

CHAPTER XXVI.

Renewal of complaints against the administration, 1823—Eastern townships—The Trade Act—Debates in the Assembly—Lord Dalhousie and L. J. Papineau—Upper and Lower Canada against the family compact—Board of enquiry in the House of Commons upon the state of Lower Canada, 1828.

Under Lord Dalhousie the parties remained unchanged, and Papineau gained no ground, except that the defects of the administration were more and more exposed before the public. The Canadian party formed a compact phalanx around the speaker. He wanted to force the Imperial authorities to grant Lower Canada a larger measure of self government, but this was asking for more than what the mother country herself enjoyed in those days—and this, of course, looked like a revolutionary movement. His persistence, the constant repetition of the same claim, his vehemence in expressing his grievances gave his political ideas the colour of rebellion—but Joseph Howe and William Lyon Mackenzie followed him pretty closely in that respect, in the two adjoining provinces. If Papineau had not been the mouth-piece of a French-speaking race no difference would have been observable between the three agitators.

The scandal about grants of Crown lands to privileged individuals was not peculiar to Canada. It was the usual practice in the colonies all over the world, and no European statesman would endorse the "foolish" prudery of the Canadians in such a matter.

The minister in London had appointed Mr. Caldwell receiver-general for Canada and he was not responsible to any person in the colony. It was subsequently learned that he did not act as if he were any more responsible to London than to Quebec. Whenever the governor, or the executive council had any expenditure to meet, Mr. Caldwell was asked to sign an order for the same, and that was the end of it. Papineau wanted to examine the receiver's books, but was told that he was too curious. He insisted, but

was informed that he showed disrespect for the King, from whom Mr. Caldwell held his commission. From 1792 to 1830, and even later, the question of the country's finances was a complete mystery. In 1823, Caldwell, junior, who succeeded his father in the office, became bankrupt for half a million of dollars. The Canadians were by no means satisfied, but the oligarchy said it was none of their business. The same opinion has always prevailed in Europe as regards the finances of the colonies, so that no remonstrance on this point from these far away people met with any recognition.

The Canadians were all farmers; the majority of the English-speaking people were traders. In order to overcome the influence exercised by these latter in London, Mr. Bédard had proposed, as early as 1807 to appoint an agent, resident in Great Britain, for the purpose of attending to the interests of the province, but no decision was arrived at. There was a precedent for this step of the legislature. Prior to 1774, each of the New England colonies had an authorized agent in London, appointed by their respective provinces. Nova Scotia and New Brunswick had also, in their turn, similar representatives. The subject was taken up again in 1810, at Quebec, to establish a regular and direct intercourse between the assembly and the Imperial government as well as the commons, as a check upon the policy of the colonial office, but the bill remained on the table. In 1813, same motion, same result. The next year, Mr. Bédard, who had not long since been promoted to the bench, was designated as the agent selected by the assembly, and the legislative council was invited to name a second person to act in conjunction with that gentleman. The council answered that the proposition was made in an irregular way.

In 1815 the governor answered a similar application by stating that he was the only fit person to communicate between the legislature and His Majesty's government. Arguments were used on both sides without coming to a decision, except that the assembly selected Joseph Marryat, a member for the House of Commons, and sent him the necessary instructions for his guidance, but the legislative council vigorously protested against the appointment, and Mr. Marryat wrote that he did not feel it was his duty to mix himself up in such a difficulty, and that, moreover, the British govern-

ment would not recognize him. The influence of Chief Justice Sewell, it is said, was at the bottom of all this.

Then came Sir John Sherbrooke, in 1816, who proposed the appointment of such an agent, as it was the case in almost all the other colonies, but he failed also on account of the aforesaid influence. In 1821, James Stuart was named by the assembly with a salary of £2,000, the bill was thrown out by the council, because Mr. Gordon, holding a minor situation in the colonial office, London, had already been appointed, by the provincial executive, some years before, with a salary of £200 only. This came as a surprise, but the assembly maintained that the appointment of Mr. Gordon had nothing to do with the service of the colony, that he was an unnecessary burden on the revenue, and should be removed. In 1822, the assembly requested that some popular member of the British House of Commons be named to act in the capacity for agent for the province, to which application Lord Dalhousie replied that Mr. Gordon "has a constant, exact conduct, and that his usefulness, which is incontestable, makes it impossible either to discharge him or to efface his office." Other attempts were made in 1823, 1825, with similar results. That question was not yet settled in 1837. It was one of the grievances that led to the troubles of that time.

