

chise amongst the several districts of Lower Canada, in the year 1792, nearly in the following proportion:—To eighteen districts, he allotted the privilege of sending two members each; to three others, one member each; to two cities, four members; to one of the towns, two; and to one more, but a single representative. It was certainly a misfortune that the gallant officer had adopted a mode of distribution, so fallacious in its results to Lower Canada, where those districts and seigniorities, having the advantage of being placed on the two banks of the River St. Lawrence, were of course the more populous at that period, and hence were considered entitled to have two representatives; whilst the other districts, not being French seigniorities, being remote from the advantages of commerce, through their great distance from the River St. Lawrence, and consequently but thinly peopled by English settlers exclusively, were apportioned the lesser number of representatives, and each district was considered entitled only to one representative. It was a great mistake to take the existing population of that day, in these districts, as a permanent rule or criterion to determine in what proportion they were entitled to representatives. The effect of taking this as a criterion never to be changed, was, that it threw the whole weight of the representation into the French seigniorities, and into the seigniories alone. Thus, in that part of a country which consisted of seigniories in part, and partly of villages, the English settlers who were almost always to be found in the latter, which had not the advantage of roads to communicate with distant places, or were not situate on either of the banks of the River St. Lawrence, had hardly any share in the representation. Any one of the Counties, he believed, would exceed in dimensions the whole of the seigniories, and perhaps not long hence, would exceed them also in population. Had the division of the counties been into sections, taking care that none of these sections should be entitled to send more than two members to the House of Assembly, then the inconvenience now complained of would not have been felt, and the English settlers would fairly have participated in the representation of these provinces. From this participation they were not excluded, and the French seigniories alone possessed that influence, derivable from so important an advantage. In consequence of adopting this objectionable rule of partition in respect to the representation of Lower Canada, there had been no addition, notwithstanding its increase in population, to the number of representatives; whilst in Upper Canada, where a sounder principle had been adopted in the distribution of the representation, there had been an increase in the Representative body from 15 to 50 in number. Although it was true that every freeholder was entitled to vote, that privilege or benefit was still confined to the French seigniories. He stated this with more confidence, because that all persons connected with Canada, and all parties interested in the welfare of this colony, admit that some change in this respect, was absolutely necessary even for the welfare of this province. It had hitherto been the object of the Canadian Legislature, and the circumstance was naturally enough accounted for, to endeavour to adopt exclusive principles and restrictions, with respect to every thing English, whether English settlers, English industry, or English Laws. In fact, it was impossible to obtain justice but in the seigniories, or to enforce payment, to sue or to be sued, or to compel an account, except according to the form of proceeding adopted in that province, denominated the custom of Paris. This was a system of law or constitution, growing out of the French customs of a very distant date, which were inimical to trade.

They were not that system of laws known in France at the time of Louis XVI, or even shortly prior to the Revolution, but antecedent even to the year 1760; that is, it was a system of law arising out of the decrees or regulations of the Parliament of Paris, without such regulations being at all subject to any revision or control by courts of an equitable jurisdiction. Then it was only in this wilderness in another hemisphere that it was possible now to trace the remnant of the French feudatory system in the present day. And the evils of that system was aggravated by its being unaccompanied by the establishment of any superior court or correctional jurisdiction, which might improve or render less oppressive its injurious influence on the interests of the colonists. Thus these circumstances were all unpropitious to the interests of the English settler in particular, who felt himself as much excluded from the body of the French settlers occupying both banks of the St. Lawrence, as a colony of Englishmen seated in the centre of France would have found itself so far back as the 13th century. It was not singular, therefore, that no proportionate improvement had taken place under these circumstances in Lower Canada, as compared with Upper Canada. Were he to attempt to enumerate the in-

