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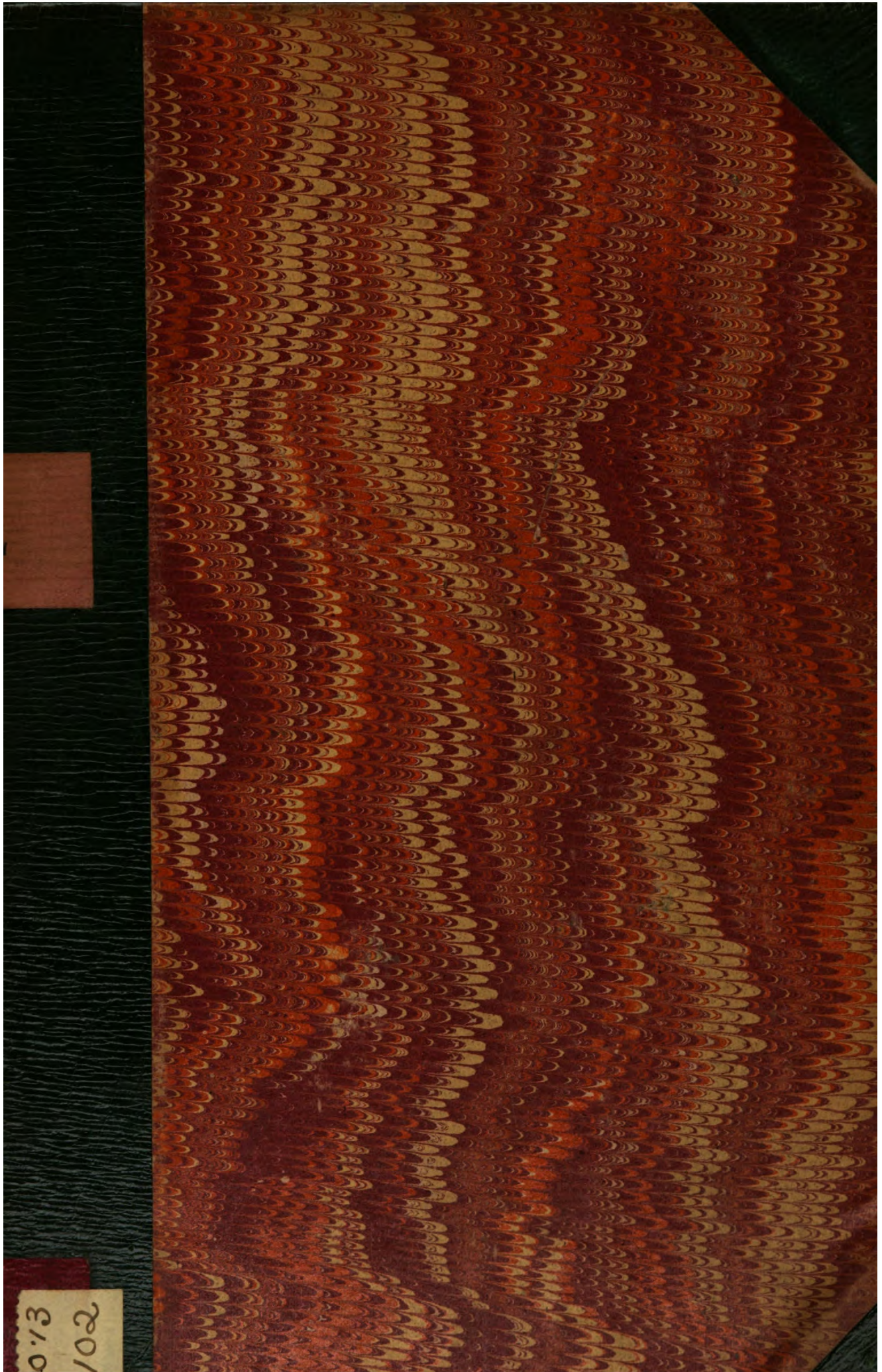
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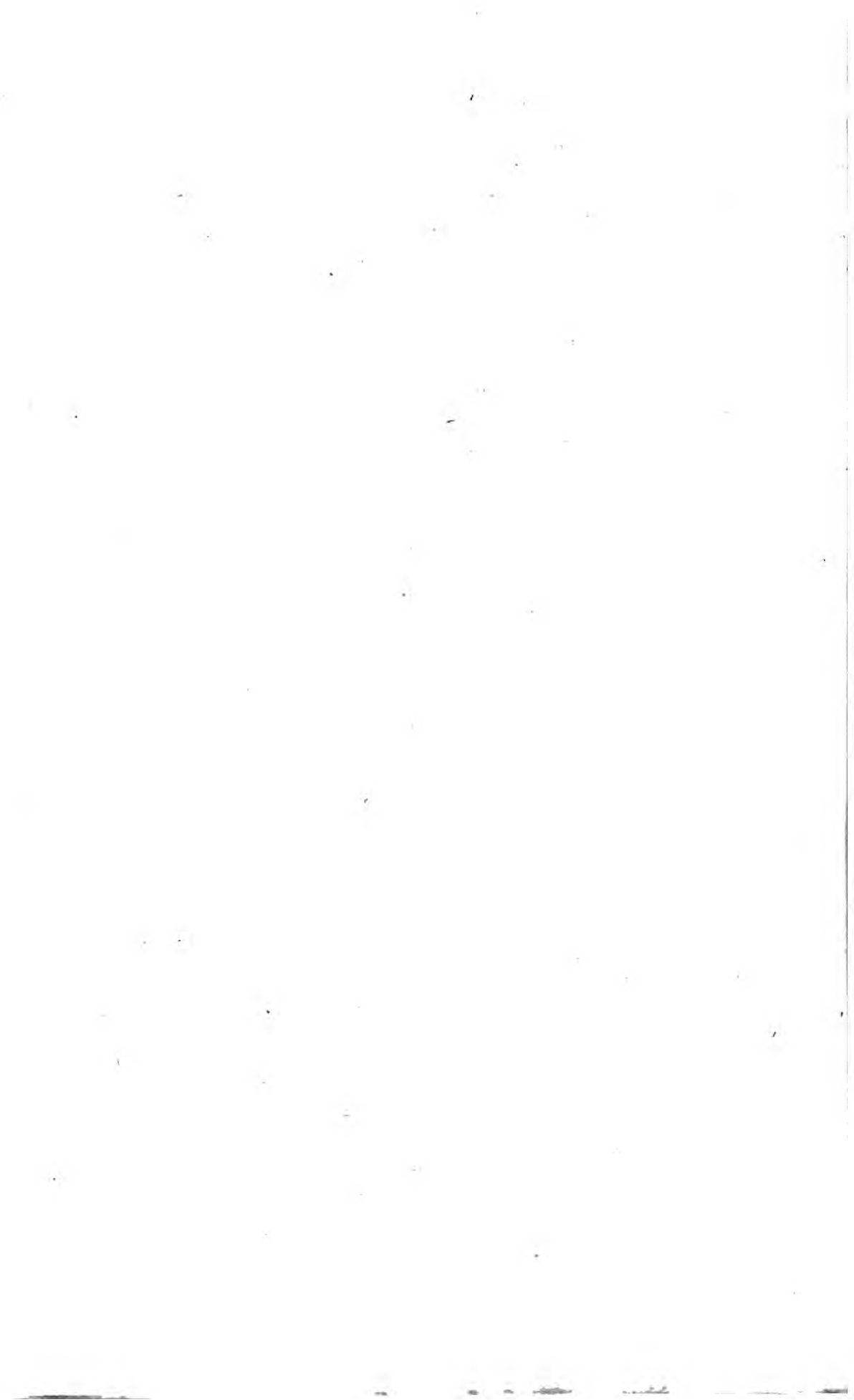
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SOME  
CONSIDERATIONS