The petition of 1823, presented by the eastern townships, complained of the condition in which that part of the country was. The seigneuries, it said, established in the time of the French, consist of a narrow strip of land on either side of the St. Lawrence River, and the depth of which varied from ten to forty miles; this land was about half populated, principally by Canadians—save about forty thousand souls of British extraction—and was governed by French laws. The townships comprising the rest of the province are more extensive and capable of containing a much larger population than the seigneuries; they are entirely peopled by inhabitants of British extraction and by American loyalists, about 40,000 souls in all, speaking only English, having a Protestant clergy, for the maintenance of which a portion of these lands is reserved, and yet accepting the French laws, even though their lands were granted under the English form of free and common soccage. There is no court of justice within the limits of the

townships, and the colonists are obliged to go to Quebec, Three Rivers and Montreal, frequently distances of from one hundred to one hundred and fifty miles, through a country both difficult and dangerous for travel on account of the bad state of the roads—a matter to which the legislature seems to pay no attention at all. Moreover, the townships are *de facto* without any representation whatsoever in the House of Assembly. For these reasons they are favourable to the project of a legislative union of the two provinces. Of the tens of thousands of immigrants that came from Great Britain during these past years, scarcely one thousand remained in the townships—the others on seeing the sad state of things passed right through to the United States. It is estimated that we missed about one hundred thousand immigrants in this way. The townships believe that the Canadians consider themselves to be the race *par excellence* and that they wish either to swallow up the other elements or else to deprive them of fair play if they will not assimilate. The Canadians, without owing any portion of their increased numbers to immigration, have doubled twice over their population since the conquest, and they still retain the same characteristics as in that time; and they will keep them for all time if the present legislative system is maintained. If the union were adopted, eventually all national prejudices and enmities would have to disappear, and the populations of the two provinces would be blended into one homogenous mass.

The Act of 1823 creating the district of St. Francis gives it a jurisdiction to the limit of £20, and without appeal £10. It contains expressions that would lead to the conclusion that the French laws were considered as being in operation in the townships.

On the 25th November, 1823, Mr. Bourdages moved some resolutions against the *Canada Trade Act*, seconded by Mr. Vallières, stating that “the Act imposes taxes upon the country contrary to the rights of British subjects in general, and contrary to the rights of the colony in particular. . . . It changes the tenure of our lands; and it is impossible to separate the tenure from the ownership.” Mr. Papineau delivered a speech, which, from his lips, appeared extraordinary. He defended the cause of the Imperial government and declared that Lower Canada had no cause to be displeased thereat. He said that the resolutions contained principles that were neither

founded on law nor compatible with the obedience due thereto; that if we could prescribe limits to the sovereign authority of the Empire and censure its acts, it seemed to him that the relations of colony and metropolis no longer existed." The clause in the "Trade Act" concerning the tenure of lands, said he, could neither cause the country to gain nor to lose much, and consequently it was not worth the trouble of placing ourselves in an attitude that clashed with the Imperial authorities. Was it as a seigneur—a land owner—or in his quality of mandator of the people that Mr. Papineau thus expressed himself?

It would appear as if his visit to London had transformed the fiery tribune. His change of attitude caused a general surprise. The Canadian *Spectator*, a patriotic organ, says: "We are sorry to observe that Mr. Papineau and Mr. Viger have defended that Act. Mr. Bourdages' resolutions are more becoming a British subject than some doctrines in Mr. Papineau's speech. We should wish to know in what, upon principle, our situation would differ from that of a Russian or Turkish subject, if, as Mr. Papineau would have it, we are forbidden to censure any act of the Imperial legislature. We differ fundamentally from Mr. Papineau when he asserts that England by the *Canada Trade Act* has exercised a power which she never relinquished."

