

IMPERIAL PARLIAMENT.

HOUSE OF COMMONS—MAY 2.

THE CANADAS.—[Continued.]

Mr LABOUCHERE rose.—He did not mean to question the right of the House in its Imperial capacity to alter the Act of 1791, which he looked upon as the great Charter of the liberties of the Canadians. No doubt the House was justified in interfering with the inferior Legislatures in extreme cases, and if it was done in this case, he trusted it would be done with all due regard to the rights given by the compact between this country and Canada to the French Canadians. (Hear, hear.) In the course of the statement, the Right Honorable Gentleman had misrepresented, no doubt unintentionally, Mr. Pitt's intention in bringing in the Bill of 1791. The principal object of the Bill was the division of Canada into Upper and Lower, and the object of that was, to throw the political weight into the hands of the French settlers, who formed the great majority of the population. It was the only way Mr. Pitt could devise to secure the Canadians in the enjoyment of the rights and customs to which they were attached.—(The Honorable Member here read a number of extracts from Mr. Pitt's speech on bringing forward the Bill, for the purpose of showing that his intention was such as he had stated.) Mr. Pitt's intentions, however, had not been adhered to, and the Right Honorable Gentleman (Mr. Huskisson) did not do him justice when he said that his plans had failed. Mr. Pitt intended that the Legislative Council should be selected from the French Canadians as well as the House of Assembly, but instead of this, it had been generally selected from English, or minor part of the population. The House generally, was, perhaps, not aware of the smallness of the number of the English settlers compared with those of French descent. Of the latter, he believed, there were nearly 500,000, whilst of the English, there were only 100,000. He felt as much inclined as any Honorable Member to favour the English settlers: but he trusted it was not intended to do it at the expense of the rights of the original inhabitants, who were still the great majority. One great source of the discontent at present prevailing in Canada was, he thought, that very Bill of 1822, to which the Right Honorable Gentleman had slightly alluded. The Canadians looked upon that Bill as a plan to deprive them of their rights by surprise, and had ever since distrusted the Government, in which, before—whatever had been their disputes with the Governors and local authorities—they had placed the utmost reliance. He hoped the Right Honorable Gentleman would now relieve the Canadians, and give them even a more positive pledge than he had yet done, that Government never intended to take them by surprise. He cordially concurred in the sentiments expressed by the Right Honorable Gentleman towards the conclusion of his speech, and he trusted Great Britain would never think of sacrificing Colonies which, besides being memorials of the policy of a Chatham, and the valour of a Wolfe, offered the far more brilliant trophy of the affection of a conquered people, conciliated by justice and kindness. (Cheers.)

Mr. Secretary HUSKISSON said that the Honorable Member had seemed to have misapprehended him on a very material point. It might be in the recollection of the House, he stated at the outset that the governing principle of all their proceedings would be to preserve, to the utmost extent, every obligation of good faith towards the French settlers in Canada. By obligation of good faith he did not merely mean matter of contract between them and this country, but all that was conceded to them in 1774. It was only in that point of view that he desired the subject to be investigated.

Sir JAMES MACINTOSH said that, before he proceeded to the discussions of this most important subject, he would anticipate the feeling of the House, and congratulate it and the public on the assurance given by the Hon. Gentleman who spoke last (Mr. Labouchere), that he would become a most useful member of that House, by exhibiting a rational and liberal curiosity, in exploring the situation of the colonies in America, while the fashion of the day was to loiter away on the continent of Europe. Nothing was more honourable than that spirit of curiosity to pry into the political policy of distant colonies. After presenting petitions from 87,000 inhabitants of Lower Canada, setting forth the grievances complained of against the administration of the government, it would be inconsistent in him to with-

