominance and superiority would be, it might be feared, not to secure the favoured sect, but to endanger the loss of the colony, and in vindicating the exclusive pretensions of the English church, to hazard one of the fairest possessions of the British Crown.

I am bound, indeed, to state, that there is a degree of feeling and an unanimity of opinion on the question of ecclesiastical establishments over the northern part of the continent of America, which it will be prudent not to overlook in the settlement of this question. The superiority of what is called "the voluntary principle" is a question on which I may almost say that there is no difference of opinion in the United States; and it cannot be denied that on this, as on other points, the tone of thought prevalent in the Union has exerted a very considerable influence over the neighbouring provinces.—Similar circumstances, too, have had the effect of accustoming the people of both countries to regard this question in a very different light from that in which it appears in the Old World; and the nature of the question is indeed entirely different in old and new countries. The apparent right which time and custom give to the maintenance of an ancient and respected institution cannot exist in a recently settled country, in which every thing is new; and the establishment of a dominant church there is a creation of exclusive privileges in favour of one out of many religious denominations, and that composing a small minority, at the expense, not merely of the majority, but of many as large minorities. The church, too, for which alone it is proposed that the state should provide, is the church which, being that of the wealthy, can best provide for itself, and has the fewest poor to supply with gratuitous religious instruction. Another consideration which distinguishes the grounds on which such a question must be decided in old and new countries is, that the state of society in the latter is not susceptible of such an organization as is necessary for the efficiency of any church establishment which I know, more especially of one so constituted as the established church of England; for the essence of the establishment is its parochial clergy. The services of a parochial clergy are almost inapplicable to a country where a constantly varying population is widely scattered over the country. Any clergy there must be rather missionary than parochial.

A still stronger objection to the creation of a church establishment in this colony is, that not merely are the members of the church of England a small minority at present; but, inasmuch as the majority of immigrants are not members of the church of England, the disproportion is likely to increase, instead of disappearing, in the course of time. The mass of British emigrants will be either from the middle classes of Great Britain, or the poorer classes of Great Britain, or the poorer classes of Ireland, the latter almost exclusively Catholics, and the former in a great proportion either Scotch Presbyterians or English Dissenters.

It is most important that this question should be settled, and so settled as to give satisfaction to the majority of the people of the two Canadas, whom it equally concerns; and I know of no mode of doing this but by repealing all provisions in imperial acts that relate to the application of the clergy reserves, and the funds arising from them, leaving the disposal of the funds to the local Legislature, and acquiescing in whatever decision it may adopt. The views which I have expressed on this subject sufficiently mark my conviction, that, without the adoption of such a course, the most mischievous practical cause of dissension will not be removed.

I feel it my duty, also, in this, as in the Lower Province, to call attention to the policy which has been, and which ought to be, pursued towards the large Catholic population of the province. On this subject I have received complaints of a general spirit of intolerance and disfavour towards all persons of this creed, to which I am obliged to give considerable credit, from the great respectability and undoubted loyalty of those from whom the complaints were received. Bishop M'Donnell, the venerable Roman Catholic Bishop of Kingston, and Mr. Manahan, M. P. for the county of Hastings, have made representations in letters, which will be given in the appendix to this report. The Catholics constitute at least a fifth of the whole population of Upper Canada. Their loyalty was most generally and unequivocally exhibited at the late outbreak. Nevertheless, it is said that they are wholly excluded from all share in the government of the country and the patronage at its disposal.—'In Upper Canada,' says Mr. Manahan, 'there never was one Irish Roman Catholic an executive or legislative councillor, nor has one been ever appointed to any public situation of emolument and profit in the colony.'