However, perceiving that the resolutions would not be adopted Mr. Bourdages withdrew them; but he secured a majority against Mr. Papineau for the appointment of a committee charged to prepare an address to the King regarding that same *Trade Act*, and containing important representations. This was in February, 1824. A few days later, Mr. Taschereau moved the subsidies vote, and Mr. Papineau opposed him with extreme virulence. In an admirable speech, Mr. Vallières replied, accusing Mr. Papineau of furnishing pretexts to those who sought to revive the project of the union. "The House," he said, "voted a subsidy last year in similar form, and since then nothing has taken place to justify the entire refusal of the present demand, the more so as the House, in accepting the principal motion of Mr. Taschereau, has not bound itself either in regard to the amount of the sum granted, nor in regard to the conditions usual in such cases." This speech produced a great effect, and was followed by several

tilting-bouts between Papineau and Vallières, in all of which the latter had the best of it. The final vote stood 13 to 13; and Vallières, who was speaker of the House, cast the deciding vote. Against the subsidies (estimates), were: Papineau, Cuvillier, Blanchet, Viger, Duchesnay, I. Perreault, Dessaulles, Panet, Fortin, Amiot, Paré, Bureau, and Valois; for them were: Clouet, Taché, Neilson, Quirouet, L. Lagueux, G. C. Lagueux, Robitaille, McCallum, Oldham, Bélanger, Bourdages, Davidson, Arcand and Vallières. Thus the influence of Vallières counter-balanced that of Papineau in the assembly, and it could have produced excellent results in checking the excesses to which Papineau drove it; but the composition of the House was subject to renewal, and no person could tell how the people would divide in the approaching electoral campaign.

In June, 1824, Lord Dalhousie sailed from Quebec, on leave of absence, and Sir Francis Nathaniel Burton replaced him.

The elections took place in August, 1824, and resulted in doubling the number of Papineau's supporters—this brought on a singular conflict in the assembly. When Mr. Papineau left for England, in 1822, the seat of the speaker remained vacant until the opening of the session, early in January, 1823; then Mr. Vallières was elected to the office. The new Parliament of 1824 elected Mr. Papineau by 32 votes against 12 for Mr. Vallières—8th January, 1825—showing for the first time that the old leader had an opponent in his own party. Sir Francis Nathaniel Burton accepted Mr. Papineau as speaker and reported at the close of the first session that all the differences between the two Houses had been settled, but the course followed by him was not approved of and he left Quebec on the arrival of Lord Dalhousie, not to return.

Vallières' age was the same as that of Papineau, but he had only entered public life in 1815 and did not find his place all ready for him as was the case with his rival in eloquence, consequently the mass of the people was less familiar with his name; moreover, he had the reputation of being a lover of pleasure, and, therefore, not as serious a man as would be required for a party leader.

Parliament met on the 23rd January, 1827. Mr. Papineau being elected speaker, Lord Dalhousie considered that he could not accept that gentleman

to fill that office, and this was generally anticipated. Notwithstanding this information, Mr. Papineau was presented to His Lordship for acceptance—he was refused and a message sent to the House to elect another member. Instead of complying with this command an address was returned declaring that the King's approval of the speaker was a mere form and not necessary from a constitutional point of view—and the House insisted upon the election of Mr. Papineau. Lord Dalhousie was not satisfied with the lesson given him in this respect—he dissolved the assembly.

During that session the estimates were voted upon in the same form as the previous year, and were refused. The prorogation speech was a regular harangue, and was immediately followed by the dissolution of the House. The days of Craig seemd to have come back. Papineau and several members, signed a vigorous manifesto, a real appeal to the people. The governor made answer by discharging the militia officers, and by causing Mr. Waller, the editor of the *Canadian Spectator*, to be arrested and tried.

