

LOWER CANADA.

Declaration of the Montreal Constitutional Association, at the General Annual Meeting held in Montreal, Dec 7, 1835.

The termination of the period for which the Executive Committee of the Constitutional Association were appointed, imposes on the General Committee the duty of addressing themselves to the entire body of their fellow citizens who have rallied round the edifice of the Constitution.

The Association cannot too frequently place before the public the principles and demands of the population of British and Irish descent, and contrast them with the acts and the demands of the dominant party in the Assembly.

Constitutionalists demand ameliorations in the law, and changes in the institutions of the country, beneficial in their immediate effects, and valuable as elevating the condition of the French peasantry, and qualifying them for the exercise of the latter duties of freemen.

The efforts of the French Canadian leaders, on the contrary, are limited to the preservation of their ancient institutions, and to a change in the Constitution which cannot reasonably be expected, so long as the existing form of Government of the British Empire shall be preserved.

The French leaders have obtained, with the unreflecting, a character for liberality by their demand that the Legislative Council should be elected by the people, instead of being, as at present, appointed by the Crown;—and the opposition of Constitutionalists to this change, has given rise to much misrepresentation of their principles.

Any expression of opinion in regard to the superior adaption to the wants and interests of society of the Republican form of Government, or that of a Constitutional Monarchy, is not required from the Committee. Both forms of government have their advocates; each can be sustained by powerful arguments derived from history and from reason. But the Committee believe that no educated man of unprejudiced mind, will hesitate to denounce the course pursued by the French Canadian leaders, who, under the specious guise of Reformers, ostensibly desirous of a Government more intimately connected with the will of the people, are really animated by zeal for the preservation of all those peculiarities which so unenviably distinguish this Province from all other inhabited portions of North America.

The most ardent admirers of self-government will admit, that the qualification of a people for investiture with that important privilege, is a solemn consideration; and the Committee feel convinced they shall have no difficulty in repelling the charge which the duplicity of the French Canadian leaders induces them to reiterate, that the Association are "factiously and unjustifiably" opposed to the introduction of the elective principle of Government in this Province. The Association number amid their ranks, many of the children of Republican America, who venerate the land of their birth, and are proud of her institutions. Enrolled in the Association is a large body of individuals who have contemplated society and the institutions of government under a variety of forms, who, witnessing the effect of despotism to degrade, and of freedom to elevate and enoble, willingly join in the declaration that the source of power is in the people. But, who compose the Association? Are they not mainly Scotchmen, Irishmen, Englishmen, Germans, and the descendants of those from the British Isles, who sought the enjoyment of civil and religious liberty in America? And needs there any declaration that a body so composed, deem an intelligent people competent to exercise the privilege of self-government; and yet that charge has been made, and is reiterated by the leaders of the French party, who have the hardihood to proclaim themselves the exclusive champions of free institutions within this Province!

But whilst the Association record their conviction that the intelligence of a people is the guarantee for the proper use of the elective principle, they appeal to history, in particular to the progress of the Republics of South America; to the opinions of the most eminent and distinguished Republican writers, to bear them out in the assertion that, when a population is unlettered and unenlightened, to entrust them with the unrestricted use of political power, would be in fact to retard the progress of rational freedom. To resist a state of things so repulsive to the feelings of freemen, the Association have banded themselves together,—they have caused their declarations to be made known to the British people,—they have received assurances from the Imperial Government that justice shall be impartially administered; and notwithstanding

that recent circumstances have violently shaken their faith in the commissioned organs of the Ministry, they yet repose quietly in the confidence, that, though deprived by an adverse majority, glorying in their foreign origin, of that power and influence which they ought to exercise, their dearest privileges, and feelings, and interests, will not be committed to the keeping of a population, which, however moral and religious, are unfit to sustain their own just rights and interests, and are necessarily totally unqualified to be entrusted with the rights and interests of others. If, in the ordinary and varied relations of private life, we should contemptuously refuse the proposition to submit our differences to the arbitration of men ignorant of the rudiments of education, what language can we employ sufficiently indicative of our feelings, when the demand is boldly made that to such men shall be entrusted the management of our political liberties.

The right of suffrage, almost universal, has been conferred by the Constitution on the population of this Province, and although the Association do not desire this right to be curtailed, yet they appeal to the intelligent of all communities whether it would be proper and just to divest the Constitution of a check on popular violence and precipitation where unhappily, ignorance and prejudice characterize the majority.