ON THIS QUESTION; 84

*WHETHER THE BRITISH GOVERNMENT ACTED  
WISELY IN GRANTING TO CANADA  
HER PRESENT CONSTITUTION?*

—  
WITH AN

APPENDIX;

CONTAINING DOCUMENTS, &c.

BY A

BRITISH SETTLER.

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Nullius addictus jurare in verba magistri.—HOR.

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—  
1810.



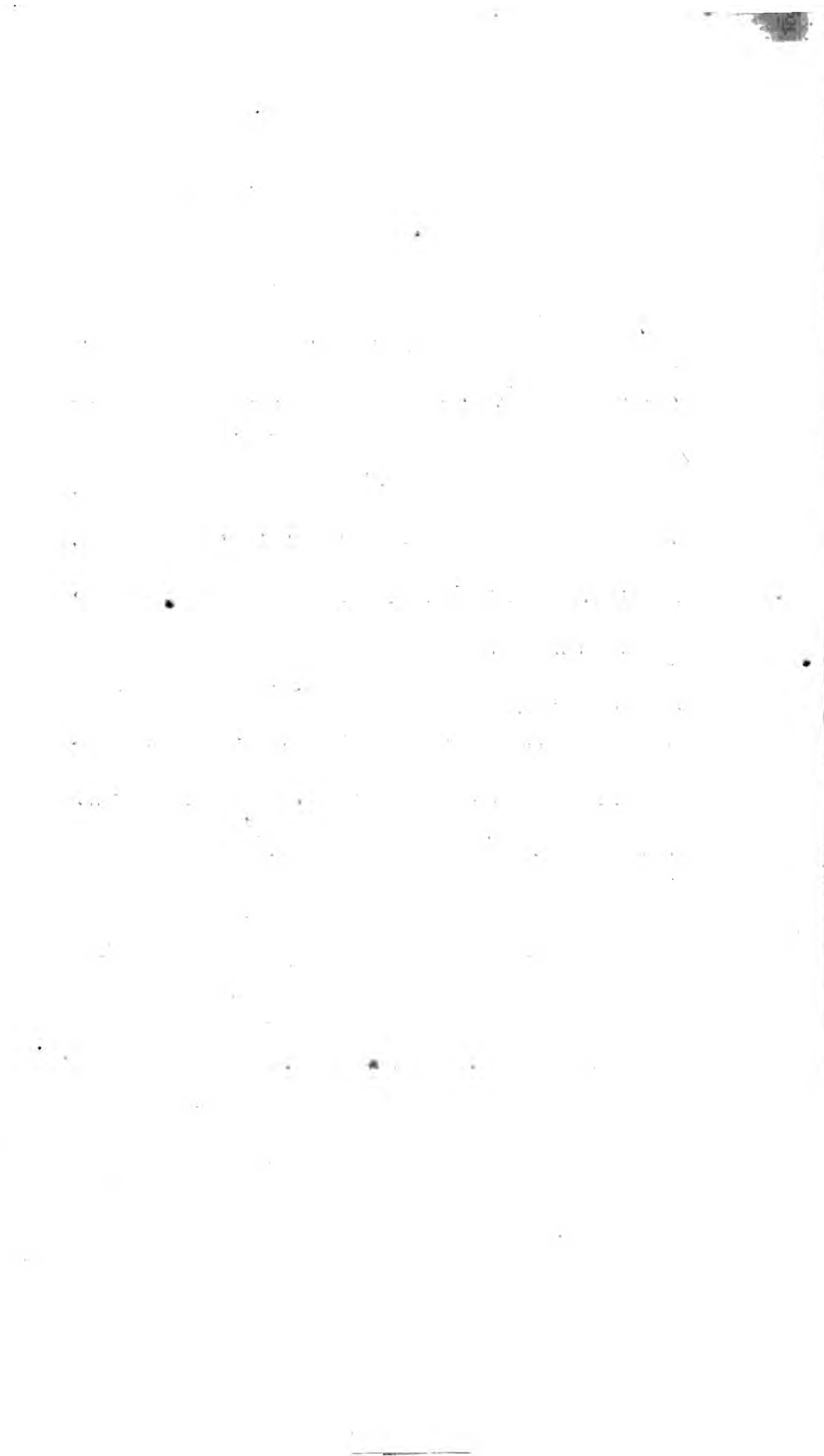
## ADVERTISEMENT.