On the 27th May, 1827, Lord Dalhousie wrote to Lord Bathurst, calling attention to the obstinate spirit of opposition in the assembly, which would listen to no reason, and he suggested a system by which he thought the mischievous influence of the leaders could be counteracted. The plan he proposed was to establish functionaries throughout the province who would be in a position and would be disposed to support the government. This was simply a revival of the scheme of Milnes to embody the Catholic clergy and the captains of militia into a corps of adherents to the policy of the executive council. The proposal was actually for the appointment of chief magistrates and lieutenants in counties, a measure which he believed to be within the prerogatives and constitutional power of the Crown.

In the elections of August, 1827, fewer supporters of the government than ever were returned, and riots had taken place in Montreal.

The assembly was to be called together in November. "From the temper of the newly elected members," said Lord Dalhousie, "you must look forward to an almost immediate prorogation."

The disputes between Lord Dalhousie and the assembly continued, and the feeling of hostility did not cease after his tenure of office as governor had terminated in 1828, when Sir James Kempt succeeded him.

Sewell, Richardson and Ryland were the principal advisers of Governors Milnes, Craig, Richmond and Dalhousie, and the most active of the three seems to have been Mr. Ryland.

Born and educated in England, Herman Witsius Ryland first entered public life in the year 1781, going out that year to New York as assistant deputy paymaster-general to the King's forces in British North America. He returned to England about 1784, and, in 1793, Lord Dorchester brought him to Canada as his confidential secretary. In this capacity he continued to serve under several successive governors of Lower Canada until 1812. He was also clerk of the executive council. He lived at Beauport for many years, after that date, and, according to tradition, kept on very good terms with his French neighbours.

“Though a strong party man, Mr. Ryland was a benevolent and kind neighbour, even to those of opposite and hostile politics . . . but it truly must be said, he was in his sympathies and antipathies, prepossessions and prejudices an Englishman to the core, and like his friend and chief, Sir James Craig, but little apt to conciliate or soothe the prejudices of a people foreign in language, religion, laws, usages and customs to those of his own country, to which they were but recently annexed by conquest and treaty. . . . The darling project of his heart was to anglify, by means compulsory and distasteful to them, the French Canadian people, who, having no wish to be anglified by any means, would not be so ‘by compulsion.’ ”*

Amongst the measures favoured by Mr. Ryland was the following: Whenever an officer of the militia manifested a political opinion agreeing with the majority of the House he was sure to be dismissed, put on the retired list, or made a supernumerary, by Lord Dalhousie. In 1827-28 that governor thoroughly disorganized the militia by this system.

	Dismissed.	Retired List.	Supernu- merary.	Total.
Lieut.-Colonels	7	6	8	21
Majors.	7	5	10	22
Captains.	40	105	19	164
Subalterns.	35	129	47	211
Staff.	0	0	15	15
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	89	245	99	433

*Robert Christie: *History of Lower Canada*, VI., page V.

In Upper Canada similar feelings were entertained. Sir John Colborne speaks of the irritation existing against the officials of the government on account of their control over the appointments, etc. He calls that "jealousy," and he mentions the "licentious press" raising a clamour in respect to the clergy reserves, etc. In his candour, the brave soldier, wrote and acted exactly like his prototypes Milnes, Craig and Dalhousie, all because he imagined the dignity of the Crown was in peril. Whilst Francis Collins, Hugh C. Thomson and William Lyon Mackenzie, editors of papers opposing the administration, were prosecuted, other papers under government patronage were allowed to disseminate grosser and more dangerous libels against the assembly and against many public and private men. But William Lyon Mackenzie was in the field and he made use of Mr. Hume, the well-known member of the Commons, to bring the grievances of Upper Canada before the British public in addition to the petitions sent to the Imperial authorities. Nova Scotia was in the same situation.