The Irish Catholics complain very loudly and justly of the existence of Orangism in this colony: They are justly indignant that, in a province which their loyalty and bravery have materially contributed to save their feelings are outraged by the symbols and processions of this association. It is somewhat difficult to understand the nature and objects of the rather anomalous Orangeism of Upper Canada. Its members profess to desire to uphold the Protestant religion, but to be free from those intolerant feelings towards their Catholic countrymen which are the distinctive marks of the Irish Orangemen. They assert that their main object to which the support of the English church is subsidiary, is to maintain the connexion with Great Britain. They have sworn, it is said, many ignorant Catholics into their body; and at their public dinners, after drinking the 'pious, glorious, and immortal memory,' with all the usual formality of abuse of the Catholics, they toast the health of the Catholic bishop, M'Donnel. It would seem that their great purpose has been to introduce the machinery, rather, than the tenets, of Orangeism; and the leaders probably hope to make use of this kind of permanent conspiracy and illegal organization to gain political power for themselves. In fact, the Catholics scarcely appear to view the institution with more jealousy than the Reformers of the province. It is an Irish Tory institution, having not so much a religious as a political bearing. The Irish Catholics who have been initiated have entered it chiefly from its supposed national character, and probably with as little regard to the political as to the religious objects with which it is connected. Still the organization of this body enables its leaders to exert a powerful influence over the populace; and it is stated that at the last general election the Tories succeeded in carrying more than one seat by means of the violence of the organized mob thus placed at their disposal. It is not, indeed at the last election only that the success of the Government candidate has been attributed to the existence of this association. At former elections, especially those for the county of Leeds, it is asserted, that the return of the Canadian Deputy Grand Master, and of the then Attorney General, his colleague, was procured by means of a violent and riotous mob of Orangemen, who prevented the voters in the opposition interest from coming up to the poll. In consequence of this and other outrages the Assembly presented an address to Sir Francis Head, begging 'that his Excellency would be pleased to inform the House whether the Government of the province had taken, or was determined to take any steps to prevent or discourage public processions of Orange societies or to discourage the formation and continuance of such societies." To this address the governor made the following reply:—'The Government of this province has neither taken, nor has it determined to take, any steps to prevent or discourage the formation or continuance of such societies." It is to be presumed that this answer proceeded from a disbelief in the truth of these charges of outrage and riot which were made the foundation of the address. But it can excite no surprise that the existence of such an institution, offending one class by its contemptuous hostility to their religion, and another by its violent opposition to their politics, and which had been sactioned by the governor, as was conceived on account of its political tendencies, should excite among both classes a deep feeling of indignation, and add seriously to the distrust with which the Government was regarded.

In addition to the irritation engendered by the position of parties, by the specific causes of dispute to which I have adverted, and by those features in the government of the colony which deprive the people of all power to effect a settlement of the questions by which the country is most deeply agitated, or to redress abuses in the institutions or in the administration of the province, there are permanent causes of discontent, resulting from the existence of deep-seated impediments in the way of its industrial progress. The province is without any of those means by which the resources of a country are developed, and the civilization of a people is advanced or upheld. The general administration of justice, it is true, appears to be much better in Upper than in Lower Canada. Courts of justice, at least, are brought into every man's neighbourhood by a system of circuits, and there is still some integrity in juries. But there are general complaints of the union of political and judicial functions in the Chief Justice; not because any suspicion attaches to that judge's discharge of his duties, but on account of the party grounds upon which his subordinates are supposed to be appointed, and the party has attributed to them. Complaints, too, similar to those which I have adverted to in the lower province, are made against the system by which the sheriffs are appointed. It is stated that they are selected exclusively from the friends or dependents of the ruling party; that insufficient securities are taken from them; and that the money arising from executions and sales, which are represented as unhappily very numerous in this province, generally remains in their hands for at least a year. For reasons also which I have specified in my account of the lower province, the composition of the magistracy appears to be a serious cause of mischief and dissatisfaction.

But, independently of these sources of complaint, are the impediments which I have mentioned. A very considerable portion of the province has neither roads, post-offices, mills, schools, nor churches. The people may raise enough for their own subsistence, and may even have a rude and comfortless plenty, but they can seldom acquire wealth; nor can even wealthy landowners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral, and social position than they themselves fill. Their means of communication with each other, or with the chief towns of the province, are limited and uncertain. With the exception of the labouring class, most of the immigrants who have arrived within the last ten years are poorer now than at the time of their arrival in the province. There is no adequate system of local assessment to improve the means of communication; and the funds

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