*THE Author of the following Essay is not conscious of having been in the least actuated by party spirit, in writing what he has done. He conceives that the British Constitution requires only to be known, that it may be admired. He hopes therefore, that what he has written will induce those who have more leisure and who are also more capable, to use such means as are in their power, to preserve our Constitution in its purity ; that it may neither fall a sacrifice to anarchy on the one hand ; nor to despotism on the other.*

*A BRITISH SETTLER.*

*Montreal, 14th March, 1810.*





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. SOME  
*CONSIDERATIONS*  
ON THIS QUESTION ;

WHETHER THE BRITISH GOVERNMENT ACTED WISELY IN GRANTING  
TO CANADA HER PRESENT CONSTITUTION ?

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AS people are apt to go to extremes, it cannot, particularly, at the present moment, be deemed a trifling question, to consider, *whether the British Government acted wisely in granting to Canada her present Constitution.*

The Canadians, or at least a Junto of them, seem to think that the British Settlers can be actuated only by selfish motives ; and, therefore, that they ought to oppose whatever is brought forward by them, some of the British Settlers again, seeing that the Canadians give way to such an unreasonable prejudice, seem to think, that the better way to govern the country, will be to have recourse, at least in a certain degree, to the former despotism under which the Canadians were kept. As I conceive that either of these modes of thinking, if brought into action, is fraught with consequences ruinous to Canada, I shall with all due deference to the opinions of others offer the following observations to the consideration of my fellow subjects.

*A Government may be said to act wisely when its measures are well calculated for supporting its own power and stability, and for promoting the prosperity and happiness of the governed.*

Agreeably to this definition, it will readily be allowed that the British Government has, on many occasions, deserved the reputation of wisdom : let us consider whether that part of its conduct to Canada,

referred to in the present question, will tend to support this well earned fame.

Mr. HUME has remarked, that, "tho' free Governments have been commonly most happy for those who partake of their freedom ; yet are they most ruinous and oppressive to their Provinces." This truth, so evident from History, seems to have made a proper impression on the wisest and best informed Ministers of Britain. They were aware, that unless they imparted to the Colonists a share of the freedom and advantages which their Mother Country herself enjoyed, suspicion, distrust, jealousy and final alienation must be the consequences. Hence with a liberal policy, as well as parental affection, they encouraged the natural propensity of distant settlements to model their subordinate Governments and other establishments on those of the Parent State. At the same time, they allowed them to introduce such alterations as local circumstances required.

So admirable in practice is the nature of the British Constitution, that, moulded to their peculiar situation, it quickly enabled them to outstrip the colonies of every other nation, in internal happiness and prosperity, and to become daily more useful and important to their Mother Country.

Happy would it have been for the latter, and for her first and most important Colonies in North America, if no illiberal and narrow views in men who acquired the confidence of his present Majesty, at an early period of his life, had prompted a change of conduct and produced measures, which will ever be a humiliating blemish in a reign, otherwise glorious and happy.

In the midst of exultations arising from immensity of territorial acquisition, and in the delirium of political experiment, the first principles of government are often forgot. That public opinion, which is the foundation of its power, was on this occasion openly insulted, by an attempt to violate the sacred right of property ; of which the Colonists were to be de-

prived, without their consent, conveyed thro' the medium of their Representatives.

But let us decline the task of renewing that picture of ministerial folly, which has doubtless already made a salutary impression on the world, inculcating forcibly on all Governments and Subjects, the necessity of moderation and mutual forbearance.

Let us now hasten to the immediate object of this Essay, rapidly glancing at the state of Canada when annexed to the British Empire, and reviewing the measures taken by Ministers for its provisional government till their finally granting the present Constitution.

After this, it will be proper to consider, 1st. *Whether that Constitution was formed in such a manner, as completely secured its subordination to that of the Mother Country, and precluded the possibility of its producing any effects prejudicial to the general interests of the British Empire.* 2nd. *Whether its principles were already well modified to the local circumstances of the Country; or at least, whether it contained and was formed to preserve in full vigor all those remedies of grievances and means of self-correction and improvement, which exist in the British Constitution.* 3d. *Whether, making proper allowance for the difficulties and obstacles incident to new establishments, the present Constitution has begun to justify the expectations entertained, by the reflecting part of the community, in promoting the internal peace and prosperity of the Colony, and in attaching it strongly to the Parent State.*

With respect to the situation of Canada, when annexed to the British Empire, and to the measures taken by Ministers for its provisional government, till their finally granting her present Constitution, the following facts deserve our notice.

While France was possessed of Canada, she seemed to consider it rather as a Military Post, whence she might harrass the British Colonies, than as a Country, which, by encouragement and care, might

become valuable from the produce of its soil and fisheries. Except the Fur Trade, no branch of Commerce had been ever pursued there with energy or success. To such a height indeed had the tyranny, rapacity and waste of military government arisen, before the conquest, that the half-famished remains of the plundered Colony are said to have hailed that event as the most auspicious that could happen.

Its population was then reduced to 70,000, a paucity of numbers, which rendered them incapable of cultivating that narrow strip of land, already cleared along the Banks of the St. Lawrence and its tributary streams. An increase of population was thus imperiously called for, to enable the Colony to recover from its present degradation, as well as to secure and render it useful to that Empire, of which it now formed a part.