"If there could be at the time little desire for colonies on the ground of trade, what other reasons were there to promote colonial development? It could not have been expected that the men of that time should have deduced from recent events the various lessons which have been already discussed. They merely saw in what had taken place the inevitable outcome of colonial development. *Sic vos non vobis* appeared to them a fixed historical law. In this state of thought, a tone of depression was inevitable. So far as acts could insure it, English statesmen were resolved to maintain, as long as possible, the connection with Canada. But note the language of William Huskisson in 1828. He does not doubt that our colonies will be "one day or other themselves free nations, the communicators of freedom to other nations. . . . Whether Canada is to remain for ever dependent on England or to become an independent state . . . it is still the duty and interest of this country to imbue it with English institutions." We may note that these words were spoken not very long after Canning had uttered, amidst loud cheering, his memorable hyperbole about calling a new world into existence to redress the balance of the old."*

*Hugh Edward Egerton: *History of British Colonial Policy*, London, 1897, p. 258.

“England, at that period, was the only civilized nation that enjoyed the benefits of self-government—a word which alone suffices to explain the magic transformation of ideas amongst Canadians. The first pioneers of the English language in Canada brought with them a spirit of citizenship, and not one of serfdom. A revelation had come to the former subjects of an absolute monarchy; they soon learned to distinguish between the olden system and that of a constitutional monarchy, under which the people bestowed power on representatives of their own choice, and thus governed themselves, while leaving simply to princes the task of having the laws, created by a popular Parliament, duly executed. The capitulations of Quebec and of Montreal, as well as the Treaty of Paris, have but one meaning, which may be thus expressed: “We became subjects of the King of England.” No special conditions were imposed upon, or granted to us, either by these Acts, or by any other that could be invoked. Our duty, as that of the governors, merely consisted in corresponding with the circumstances; which duty was fulfilled, notwithstanding certain difficult moments which history, that allows nothing to be omitted or forgotten, has faithfully recorded. Whatsoever we may think of the British constitution, it will ever have, at least, the almost exclusive and undeniable merit of having caused a people to pass from the absolutism of a sovereign to a participation in its own government, and of having fashioned the social organizations—formed after the invasions of Europe by the barbarians—in the practice of that democracy which now overruns the world.”*

A few extracts from a lecture delivered forty years later† by Louis-Joseph Papineau may be of some interest in this connection. After having said that he had the right to give free expression to his political convictions and faith, as well as the right to refute all who thought differently from him, Mr. Papineau added: “This is not a mere theoretical right, it is one imparted by that supreme authority which illumines every man coming into this world and which whispers to him, ‘do unto others as you would have others do unto you.’ It is a right which was only partially recognized by the articles of capitulation, which say: ‘They become British subjects.’

*Joseph Doutre: Address delivered before the Canadian Institute of Montreal, 17th December, 1867.

†Before the *Institut Canadien*, Montreal, 17th December, 1867.

This title broke for them the seal upon their lips, did away with their being Bastilled by secret orders (*lettres de cachet*), for aught that they might say, or write; this title conferred the right of full oral or written discussion, the power to call public meetings and the right of whosoever might wish to attend them; this title abolished the prearranged censure of books, and proclaimed the liberty of the press—as soon as a press would be imported into the country.

“Such, then, was the right: it was beautiful! even very beautiful! That which was the fact, was, however, ugly, very ugly! soiled and blood-bespattered! Despite these principles, thrice holy and just, Canada had not yet, since it became British, received a constitution. There had been an infinite assortment of forms of government; all of them bad. Each and all of them must and will obtain, from the impartial historian, only contempt for their defects, and the names of their authors, who organized the oppression of the majorities by the minorities, will be forever blasted.

“It is not true that the political division that was so bitter in the two Canadas, was a race war. It was as uncompromising in Upper Canada, where there was only one nationality, as it were here, where two nationalities existed. The majorities in both provinces consisted of the disinterested advocates of the rights, liberties and privileges that belonged to all British subjects. They willingly incurred the risk of the lying defamation, the dangerous anger, and, possibly, the sanguinary vengeance of minorities that were egotistical, weak in themselves, but supported by bayonets purchased with the people’s money and everywhere pointed against that same people. The most enlightened men in England and in America characterized as noble and just the efforts that our British and our Canadian friends, that I and my colleagues in the House, and our colleagues—through an identical principle and a common interest—in the Upper Canadian House, were making to secure the deliverance of our country from outrage and oppression. Through prejudice and through interest the aristocracy applauded the deeds of the colonial bureauacrisy—those light-footed nobles, who aped the grand manners and copied the practices, adepts of the Machiavelism, of those who had established them in their places. Parliament approved of their actions; reason denounced them.