Although to those resident in this Province, and intimately acquainted with the condition of the rural population, it is supererogatory to adduce proofs of the deplorable ignorance of the French Canadian inhabitants, yet our fellow countrymen in the other American Provinces, and in Great Britain and Ireland may desire that our assertion be substantiated.

The Committee disclaim all intention of charging upon the French Canadian population, a participation in the selfish acts of their leaders; and were it not that a disclosure of certain facts was necessary to a right understanding of the position of parties, they would willingly abstain from any allusion to their peculiar characteristics. The following quotation from an address to "Men of British and Irish descent," will convey, in precise terms, all that is necessary to be said on that subject:—

"The want of education among the French majority, and their consequent inability to form a correct judgement of the acts of their political leaders have engendered most of our grievances. The extent of that ignorance may be collected from the facts, that within the last two years, in each of two Grand Juries of the Court of King's Bench for the district of Montreal, selected under a Provincial Law, from among the wealthiest inhabitants of the rural parishes, there was found but one person competent to write his name; and that trustees of schools are specially permitted, by statute, to affix their crosses to their school reports. "The political information of that part of the Canadian population engaged in agricultural pursuits is therefore derived exclusively from the few educated individuals scattered among them, who speak the same language and who possess the means of directing public opinion, exempted from these salutary checks which education alone can bestow.

"The persons who wield this mighty power, are, generally speaking, Seigniors, Lawyers, and Notaries of French extraction, all of whom, as will be shown hereafter, have a direct and selfish interest in maintaining a system of Feudal Law, injurious to the country and bearing with peculiar severity on British interests.

"Our endeavours to procure relief have been represented, as a covert attack upon the customs and institutions of the Province; national prejudices have been called into action, national feelings excited, and a French majority, ignorant of the nature of the contest, is now arrayed against a British minority.

"Passing by the petty vexations of the Feudal tenure, such as the Seigniors right to call for the title deeds of every vassal; his exclusive right of grinding the grain of his Seigniors; his right to assume any property within the limits of his Seigniors on reimbursing to the purchaser the cost of his acquisition; and other claims of a servile and arbitrary character incident to Feudal Law, we proceed to the subject of the more grievous burdens by which we are oppressed.

"Throughout the Seigniories of Lower Canada, within the limits of which are comprised the Cities of Montreal and Quebec, upon the sale of real property the feudal lord exacts from the purchaser a fine equal to one twelfth part of the price; a claim which recurs with each successive sale; thus every person who clears, or otherwise improves a farm, erects a building, either in town or country, or invests capital in landed estate, bestows one twelfth of his outlay on the Seignior, whenever the property is brought to sale.

This odious law, so injurious in its effects, readily explains why this fine Province, although richly endowed by nature, is so far surpassed in the career of improvement by neighbouring provinces and states.

"From the want of a Bill for the registration of real property, the validity of a title cannot be ascertained except by a course of expensive proceedings through the courts of Law, but secret incumbrances may still exist, unaffected by that procedure, for whose discovery no means are afforded;

hence the difficulty of borrowing money on mortgage, and the frequent seizure and forced sale of real estate.

"The profits which accrue to the Seignior from this state of things are obvious; and the interest of the French Lawyer and Notary, in maintaining a system of law that fosters litigation and produces corresponding expense, is equally intelligible."

The first settlers in Canada brought with them the artificial distinctions of rank, and the oppressive laws necessary to that state of society, which had grown up, in rank luxuriance, under the despotism of the Bourbons. The eradication of these laws, as it would have been the first object of dawning intelligence, so would it have been the first effort of a reforming Legislature. Yet the French Canadian population still submit to their pernicious operation—the House of Assembly proclaims to the world a resolve for their perpetuation, and denounces the Constitutionalists for seeking their abolition.

The Committee cannot omit making reference to the notorious fact, that several Members of the House of Assembly, in successive Parliaments, have been unable to read or write. In one state of Republican America, those similarly circumstanced are disqualified for the comparatively humble duty of a Petty Juror, while, in this Province, a virtual encouragement to the neglect of education, is offered, by rendering ignorance no impediment to the responsible and important duties of legislation. Can it be supposed that a people in this condition are competent to judge of the various and complicated relations of society—to decide upon the nicely graduated scale of punishments so necessary to a just system of law—to regulate the intricate concerns of commerce and, finally, to comprehend the wants and the wishes of that portion of the community, which, from education and superior intelligence, is more advanced in the social scale.

When to this state of affairs is added the fact, that the pernicious distinction of origin has been sedulously employed to perpetuate a separation of the two classes—that feelings of enmity have been created and encouraged among the French population, against their fellow citizens of British and Irish descent—the opposition of the Association to the introduction of the elective principle in this Province, will be regarded by all unprejudiced men as dictated by self-preservation.