Thus true Policy dictated the Proclamation issued in 1763, by his present Majesty in Council, which (in compliance with the opinions of the highest legal authorities of those times) declared in the most solemn manner, that all the rights and privileges secured to Britons, by their Laws and Constitution, should be extended as quickly as possible to the new Settlers, particularly specifying, that, for the better security of the liberties and properties of those who were or might become inhabitants thereof, a General Assembly should be called as soon as the state of the Province would permit.\*

In consequence of this public guarantee, and of the gratuitous offers of land to the Officers and Soldiers, disbanded in America, considerable settlements were formed, which have tended much to improve and strengthen the Colony. It thus appears that the Inhabitants of Canada, particularly the new Settlers, had their future Constitution secured to them by the strongest sanction, which, in their situation they could expect.

But the fulfilment of these promises was indirectly

\* See Appendix, No. 2.

retarded, and indeed rendered far less useful afterwards, by the fatal change of Colonial Policy, attempted by the British Ministers, soon after the cession of Canada.

The arbitrary conduct of Ministers and of their majority in Parliament, resented both at home and in America, procured friends to the Colonists in every quarter. The violation of the privileges of fellow-subjects abroad was justly considered as the forerunner of tyranny at home; and when Ministers, too vain and conceited to retract, were on the eve of coercion, they clearly perceived that every privilege and influence of the Crown must be exerted, in order to support their pretensions.

It was doubtless this conviction, which, very near the close of the last Session of the Thirteenth Parliament of Great Britain, in 1774, induced them to introduce with unusual haste, when most of the Members had left Town, the notorious Quebec Bill; a Statute expressly calculated to keep this Province as distinct and as different as possible from the other Colonies, with respect to the essentials of Government, Laws, Religion, Manners and Language.† ‡

To accomplish this object, every inclination of the Roman Catholic Clergy and Noblesse, with respect to feudal and ecclesiastical immunities, rights and privileges was indulged, as far as the Ministry dared to do in the face of the opposition of the bulk of the British Nation. By this Statute, the common People of Canada were left entirely at the mercy of those higher orders: for tho' the previous adoption of the English Criminal Law, now confirmed, might be called a general benefit; yet the re-establishment of the French Civil Law produced collisions between the two Codes and gave rise to such perplexities as are yet hardly unravelled. In a word, it rivetted on the necks of the lower classes the chains of ignor-

† By this Act the payment of Tythes to the Clergy was enforced; which by the Capitulation, had been left to the pleasure of the King.

‡ See Appendix, No. 3. 1.

ance, superstition and vassalage. The celibacy of the Clergy, and the support of Nunneries were sanctioned, and the rights and ceremonies of Popery were surrounded and supported with the pomp of prescriptive power.

The more this Statute appeared indulgent to the Roman Catholics, the more shameful appeared its neglect and violation of the rights of the Protestant and British Settlers.

The King's Proclamation had produced at least a reasonable expectation, that as much as possible of the laws and liberties of Britain would be ingrafted on the Establishments and introduced into the Government of Canada; but it was now evident that such an expectation was, by this Statute, completely done away. Those deluded men now clearly perceived, that the British Legislature had imprudently, and without any cause sufficiently ostensible for a free Government, confirmed and even strengthened establishments, which must tend to keep up a lasting division between the Inhabitants of the Province. They had the mortification to see that, while the Roman Catholic Clergy had such provision for their support settled by law, as rendered them respectable and independent, the Protestant Clergy were left entirely at the mercy of the Crown. They found that instead of being settled in a Colony, in which the Laws, Government, Language, Manners and Customs of their Mother Country were encouraged and likely to prevail, they should now feel as if in a foreign land and under an arbitrary power. For, lastly, they found that seventeen persons, or even the majority alone of that number, Roman Catholics and Protestants, called the Legislative Council, completely dependent upon the Crown, were, in conjunction with the Governor, entrusted with the very important business of making ordinances for the peace, welfare and good government of the Province. These had the power of altering and amending the Laws; and tho' they could not imprison for longer

than three months, they were unrestrained in the power of fining delinquents.

Thus did the Ministry take advantage of the absence of the greater number of the most independent Members of the British Legislature, in order to pass an Act, which has done more harm to Canada, than any provisional Government, in the spirit of His Majesty's Proclamation, could have caused, up to the present time. Something to counteract the bad effects of the French Government in Canada was wanting; the opinions and prejudices of the French Clergy and Noblesse ought not to have swayed so entirely the framers of this Act; who should never have lost sight of the future condition of a Country, destined to receive a British population. But the only appearance of regard, which we find for their Countrymen on this occasion was the insertion of a Proviso, that the Civil Law of England should prevail in all those parts of the Province, in which the lands had been or should be granted in free and common soccage, after the conquest.

It appeared proper to be thus diffuse in giving an account of the above fatal Act; because to its influence should be ascribed the subsequent measure of dividing the Province, upon granting the present Constitution. Government seem to have thought that they had conceded too much to Popery, prejudice and feudal pride, to be able now to stop with a good grace; and they finally abandoned the Lower Province to divisions, parties and rivalships, the end of which it is hard to conjecture.

After Canada had been long fettered by such impolitic measures, the increasing importunity of the English part of the community, at length prevailed upon the British Legislature to think seriously of forming a free Constitution for that extensive colony. † On this occasion, the division of the Province was decided upon, and defended by Mr. Pitt and the majority, against the well founded objections to such

† See Append. No, 4,



a measure, made by Mr. Fox, with his usual acuteness and energy. In many respects it was allowed that the Bill was framed with great ability : it was said that particular pains had been taken by Ministry, to gain information respecting the state of the country, from which they were induced to leave the religion and laws of the Lower Province in the same state in which they had been placed by the Quebec Bill.