“Parliament approved of their actions; but is it not true that more than the nine-tenths of the representatives in the Imperial House were strangers to all interest in and all knowledge of what was being done and of what should be done in the colonies? At such a time it was the colonial minister who should know what was required. He is paid a salary to acquire that knowledge. To him belong the honours for success, the shame for mistakes, the responsibility for all decisions; the others, like a flock of sheep, follow his lead. Otherwise is it with those men who, during all their lives, had been the friends of public rights and liberties and who never deserted them, princes in science, in justice and in law—the virtuous Sir James MacIntosh during our earlier struggles; Lord Brougham, the most universally and wonderfully learned man of our day; O’Connell, the most eloquent defender of Ireland’s rights, rights that before his time had for defenders giants of oratorical power—the Currans, the Grattans, the Plunketts, and their contemporaries; Hume, who devoted his immense fortune to the colonies and their protection, who, surrounded by four secretaries, laboured night and day, without a moment’s recreation, because the misdeeds committed by the aristocratic delegates of England, in the British possessions on the five continents and in their archipelagoes, were constantly being brought to his knowledge, with prayers for protection against the evil; these, and a host of worthy and good Englishmen both understood and praised our action. Of what importance, then, can be the ignorant and interested few who condemn us because they are paid for so doing, are interested in so doing, interested in the wiping out of all that is hostile to arbitrary power and oppression.

“As to numbers, we were ten to one in the two provinces. As to morality, disinterestedness, fairly acquired influence, we were ten times as powerful as we were in numbers. The English and the Irish peoples, through their real representatives, approved of our course; the governing and the governed amongst Americans approved of our action; the most enlightened men of the European continent gave us their approval; and, above all, our fellow-countrymen, for whom we had suffered, and who had suffered with us, approved of our deeds; and better than all these, our own consciences were an approval.

“I find the solid political doctrines of modern times condensed, explained, and offered to the affection of the peoples, for their regeneration, in a few lines to be found in the Declaration of Independence of 1776 and in the Declaration of the Rights of Man and of the Citizen, of 1789. The true socialistic doctrines of modern times, may be summarized in a few words: To recognize, in the temporal and political orders, that there is no other authority legitimate save that which has the consent of the majority of the nation; no wise and beneficial constitutions save such as are adopted after those interested being first consulted, and to which the majority has given a free support; that every human institution is destined to undergo successive changes; that man’s continued perfecting of society gives him the right and imposes upon him the duty to exact such ameliorations as accord with every new circumstance, with every fresh requirement of the community in which he lives and dies.

“The privileged classes always imagine that prayers and complaints concerning the abuses by which they are benefited, constitute an invitation to crush them by means of violence. Dignified, just and enlightened men, whose convictions are deep, because they are the result of profound study, and of prolonged reflection, have faith in the powers of reason, and it is to reason that they appeal for the correction of such abuses. They direct their endeavours in all directions; firstly to the powerful, in order to stir up in them sentiments of pity for a people that suffers and is impoverished by those abuses. They unfold for them a picture of the glory and happiness to be attained if they could only make the social condition of their time more prosperous and more moral than was that of the preceding period. They, in the first place and by preference, address them, because having minds more cultivated they should be better prepared to consider every question of general interest in all its lights and to solve it rapidly and rightly, unless their egotism blind them. They, then, address the masses, to inform them that the sword is not in their hands, but that reason is the richest and most precious of divine gifts and that it has been nearly equally divided amongst all men; that the cultivation of the mind can increase a hundredfold our usefulness and our strength; that, to clear the land, physical strength, enlightened by experience, is required, but to build up

solid constitutions, to create good laws, and to wisely apply the same, above all it is necessary to possess a strong reasoning power, illumined not only through serious study, but, above all, by a real devotedness to the country and by the absence of any personal ambition or self-interest. Such was to be found in days gone by; such has become scarce in our days."