hold whatever observations he had to make on the present subject, and await the time when the provisional measure should come before the House from the Right Hon. Gentleman. If it were not for these considerations, it would be natural for him to second the motion of the Right Hon. Gentleman: and he would be contented with a silent acquiescence in the motion, and reserve what he had to say till the time when the House was about to adopt some measure on the subject, if he had not acted towards Lower Canada in the manner in which the Hon. Gentleman who had last addressed the House had stated. The trust and confidence reposed in him by the parties, imposed on him the obligation of honour and duty to let no opportunity pass without calling the attention of the House to these colonies, and without watching over the maintenance of their legitimate rights. In the exercise of his judgment in that House, he was resolved neither to sacrifice his moral rights of an independent subject to them or to any others; but he felt it a paramount duty to lay aside all other considerations, and state to the House the reasons which influenced him on this occasion. With respect to the speech of the Right Hon. Gentleman, there was nothing in the latter part of it which did not meet with his full consent and approbation. He had always held, and ever should hold, the principle, that it was absolutely necessary to protect all those colonies scattered over the whole face of the earth. All those individuals were entitled to the protection of the empire, with whom we were connected, and who claimed the privilege of a great community, fully bound to the mother country by more substantial and inviolable ties than we were bound to foreign Governments, and whom it was impossible to relinquish without a sacrifice of moral duty. He held with respect to morality, that the bond of union ought to be the same as that which binds the neighbouring nations. His maxims of colonial policy in the present state of the world were few and simple, and these were to protect the colonies, and suffer them to conduct their own internal affairs. They ought to be left to the reasonable administration of their own Government, and possess a controul over their own money which they raised, neither should any restriction be laid on the proper appropriation of it. If this maxim should be adhered to, it was the only maxim by which the colonies, in the present state of mankind, were likely to remain long bound to the mother country. This was the only maxim by which any well regulated Government could be maintained in the colonies—and the only maxim by which, being adhered to, the evils of a Colonial Government can be remedied. These maxims formed his creed with respect to Colonial Government. He agreed with the Hon. Gentleman who spoke last, that, of all these maxims, that could be the best, of leaving the internal management of a colony to itself in all cases but those of urgent necessity—manifest necessity. Under those circumstances, by the system of colonial policy about to be pursued by the Right Hon. Gent. the root and branch of these maxims were subverted, and the most material injury inflicted on these provinces. Of these two provinces, Lower Canada consisted of 700,000 souls. They were not a mixed population; but were of one race, in one happy state of society, and by the greatest blessing which could be conferred on mankind, they were exempt from the curse of slavery, speaking the same language, and not afflicted with those differences of religion known in Europe. The society in that colony was unlike that in Europe. He alluded to the Government of the East Indies, contradistinguished from that of Canada by its exemption from castes and other evils which obtain in other colonies. Under these circumstances, he could venture to say that the population of that colony would grow to a great nation, from the attention to the subject, and the controul exercised over it by the Legislative Assembly. The Right Hon. Gentleman, by the historical deduction mentioned in his speech, had saved him (Sir John) the trouble of following him. The Right Hon. Gentleman had divided his speech into two parts, consisting of two different classes of reasoning, to prove the necessity of interfering with the internal government of the Canadas. He (Sir J. M.) considered that there existed faults to a great amount in the administration of the Government by Lord Dalhousie. He did not mean to speak disrespectfully of Lord Dalhousie, whom he believed to be a man of high honour; but when he spoke of the government he did not allude to the man. His (Sir J.'s) opinion of these grievances was different from that entertained by the Right hon. Gent. But what are the

grounds on which the Right hon. Gent. now moves that a Committee should be appointed? To enquire into the law of real property, and expense of litigation, which is almost a denial of justice. These are the first grounds for inquiry. The second are, the inadequate representation in the colonial Legislature; and for that reason the subject is to be referred to a Committee. The third subject is, the mode of legislation—these are the three grounds which he has specified for calling upon the Knights, Burgesses, &c. of Great Britain, in Parliament assembled, to take the civil Government of the Canadas into consideration, and legislate for these colonies. But are these the only grounds on which he should have rested the merits of the question? Is Canada the only country where grievances of that description exist? Did they never hear that in other countries as well as in Canada the law of real property and other law usages were as complete a labyrinth as the human mind could conceive?—(Hear, hear.) He had no wish to enter into all the intricacies of the subject, and would say simply, that in a certain country, for the last forty years, a high legal character of the greatest acuteness, could not trace clearly what the law was, and went on doubting without end. This was well known. He would not allude more particularly to the individual, or pretend to mention names, but every one knew that in other countries as well as Canada the common laws and other laws were extremely defective. Did the Right hon. Gent. never hear of any other country where there was no rule or principle of law to guide a judgment of a Court, and where the people were equally defective with those in Canada on many points of the first importance in regulating the affairs of the country, and was Canada alone to be brought forward for judgment, because it was not superior to other countries? The third charge against its inhabitants was one of a serious nature—they were ignorant of political economy. The debates of the Legislature show the grossest ignorance on that point—they would not allow the importation of a single grain of foreign corn—(laughter;) they said they could raise sufficient food for the people of the country, and that other nations were dependent on them. All this monstrous nonsense the Legislature of Canada was guilty of, and, therefore, the Right hon. Gentleman had brought forward a motion for appointing a Committee to correct the malpractices of these seigniorial legislators. They were called an Assembly of seigniorial legislators—grave, sedate and imposing—but after all what did this word seigniorial signify? Translated into simple innocent English, seigniorial meant manorial, and manorial meant only the Lord of the Manor. These Lords of the Manor had been charged with neglecting their duty. He was but a bad sportsman, his sporting days was over—(laughter;) and he would not, therefore, say whether Lords of the Manor performed their Parliamentary duty better by sitting day after day legislating about pheasants, hares and partridges, and displaying more zeal for the sports of the field than for the well being and improvement of their fellow subjects.—[hear, hear.] had the Right hon. Gentleman proposed to alter the law, and arraign the Legislature of any other country, he might have supported him; but he must say that nothing yet had been mentioned which could justify such a violent interference in the affairs of a dependant state. The Custom of Paris, which had been in use since 1717, was said to be bad—as bad as the laws respecting the divisions of real property, and at the same time enormously expensive to the country, but this he could not assent to. Was it likely that a body of learned men, who had done so much and were so celebrated for their legislative enactments, would have given a code of laws to this colony, which could be so defective as had been represented? It was not at all likely, and he believed the fault lay not with the state of the laws, but the evil arose entirely from the mode in which they were carried into execution. The House of Assembly was not so much to blame as had been imagined. They had passed a variety of Bills for reforming and improving the laws and customs of the country, but they were all thrown out by the Upper house—that house completely under the control of Government. The Lower house showed no fear of reformation; they, on the contrary, sanctioned it, carried it partly into effect, and were prevented only by the Upper house from carrying it fully into effect. They sanctioned the independence of the judges, and gave their assent to a variety of measures of the most vital importance in a free state; but all these were rejected by the other house.