What has been mentioned above as well as the following remarks, chiefly regards the Lower Province ; we may however observe in general, that the division of Canada is daily introducing into both Provinces a separation of policy and of interest, which must soon have a bad effect upon the good understanding and perfect concord, which Britain's interest requires among that part of her Colonial subjects, whose attachments and partialities, whose language and manners point them out as the chief supports of her power in this quarter of the globe.

But it is now time to speak more particularly of the new Constitution, and to consider, 1st. *whether that Constitution was formed in such a manner as completely secured its subordination to that of the Mother Country, and precluded the possibility of its producing any effects prejudicial to the general interests of the British Empire.*

In proportion as an Empire enlarges, the difficulty of ruling its distant parts with energy, will increase. Tho' this is partly the case with all governments, it is more peculiar to the free than to the despotic, and particularly applies to the British Constitution ; whose genius it is to suit all its measures to the various circumstances of its subjects, as correctly as the imperfection of all human institutions will allow. An arbitrary Government is disposed to bend every thing to its own particular system ; but our Constitution disclaims such an outrage on the natural rights of mankind, founded upon the natural constitution of things. Hence the extensive powers, which it finds

necessary to grant to subordinate Legislatures ; and hence the necessity of care in securing their dependence upon the general Government. Perhaps there has never been an instance of more care in forming one Government upon the model of another than appears on comparing the Constitution of Canada with that of Britain ; and its subordination seems fully secured, by the circumstance of its being conferred by an act of the British Legislature subject to be amended, altered or repealed by the same power. But when we reflect that the feelings, characters and opinions of the men who compose a majority of the Provincial Legislature are necessarily formed and regulated in a great measure, by Laws and establishments, by language, literature, manners and customs entirely foreign and frequently of a tendency contrary to those of Britain, we may well doubt whether from these combined causes, many inconveniencies will not arise which may eventually prove prejudicial to the general interests of the Empire.

With respect to the second consideration, namely, *Whether the principles of the Constitution (of this Lower Province) were already well modified to the local circumstances of the Country ; or, at least, whether it contained and was formed to preserve in full vigor all those remedies of grievances and means of self-correction and improvement, which exist in the British Constitution,* the following observations may be useful.

After making proper allowance for the bad consequences of the Quebec Bill, already minutely detailed, we must admit that the principles of the present Constitution are modified with considerable care to the local circumstances of the Country ; that the qualifications to vote and to be elected are settled in the only way, which the state of Religion, Law, Property and Education would permit ; and that the number of Counsellors and Representatives was fully adequate to the population of the Province, at the period of its institution.

That the representation ought, to a reasonable extent, to keep pace with the population of the Province, was acknowledged by the late Mr. Pitt, upon the discussion of the Bill ; and he then expressed his readiness, upon all occasions, to put that principle into practice. Since that period, our numbers have more than doubled ; but the community have never petitioned for any encrease of the number of their Representatives. Were they to do so, the growing strength of the English part of the Inhabitants might be fully proved ; and until some such step be taken, the latter can never hope to see their interest consulted in the House of Assembly. A majority there of French Members have endeavoured to carry every thing before them. Never has that branch of the Legislature displayed the liberal views which should characterise a body, intrusted with a large share of the important business of making Laws and Ordinances for the peace, welfare and good government of this extensive Province : a spirit of party has uniformly prevailed and extended to the minutest formalities.

When this dogmatic and illiberal spirit shall be subdued by means of a fair representation, it is to be hoped that we shall then have the happiness to find *that our Constitution contained, and was formed to preserve in full vigor all those remedies of grievances and means of self-correction and improvement which exist in the British Constitution.* At present we must reflect carefully upon the effects of the latter, when least fettered by prejudice and party, to guide and strengthen our expectations from the former.

We are thus insensibly conducted to the last consideration, which is certainly the most important and hazardous of the whole, namely, *whether, making proper allowance for the difficulties and obstacles incident to new establishments, the present Constitution has begun to justify the expectations entertained by the reflecting part of the Community, in promoting the internal peace and prosperity of the Colony, and in attaching it strongly to the Parent State.*

Let us therefore most seriously reflect upon this part of the subject, that we may be guarded against that levity of disposition and propensity to novelty which characterise the desolating spirit of modern innovation.

Such is the shortness of human life that impatience of the slow and regular progress of human affairs is found to prevail in most of the warm and active Members of Society. Such men are more apt to admire the feverish efforts of anarchy, or the rapid march of despotism, than the calm effects of rational Government. May we never be thus unfortunately misled! but if at any time we should observe symptoms of decay, let us not readily despair of our Constitution. In very different stages of society, the salutary forms and solid fabric of the British Constitution have resisted corruption and depravity; and it has often been the chief cause and support of that Religion, Justice, Morality and Order, which now regulate and support its influence.

Were any of us desirous to persuade a friend in Britain to emigrate to Canada, how should we best recommend such a step? Should we not immediately after those most common topics of the cheapness and variety of land and the extensive field for enterprise and industry which it affords, tell him that we have enjoyed a free Constitution, formed upon the model of that of Britain; that our lives and our liberties were here equally secure as in that favored Country; that, in fine, tho' to a stranger, it might still have a foreign appearance, it was daily assuming new features more congenial to those of his native land? All this, and more of a similar kind, we might say with great truth; and these are certainly a considerable part of all the expectations from the present Constitution, which could be reasonably entertained by the reflecting part of the Community. Difficulties and obstacles will always occur, in every new Establishment; and the first systems which appear in a people long oppressed, receiving only a reason-

able share of liberty are often rather apt to excite alarm. Who is more likely to be licentious than a newly emancipated Slave? Were the liberty and security of the British Settlers entirely out of the question, when, could we imagine that some fashionable and cautious politicians would think proper to impart freedom to the Canadians? Never:—never has liberty been conferred gratuitously: it has been extorted at times and upon occasions as rare as they are precious. Had the spirit of freedom, which the new Settlers inherited from their Ancestors and brought along with them to Canada not succeeded at the time it did, in obtaining a free Constitution, who among us would be bold enough to say, that by this time even the bulk of the British Settlers and their descendants would not have become unfit to be reasoned with, and as it has been said of the Canadians, *be only willing to obey, when commanded* “*au nom du Roi?*”