In a private letter to his brother, Denis-Benjamin, Mr. Papineau wrote, on the 16th June, 1828: "Political news is as abominable as the governor himself. We have had no letters from our friends since the delivery of Mr. Huskisson's . . . speech. I do not yet give up hope. Although the violent prejudices, inspired by Mr. Norton's resolution to save the governor, foreshadow nothing but misfortune, still he is so vigorously opposed by Sir J. MacIntosh and others that I believe we will have the upper hand with the committee of investigation."

Mr. Huskisson, as Secretary of State for the Colonies, having occasion to deliver a speech, made one of those mixed rhetorical displays of censure and approbation, promises and denials which may be best described as "neither fish, flesh nor good red herring"—a fast and loose style which characterized the policy of Downing Street at that time. That system of double dealing caused Papineau to use an expression about Huskisson which can only be represented in type by —.

A petition signed by eighty-seven thousand persons had been carried to London by MM. Neilson, Viger and Cuvillier. It was the subject of investigation before a committee of the House of Commons, in May-July, 1828.* The principal grievances enumerated in this document are as follows: For some years back, the state of the province, in regard to trade, the value of real estate, and industrial profits, has deteriorated. The expenses of administration are too high; there is a wasting of the revenues and the public resources; a satisfactory account of public moneys is not given. The laws prepared by the legislative assembly, for the benefit of the people, are rejected by the legislative council principally composed of persons dependent on the executive of the province. The money raised in the country has been used without the authorization of the legislature.

*Printed in Quebec, by Neilson and Cowan, 1829, pp. 388 large size, small type. Translated into French.

The revenues of the Jesuit estates are turned from their proper channel, which is the education of youth. The conditions, upon which the timbered Crown lands are granted, are disregarded. Officials of the government are making attempts in England to secure a change of the constitution. There are twenty-seven legislative councillors who receive £100 each per year. There are only nine who do not receive any salary, out of the public funds, over and above the aforementioned £100. The eighteen others have salaries, the total of which amount to £17,000 per annum; and of that number there are seven who are also members of the executive. The seven or eight members, who are the most favoured in public offices, generally do not attend the sessions. Mr. John Neilson is of opinion that the twenty who do take part in public affairs are obliged by an order of the governor to do so. The legislative assembly frequently declared that it believed in its right to appropriate the moneys of the province for the different branches of the public service, in virtue of the Quebec Act of 1774. The Act of 1778 states that the public moneys collected in the colonies shall be made use of by the legislatures of these colonies; and it adds that this will be an established principle for the guidance of all future colonial governments. Certain laws of the United Kingdom, passed in 1778, appropriated, in a permanent manner, sums of money, for different branches of the provincial service, but the House of Assembly always held that these laws were repealed by the declaratory Act of 1778. Mr. Neilson asserts that, from 1792 to 1822, the executive did not base its actions upon these old laws; but, in 1822, that body again put them in force, took them as a basis, and the division which, in consequence, followed still existed in 1828. The executive secured the support of the legislative council and claimed that it did not wish to apply the money, from these so-called permanent grants, for any other purposes than those of the civil government; but the assembly maintained that the money should not be employed by the executive in such a manner as to prevent itself from having control over its distribution.

The law affecting roads in Lower Canada is 36 Geo. III. It applies well enough in the *seigneuries* on account of the form of the lands held by the habitants, and the general level of the soil; but in the townships, it is

scarcely applicable, in view of the divisions of the lands, the positions of the reserves, and the frequent inequality of the ground. The people of the townships complain that they are systematically neglected, and they blame the House of Assembly for the same. As a matter of fact they have summer roads that lead to the United States and which do not lead to the *seigneuries* in Lower Canada. The sections of the townships adjoining the *seigneuries* are the least inhabited.