The Association earnestly desire that the Legislative Council should be composed of men who, by birth or long residence in the country, are warmly attached to its interests, who are intimately concerned in its prosperity, who are alike independent in mind and circumstances, and distinguished by the esteem of their fellow citizens. A Legislative Council formed of such materials will enjoy the confidence of the people, and be alike observant of duty towards the Crown, and of respect for popular privileges. Public opinion will sufficiently punish a dereliction from the one, or a disregard of the other.

To surrender the entire controul of the Government of the Province to the present constituency, would be in effect, proportionally to increase and confirm the power of the French faction. The influence which has brought the French population not simply to endure, but to cherish pernicious laws, cannot be counteracted, until education and a free press shall have diffused among them the elements of political knowledge.

The British and Irish population perceive in the past conduct of the French leaders, sufficient evidence of what would be their future career. Confidence of the continued support of a majority, inaccessible to argument and united by an indefinite dread of every thing British, they have ventured upon acts that would have blighted their character in any enlightened state. They have violated the first principles of a Representative Government, by expelling from successive Parliaments a Member freely elected by the people;—another Member has been expelled upon the ground of alleged disqualification, while one of their own party, under similar circumstances, has been permitted to retain his seat;—and the sitting Members for the West Ward of this city, are allowed to retain their seats in opposition to the votes of a majority of qualified electors.

The French Canadian leaders have numbered among their grievances, that one seventh of the Township lands has been appropriated by law for the support of a Protestant clergy, and yet they have studiously withheld from public view the facts, that, for the support of the French clergy is exclusively appropriated the revenue derived from the exaction of tithes in the Seigniories, and that large revenues from extensive tracts of land are enjoyed by French communities. Are duplicity and exclusiveness the characteristics of Reformers?

The men of the Constitutional Association are united for one grand object—the maintenance of equal rights. Upholding the principle, that every clergyman should derive the means of support from his congregation, they cordially accede to the application of the Clergy Reserves to purposes of education;—but they claim what their political opponents have intentionally overlooked, a general adoption of that principle.

Although years have elapsed since the British Government, after strict investigation, declared that certain properties were held by communities without any legal title, yet a large population, comprehending that of the principal cities of the Province, remain subjected to grievous and irritating feudal exactions by these communities; the growth of our cities is checked, by the interposition of parcels of land held in mortmain, and which are refused, for purposes of public improvement, to earnest applications. These evils might well have found enumeration among the numerous grievances which a microscopic vision has detected, and would have commanded the attention of a Reforming Legislature.

The Association have no sinister motives; in the true and stern spirit of reform, they demand that these oppressions cease. They protest, in the name of their fellow countrymen, against any compromise or concession that shall confer the sanction of His Majesty's Government on the illegal exactions which a weak policy has suffered to exist.

Our fellow subjects in Upper Canada demanded the modification of the Charter of the King's College at Toronto, because of its exclusiveness, and yet their brethren in Lower Canada have, of late years, witnessed the establishment, by Provincial Charter, of several French Colleges of the most exclusive character, deriving their support principally from the Public Revenue, by annual grants freely and lavishly bestowed by successive Parliaments. In their anxiety for the advancement of education, the Constitutionalists have hitherto uttered no complaint, but goaded by a sense of wrongs inflicted by the French majority, they now formally protest against the support of colleges founded on narrow and exclusive principles, which necessarily deprive a large portion of the population of the advantages of those institutions, and demand a general system of education, divested of sectional and illiberal views.

The numerous French Colleges, supported chiefly by grants from the Public Funds, warrant the Association in demanding, as an act of justice, proportionate grants for the instruction of youth of British and Irish origin; and further, they conceive that the Jesuits' Estates, and College at Quebec should be dedicated to the establishment of an institution for the higher branches of science and learning, open to all classes, and divested of all sectarian religious tests in either its professors or its students.

The proceedings of the Assembly, now in Session, evince the usual spirit of hostility to any beneficial change in the laws affecting property, and the prosecution of works of public utility, which are imperatively called for, to enable us to compete successfully with our rivals for the Western trade. Serious and wounding to our interests as are the obstacles which a narrow minded and hateful policy interposes to prevent the march of public prosperity, the Association more deeply regrets, that no hope of speedy amelioration can be discerned, except through the interposition of the Imperial Parliament, or from a legislative union of the Provinces of Upper and Lower Canada. However, another resource is yet afforded to those of the Association resident in the County of Montreal—an annexation to Upper Canada, which would free them from a connexion repulsive to their feelings, and destructive of their interests.