The ignorance and jealousy of the Canadians do certainly cause to us much inconvenience; but we are now embarked along with them: our interests are connected with theirs; and we ought to labour to promote them conjointly to the utmost of our power. Let us only have a little patience. Our influence is insensibly encreasing: we are daily infusing our freedom of spirit into every class and establishment with which we come in contact; and in a very few years, by the regular progress of human affairs, it can hardly be doubted, but the expectations of the reasonable part of the Community will be fulfilled. We shall then see our native laws, liberties, language and manners enjoying all that superiority here, which unshackled commerce, open discussion, a free Press and unrestrained Society are calculated to produce. A spirit of enquiry, leading to attention to education, will gradually open the minds of the Canadians, and render them truly worthy of legislating for themselves, and of contri-

buting along with us to the internal peace and prosperity of the Colony.

That the present Constitution will serve to attach us more strongly to the Parent State might be readily inferred from what has been already said respecting the general and approved policy of Britain to her former Colonies. But besides, if we examine History, we shall find that no rule of conduct has so generally prevailed of late among modern nations, as that of extending to their conquests and Colonies their own forms of government, whether free or despotic. Such policy is always natural; and from the present extensive and *generally* unrestrained intercourse between the different parts of the world, it has become absolutely necessary. Whatever serves to render the Government, Laws, Language, Manners and Customs of a conquered country similar to those of the conquering State, must tend to identify both together:—on this account has been here reprobated the Quebec Bill, which so completely obstructed such an assimilation. A people governed on the plan laid down there, could never assimilate to the Subjects of a free Government: they might have formed a state similar to the hereditary dominions of the House of Hanover; and on some future day, might have added to an ambitious Monarch's means of overawing British freemen.

Notwithstanding the appearance of this Country to a stranger; tho' its outside, *the front and drape-ry of the picture be French*, we have the consolation to know that *the back ground at least* is English; and tho' to superficial observers, this may give occasion for flippant remarks, we ought to despise any theories which they may endeavour to raise on so flimsy a foundation. There is little fear indeed that we ourselves should ever encourage features of despotism in the Government of this country:—but we must be watchful and ready upon all occasions firmly to oppose and counteract the influence in Britain of the insinuations of such forward pretenders

to politics as a Mr. Gray; who lately favored his friends with a bird's-eye view of Canada. He, good man, did not hesitate to advise a return to the arbitrary measures of 1774; and until a reunion of the divided Province, hinted at the propriety of again commanding "*Au nom du Roi.*"§

When men not merely passengers thro' the Country, or disappointed in recovering bad debts or in making a fortune by a *coup de main*, shall impartially view the situation of Canada;—when to present unprejudiced observation, they add a considerable proportion of past experience, their decision will doubtless be different. Such men will most certainly be of opinion, that making allowance for the difficulties and obstacles incident to a new Constitution, resting as it here does upon old establishments, which had been strengthened and confirmed by previous measures) it has materially tended to promote the internal peace and prosperity of the Colony, and to attach it more strongly to the Parent State. They will only lament that more firmness had not been shown by the framers of the Constitution, and that they had not listened with more confidence to experienced Patriots on both sides of the water. These could only consider the division of the province, as a division of interests among the English Inhabitants of Canada, who alone were able to raise up in that vast Country a Colony, whose eventual importance to Britain might be full consolation for her recent loss.

But, to conclude, we have thus considered some approved principles of Colonial Policy, formerly practised by Britain, with the happiest effects on herself and her Colonies: we have taken a brief view of the situation of Canada at the period of its conquest, and of the measures for its provisional government till the new Constitution was finally granted: we have seen that most of the inconveniencies of a political nature, which the English part of the community have experienced, since that period, ought

§ See Append. No. 5.

in justice to be ascribed to the effects of the Quebec Bill ; which rendered the future division of the Province *apparently* necessary for the peace and prosperity of the Colony : We have found that the Act of the British Parliament, conferring on Canada her present Constitution is formed with considerable ability, allowing every power necessary for subordinate Legislatures, consistent with the rights and interests of the general Government of the Empire, and adapting the principles of the British Constitution to the existing circumstances of the Country with considerable care.

From such a view of the subject, we should be justified in deciding *that the British Government acted wisely in granting to Canada her present Constitution* : but, as there are different degrees of wisdom, we might be allowed to add, that they would have acted *more wisely*, had they been less anxious to please all parties, a feature of weakness, too common in the policy prevalent towards the end of the eighteenth Century.

At all events, it must be allowed, that no fault was committed on that occasion which might not be amended in a considerable degree, by a new interference of the Imperial Legislature. The division of Canada is now considered the principal cause of complaint. Let us hope, that, as they possess the right, they will not be found deficient in the wisdom necessary to correct and ameliorate Colonial Policy ; and that they will not fail to restore the integrity of the Province, as soon as the counsel of experienced Patriots shall prove that such a step, while it increased the peace and prosperity of this Colony would materially promote their own power, and the inseparable interests of the whole Empire.

*FINIS.*





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## APPENDIX.

No. 1.—Extract from the Capitulation between General Amherst and the Marquis de Vaudreuil, upon the taking of Montreal and the final reduction of Canada, dated at Montreal 8th September, 1760.

ART. 27th.—The free exercise of the Catholic, Apostolic and Roman Religion shall subsist entire, in such a manner that all the States and People of the Towns and Country places and distant posts shall continue to assemble in the Churches, and to frequent the Sacraments as heretofore, without being molested in any manner directly or indirectly.

The People shall be obliged by the English Government to pay to the Priests the tythes, and all the taxes, they were used to pay under the Government of his most Christian Majesty.