Mr. Neilson says: "As long as there was no legislative body in the colony, the regulation of all matters in all the dependencies of the Empire belonged to the Imperial authority, but from the moment that a representative body (1791) was created, that body naturally undertook the entire direction of the country's revenue, and the declaratory Act of 1778 maintains this principle, because it states that all moneys raised, after that date, in the colony, must be used by the colonial legislature. As a matter of fact, we maintained that the appropriation had been changed by the Acts of 1778 and 1791, and that it thence became one of the assembly's rights—as a legislative body should naturally have the control of the expenditure of all sums collected from its constituents. We did not pretend that the Imperial legislature had not the power to pass the Act anterior to 1778, but we claimed that the general principle is that all taxes imposed by that legislature should be applied by the colonial legislature; and as to the Act of 1774, we said there might be some doubt in that regard, because, when the Act of 1791 was passed, it was the general opinion that it repealed the Act of 1774, in as far as the subsidies, or estimates, were concerned. Consequently, through the medium of the governor, the British government sent a message to the legislature in 1794, in which it was said that, owing to the difficulties in this connection, Parliament would be asked to repeal the Act as soon as there would be a question of rights similar to those established by that Act. . . . It happened, however, that the British government never recommended the repealing of the Act of 1774 and it remained there to block the road, while we became the unfortunate victims of the quarrel to which it gave birth.

"All the Crown revenues were placed in the hands of the receiver-general, and were there kept in a very confused state. I think that the

military treasury met some of the expenditure; there was a continual exchange of funds between the civil and the military treasuries; sometimes they poured the contents of one into the other, and frequently they were both empty. . . . It was said that Great Britain paid a portion of the expenses; but each time that the House of Assembly asked to have the control of the public funds, the answer was: 'What business have you to be concerned in the matter since it is Great Britain that pays?' To tell the truth, the Act of 1791 has been suspended for the last twenty years, since the legislature has not been allowed to go on with its business, even though the members of the Lower House are summoned to meet each year.

"In other colonies the rule was established to have annual revenue bills passed, but in Lower Canada we were guilty of the folly of making such enactments permanent. These enactments are productive of more money than is needed for the maintenance of the government; yet the general expenses increased at the same time as did the revenues, and neither were ever controlled by the representatives of the people in the colony.

"What is commonly known as Crown revenues are collected under statutes anterior to 1774, as, for example, those of Charles II., George I., and the others; we have no regular statement of their results. Another portion of the Crown revenues is mentioned in the Act of 1774 (14 Geo. III.), apart from the land revenue—which likewise belongs to the Crown. All these revenues might amount to from £30,000 to £40,000 per year. Lately the total revenue of Lower Canada amounted to £90,000. The (net) revenue augmented to £150,000 per year, of which 12 or 15 per cent. went for collection—which appears to us as enormous. A quarter of the net revenue goes to Upper Canada, except in the case of the land revenue. The executive takes £40,000, so that a heavy balance remains at the disposal of the legislature for local improvements, charitable donations, etc.

"The first proposition made by the executive, and sustained by the legislative council, was to the effect that all the moneys that the assembly might vote should be accorded in a permanent manner to the civil list for the support of the government. There, they limited their demand to a vote for the lifetime of the King. The House constantly rejected these conditions. In fine the executive claimed that the salaries of certain employees of the

civil government were drawn from the funds which the Imperial statutes destined for the maintenance of the civil government and of the administration of justice. No direct proposal was made to the assembly to provide for the salaries of such and such employees, but it was asked to grant in a permanent form whatsoever it desired to give.

“In Nova Scotia, where matters ran smoothly, the whole revenue from the yearly vote depends upon the legislature, so much so that not only the construction of the budget, but also the collection of the moneys depend upon the annual vote in the legislature; there the government and the assembly act in first class harmony. In the older colonies of the Empire they persist in annually voting the estimates *en bloc*, which is not at all surprising, when we consider the peculiar circumstances that surround these colonies.

“As the government would not agree to any law for the regulation of the office and duties of an auditor of public accounts, the assembly objected to the appointment of any such officer. The executive wanted to have £1,800 per year granted to the person who would hold that position, when there is no auditing to be done at all, since the vote declares the names of all who receive the money.”

The valuable information gathered by the committee and printed in the annual blue book produced no effect upon the political body in Great Britain.