The Provincial revenue, mainly furnished by the British and Irish population of this Province and Upper Canada, has been in part, illegally applied to reward political partisans,—to engage the services of an agent, who advocates principles destructive of an important branch of our trade—to disseminate false and libellous attacks on our principles and motives through the British press, and to maintain public Journals in this Province. Sincerely does the Association deplore that the Governor in Chief, in obedience to instructions from His Majesty's Ministers, should have sanctioned an unconstitutional application of the Provincial funds: painful and irritating as would, under any circumstances, have been this infraction of the Constitution, yet more acutely felt is the wrong, proceeding from those who we confidently expected, would have interposed the shield

of British justice for the protection of that structure reared by the Imperial Parliament itself.

The Constitutional party in this Province are resolved to devote their energies to the preservation of the fundamental principles of the existing Constitution, not merely because of its assimilation to the Constitution of the United Kingdom—not merely because the change so ardently and pertinaciously demanded by the majority of the House of Assembly will, if effected, speedily sever the connection with the parent state, a connection which the Committee maintains is beneficial to the Colony, and affectionately appreciated by the bulk of the Association,—not merely because the lamented ignorance of the French Canadian peasantry presents an insurmountable objection to a further extension of the elective principle, but chiefly, because the change demanded by the House of Assembly, would entail upon them and upon their children, a virtual deprivation of the elective franchise, an insupportable condition of moral servitude.

The dishonest imputation of the French Canadian leaders, that the Association is composed of anti-reformers, and supporters of official abuses, has been forever put at rest by a distinct and open avowal of our principles, and the true character of the struggle as between feudalism and rational liberty,—domination and equal rights—French Canadian nationality and the spirit of universal liberty as known and appreciated throughout North America.

The peculiar position of the men of British and Irish origin, though surrounded by difficulties, must not give rise to despondency. A confident reliance upon the justice of their cause, and the energies of the race to which they belong, must animate them to resistance against oppression, and will yet crown their efforts with success. But, watchfulness and action are required, and a more intimate connexion with their brethren throughout this Province and in Upper Canada; to effect which important object, they earnestly recommend that delegates from all the Constitutional Societies in this Province assemble in Congress, to deliberate upon our situation, and to devise the best and speediest means of political emancipation; and considering the identity of interests between the inhabitants of Upper Canada and the Constitutionalists of this Province, that urgent representations be made to them, by means of deputies or otherwise, for that aid which will accelerate the overthrow of a hateful domination. H. Dyer, Chairman, General Committee, Montreal, December 5, 1835

ROYAL GAZETTE.

FREDERICTON, JANUARY 13, 1836.

Central Bank OF NEW BRUNSWICK.

HENRY G. CLOPPER, Esq. President.
Director this week, F. E. BECKWITH, Esq.
Discount Days, . . . Tuesdays and Fridays.
Bills or Notes offered for Discount must be left at the Bank, enclosed and directed to the Cashier, before three o'clock on Mondays and Thursdays.

SAVING'S BANK.
Trustees for } HENRY G. CLOPPER, Esq.
next Week. } JAMES TAYLOR, Esq.
 } MR. PETER FISHER.

ALMS HOUSE AND WORK HOUSE.
Commissioner for } H. G. CLOPPER, Esq.
next week, }

LATE FROM FRANCE.—The ship Poland has arrived at New York from Havre, whence she sailed on the 23d November, at which period Mr Barton had not left Paris, though it is announced in the Havre Journal of the 21st, that he had taken his passage on board the packet ship Albany, which was to sail on the 1st December.

England is said to have offered her mediation through Lord Grenville, her Ambassador at Paris, for the settlement of the question between France and the United States. The Gazette of France adds—"that in thanking Lord Grenville for this offer of mediation, it was intimated that orders had been given for the equipment of fifteen ships of the line and eighteen frigates."

A sudden change had come over the prospects of Europe, on account of some demonstrations made by the Emperor of Russia, particularly a savage speech put forth at Warsaw. Both the French and English papers are filled with indignation at the tone assumed by the Czar, and a war between Russia and France is represented as by no means improbable. It is a topic even more fruitful of discussion in the French and English papers than the American question.

The meeting of the French Chambers was postponed from the 25th December to the 12th January. The funeral of Admiral de Rigny was celebrated on the 11th November with great pomp.

The opinion of the merchants of Havre, as to the actual position of affairs between that country and the United States, is too important not to be put under the eyes of our readers in and out of France. A single fact will enable