ANS.—“ Granted, as to the free exercise of their Religion. *“ The obligation of paying the tythes to the Priests will depend upon the King’s pleasure.”*”

ART. 41st.—The French Canadians and Acadians of what state or condition soever, who shall remain in the Colony, shall not be forced to take arms against his Most Christian Majesty or his allies, directly or indirectly, on any occasion whatsoever. The British Government shall only require of them an exact neutrality.

ANS.—“ *They become Subjects of the King.*”

ART. 42d.—The French and Canadians shall continue to be governed according to the Custom of Paris, and the Laws and Usages established for this Country; and they shall not be subject to any other imposts than those which were established under the French dominion.

“ Answered by the preceding articles, and particularly by the last.”

Extract from Article 4th of the Definitive Treaty of Peace, between France, Great Britain and Spain, signed at Paris, 10th February, 1763.

His Britannic Majesty on his side agrees to grant the liberty of the Catholic Religion to the Inhabitants of Canada; he will consequently give the most effectual orders, that his new Roman Catholic Subjects may profess the worship of their Religion, according to the rites of the Romish Church, *as far as the Laws of Great Britain permit.*

No. 2.—Extract from his Majesty’s Proclamation, issued in the year 1763, which indiscriminately regards Quebec, East

Florida and Grenada, annexed to the British Empire by the Definitive Treaty of that year.

“ *And whereas, it will greatly contribute to the speedy settling of our said new Governments, that our loving Subjects should be informed of our paternal care for the security of the liberties and properties of those who are or shall become inhabitants thereof,* We have thought fit to publish and declare by this our Proclamation, that we have in our Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted, given express power and direction to our Governors of our said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the advice and consent of the Members of our Council, summon and call General Assemblies, within the said Governments respectively, in such manner and form as is used and directed in those Colonies and Provinces in America, which are under our immediate government: *and we have also given power to the said Governors, with the consent of our said Council, and the Representatives of the People, so to be summoned as aforesaid, to make, constitute and ordain Laws, Statutes and Ordinances, for the public peace, welfare and good government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England; and under such regulations and restrictions as are used in other Colonies. And in the mean time, and until such Assemblies can be called as aforesaid, all Persons inhabiting in or resorting to our said Colonies, may confide in our royal Protection for the enjoyment of the benefit of the Laws of our realm of England, &c. &c.*”

No. 3.—It was a favorite project of Governor Carleton’s, to carry an army of Canadians into the revolted Colonies; notwithstanding their whole population was hardly sufficient then to cultivate their cleared land; and tho’ they could certainly have been much more usefully employed in raising provisions for the British troops. His opinion seems to have had considerable weight with the British Ministry; for they sent out at least 20,000 stand of arms for the express purpose of arming the Canadians for offensive operations; and in restoring the old Laws and Customs of Canada, by means of the Quebec Bill, they re-instated the Seigniors in their right to call upon the Habitans or Freeholders as their vassals, for military service. The latter however, after enjoying the Laws of England during eleven years were not now disposed to comply with such a requisition; and they expressed at once a firm resolution not to march beyond the limits of the Province.

It is very well understood that the common People of Canada expressed the greatest sorrow at the re-establishment of the French Laws and Customs; and that they trembled at the thought of the Noblesse being again re-instated in the magistracy.

Before the Quebec Bill was passed, several Petitions had been presented to the British Legislature by the British Settlers in Canada (then amounting to above Three Thousand Persons) for the calling of an Assembly, agreeably to the prospect held forth by his Majesty's Proclamation, in 1763.

On this occasion they applied to the Roman Catholics to join them. But the latter would not sign any petition, unless it contained a special request that that Assembly should be composed of Roman Catholics and Protestants indiscriminately. The new Settlers considered such a clause as having the appearance of dictating to the British Legislature, and therefore declined adopting it. They were therefore obliged to send a Petition signed by themselves alone; *but it was couched purposely in such terms as left the Mother Country entirely at liberty to erect an Assembly of Roman Catholics and Protestants indiscriminately, if she thought proper.*

Against this Petition, the Roman Catholic Bishop, Clergy and Noblesse alone, sent one *signed by only Sixty-five Persons (including a Boy of only thirteen years of age)*, which Petition, backed by Governor Carleton's recommendation, was taken as the foundation of the Quebec Bill!

It is worthy of remark, that when the English Laws were introduced into Canada, on the 1st of October, 1764, a Proviso was made by Governor Murray, that the French Laws and Customs should be allowed and admitted in all causes between the natives of the Province, in which the controversy had arisen before that period. But, upon the re-establishment of the French Laws, on the 1st of May, 1775, no similar proviso was made by Governor Carleton, in favor of the British Settlers, tho' they then transacted the chief part of the whole trade of the Country!

No. 4.—Against the finally successful Petition for a free Government for Canada, a Representation was sent by the heads of the Clergy and Noblesse, which was fortunately disregarded by the enlightened men, then at the helm of affairs in the Mother Country:—excepting that it seems to have suggested to them the division of the Province, as a likely means of reconciling all Parties.

The following Abstract of the Act, conferring the new Constitution, appeared in the Publications of those times.

“ For each of these Provinces, a Legislative Council, and an  
 “ Assembly, are established, in imitation of the British Consti-  
 “ tution. The Members of the Council are to be hereditary, or  
 “ for life, at the option of the King: and the Members of the  
 “ Assembly are to be elected by Proprietors of Freeholds, equal  
 “ in value to forty shillings, per annum:—but in Towns, or  
 “ Townships, by the Owners of Houses, worth Five Pounds  
 “ per annum, or by the renters of Houses or Lands, paying Ten  
 “ Pounds in Six Months. *Both Provinces* are said to contain  
 “ *about One Hundred and Fifty Thousand Persons, chiefly em-*

employed in Agriculture, and furnishing Corn, Lumber, Peltry,  
 Iron and Fish, for Britain and the West Indies, to the amount  
 of about Four Hundred Thousand Pounds, and importing  
 British Manufactures, to nearly the same value. This Pro-  
 vincial Parliament is to be Quartennial, and to meet once at  
 least in the twelve months, at the call of the Governor, who  
 represents the Sovereign, and may refuse his sanction to any  
 proposed Law, till the final resolution of the British Legis-  
 lature is known."