conveniences and evils arising out of the existing system there, he was satisfied he would quite weary out the patience of the house. On the law of mortgages a complete alteration was necessary; the registration of deeds had uniformly been resisted; the introduction and employment of English capital was considered a grievance, and there was no system of law in force for keeping open a free communication by roads from one part of the country to another. On this head, so absurd and absolute was the old law of France, that the Legislature, with all the aid of the executive government, had not, for the last 15 years, created a single new road, nor attempted to connect any distant district with the great River St. Lawrence, content with those afforded through the medium of some tributary streams. The advantages to be derived from establishments for the purpose of generally diffusing education throughout the younger branches of society had been totally neglected and overlooked, and they appeared, in most instances, less desirous of cultivating their mutual connexion with each other, than improving their intercourse with the neighbouring districts of the United States, from whence it appeared they felt their wants were more likely to be relieved. In the year 1822 attempts were made to improve the condition of the colonists by, amongst other regulations, an incorporation of the French seigniories with other districts, which, however, was resisted and failed. Whether this was the best mode of remedying the evils in the system, he should not stop now to inquire. It was also proposed subsequently that it would be a step towards this reform, so desirable to the interest of the colony, that the whole of those districts in Lower Canada which were now separate from, and prejudiced by, the exclusive advantages of the seigniories, should be incorporated into a third Province, an organized representation. To this, however, there existed, in different quarters, very strong objections. One important consideration for the house was, what should be the controlling power which the Government there ought to exercise over the Legislature; another was, the fiscal control over its annual revenue. In the year 1774, the French laws there had been abrogated, and its own revenue had been allotted to its own use. The permanent revenue of Canada was about 32,000*l.* a year, which had of right been subject to, or appropriated by, the Lords Commissioners of the Treasury. The hereditary revenue of the Crown was small, consisting of inconsiderable fines and forfeitures at the Crown's disposal, but all these were applied to the local wants of the Colony; the deficit, or remainder, was raised there by the Legislature itself, and was in great part applied to the improvement of the navigation of the River St. Lawrence. The whole formed a sum of 140,000*l.* applicable to general purposes. Ever since the year 1774, nothing could go on more smoothly than the money affairs of the colony. The Assembly of Lower Canada came to a resolution, to apportion the permanent revenue of the colony item by item. On the other hand it was maintained, that the Crown alone had a right to appropriate this branch of revenue to the maintenance of the administration of justice, and the civil government of the colony, he believed there was no lawyer then present who would be disposed to deny that the Crown had a right so to do. [Hear.] The Crown, having control of the public purse had refused to acquiesce in this appropriation except it were made under the distribution of the Crown. This was the cause of the whole dispute existing between the executive Government and the representative Assembly. Both parties might be fairly considered as standing on their extreme rights. Its immediate effect was to impose on the executive a necessity to direct warrants to be issued, which in strictness were not authorised by acts of the Legislature. This was a circumstance which, under a free form of government, could not be witnessed without being deplored. In an English House of Commons it was to be regretted that any part of the revenue had been even by necessity so appropriated. But such was the consequence of this unhappy difference; and it appeared now, that the persons holding the opinion he had stated, calculated on accomplishing their object through the medium of the distress it would entail on that country, and wearying out those who were officially answerable to the English Government. And was it right that these parties should be suffered by that house thus to weary the executive until they have obtained their ends? But he would now ask what had been the consequences of this compulsory departure from the practice of the colonial au-

thorities there? Had any thing been expended extravagantly, or beyond what was absolutely necessary? Had not every useful object been suspended there? He could not call the present a state of anarchy, but he would not hesitate to say it was a state extremely to be deplored. He would abstain from going further into the question than was absolutely necessary to show the house that it has a right to interfere, and endeavour to establish a system which might give a fair share of benefits to be derived from a free form of government to the whole provincial population; granting, at the same time, an authority to the Executive Government to improve the condition and resources of the Province, to form and assimilate a fund, similar to that which was called in this country the civil list. It was not fit that the English Ministers, and the Judges of the land should, as on the principle of their old French system of Government, be suffered to be dependent on a popular vote, and the arts by which it is too often obtained. [Loud cheers.] Besides, this would be to throw them on a fluctuating fund for support and remuneration. He would only ask the House to establish, for the use of those Provinces, a civil list for a definite period, providing that after that list was paid off yearly, the remainder of the money in the hands of the executive should be left to the control of the colonial Legislature. So little anxious was the Colonial Government to have any balance in its hand, that it had expressed itself desirous to submit the very last shilling of their revenue to the investigation and examination of the representative Assembly, and submit to the arrangement which he now had the honor to propose. [Hear.] He should refrain from entering into many other topics he might have introduced, because he thought he had said enough already to induce the house to agree with him that they ought to refer the present state of the Civil Government of Canada, under the Act of 1791, to a Committee. He hoped he should not hear it said, as some he believed out of doors have done, that they might spare themselves the trouble of entering into this subject, by relinquishing up to the colony itself all control and dominion over those provinces. [Hear.] He knew such were not the sentiments of the Colonists themselves. They were from feeling attached to this country; and the many splendid proofs they had given of their heroic conduct on trying occasions, and their fidelity to the interests of this empire, challenged our best wishes and eager anxiety for their welfare, and the continuance of the connexion between the two countries. [Cheers.] He would not dilate on the importance of the connexion, in a naval, political and commercial point of view, but he must remind the House, that the political honor, the good faith of this country, was pledged to the protection and support of the Canadian Provinces, and warn them of the moral effects which would be produced throughout Europe and the world, by our voluntary relinquishment, if it might not rather be called abandonment, of our dominion over that quarter of the globe. [Loud cheers.] No country more loudly, more justly, demanded our support, our protection, than Canada. Her value to us was not, like that of Louisiana to France, to be estimated by pounds, shillings and pence, nor ought it basely to be sold or bartered for money. We could not part with our dominions there without doing an injustice to their fidelity and tried attachment, and tarnishing forever our national honor. We were not at liberty to forego the high and important duties imposed on us by our relative situation towards these colonies. It was a country where no distinctions prevailed, such as disturbed some of our other territorial possessions abroad, there was no distinction of castes or of slavery, which tended to engender dissention or disaffection. We had every where displayed marks of a paternal government, and planted improvements on not only on our colonies there, but wherever our empire has extended; we had carried thither our language, and our laws, and our free institutions, and they could not fail, in the fullness of time, to be free countries like our own. If it were said this was true, but it was a great sacrifice; he would reply that despite of that sacrifice, England still stood pre-eminent in power and happiness above all other nations. Were there not bonds between nations as well as between individuals; or was it fair to object to us that whilst imparting to other countries those blessings he had feebly attempted to describe, we had only been prompted by a desire to rid ourselves of a surplus population? Whether we were to continue in close connexion, and in the hands of common international union; or whether, in the course of