" In Lower Canada, of which the population is reckoned  
 about One Hundred Thousand, the Assembly must not be  
 less in number than Fifty, nor the Council less than Fifteen;  
 and, in the Upper Province, the Assembly must not be less  
 than Sixteen (*the latter has now Twenty-four*), nor the Coun-  
 cil less than Seven. The Episcopalian Clergy are allowed  
 one seventh of the Land in lieu of Tythes, and a Bishop of  
 the English Church is to be nominated by the Crown. In-  
 ternal taxation by the British Legislature is completely re-  
 nounced: but the external regulation of commerce and trade  
 as strongly asserted. Against the abuse of this power, how-  
 ever, a remedy is provided by enacting that the levying and  
 imposing of Taxes on external Commerce and Trade is to be  
 reserved to the Legislatures of the two Provinces. All Laws  
 and Ordinances of the whole Province of Canada, at present  
 in force, are to remain valid, until they be altered by the new  
 Legislature."

No. 5.—Extracts from Letters written lately from Canada,  
 by Hugh Gray, and observations on the same.

" Canada and Canadians differ very materially from the  
*ci-devant* British Colonies in America, and their Inhabitants.  
 These were Englishmen, descended from men who had the  
 highest notions of civil and religious liberty; and they inher-  
 ited the temper and sentiments of their Ancestors. The Cana-  
 dians are legitimate Frenchmen, the descendants of the wor-  
 shippers of Louis the 14th:—the authoritative mandates of the  
 French King have never sounded in their ears in vain; they  
 were issued with all the arrogance of despotism, and received  
 with implicit and passive obedience. Even now, to reason  
 with the great bulk of the Canadians on the measures of Go-  
 vernment, is what they never look for: *command them " au*  
*nom du Roi" and you will be obeyed.*" Page 77.

Mr. Fielding in his Tom Jones has written a chapter to prove  
 that a man always speaks best on those subjects which he knows  
 something about. Had he lived in our times, he might perhaps  
 have changed his opinion; for now-a-days, men not only speak  
 but also write with apparently great ease and fluency, upon those  
 subjects respecting which they have not had the means, even tho'  
 willing to take the pains, of obtaining correct information. If a  
 man has been in Canada, no matter for what purpose he went or how

long he remained there ; he must be able to give an account of the manners of the People and of the state of the Country ; and even to point out the true mode of managing all its affairs. He had only to keep his ears open for two or three hours at table, after dinner ; and from the discussion which on such occasions takes place, he may draw all the information he wants. He takes a few notes before going to bed (for the true mode, according to Johnson, is to take them on the spot) ; he returns home and from those materials, he publishes a Book, which no doubt he destines to be the guide of Ministers in the management of an extensive and important Colony.

Mr. Gray, we presume considers *himself* a British freeman ; but in the following passage, perhaps unwittingly, he has lighted upon the practical axiom of all despotic and republican governments.

“ The House of Assembly consists of fifty members ; and I will venture to say, that, taking away seven or eight of them, whom I could name, the business of the House could not go on at all—such is the incapacity of the rest. Would not a Council, including these seven or eight members answer every purpose of a House of Assembly ? Nay be more consonant to the feelings and prejudices of the majority of the Canadians” ?

Despotic and republican governments, though differing widely in theory, are nearly resembling in practice. The share of freedom enjoyed by the people under such governments generally depends entirely upon the personal character of the men in power. A despot will crush a good man, because he is afraid of him ; and the republican will do the same for a similar cause. Under such governments virtue often becomes criminal. Instead of being regulated by a wise and liberal policy, these governments confine their measures to the purpose of merely removing present inconveniencies, apparently thoughtless of the sad consequences, such short sighted conduct will ever produce.

Our author seems influenced by this levity of spirit. The Canadians, in consequence of a most impolitic law, have been left in ignorance and are thus exposed to the designs of factious demagogues ; which unfortunately produces some temporary inconveniencies to the English part of the Colony : for this evil, Mr. Gray can find no remedy but in the partial relinquishment of that Constitution which is the boast of every Briton.

Let us act in a manner more generous and worthy of our name. Let us meet those inconveniencies with firmness on constitutional ground ; let us act with decision and they must give way. Had not the late Mr. Pitt pursued this line of conduct at the beginning of the French revolution, when the mad cry of reform resounded through the whole of the British isles, we tremble to think what might have been the fate of that Monarch, who now lives in the hearts of his subjects, and of that country to which, with exultation, we say, we belong.

The above Extracts we trust, will sufficiently prove the justice of censuring the opinions of Mr. Gray respecting Canada politics, in general. It would however have been extraordinary, had he never made any observations temperate and correct. In the following we do not ourselves differ widely from him.

“ Mr. Pitt mentioned (on a late occasion) and all mankind must allow, that union gives strength and vigour. This principle will apply to the Canadas. For the union of the two governments seems the only line of policy which can insure to Englishmen, that weight in the country, which is highly expedient, not only for their own safety and convenience, but for the good of the Province and the interests of Great Britain.” *Page 83.*

A French news-paper, called *Le Canadien*, has lately been edited here; the evident intention of which is to raise the Canadian character, and detract from that of the English. I had heard much of *Le Canadien*, and I took it up with a curiosity much excited; but instead of finding something new, I found the translation of a letter from General Murray, to the British government, forty years ago, in consequence of a quarrel between him and the British Settlers, full of the most violent complaints against them.”

We shall conclude with one observation and reflection upon the work of our author. Some remarkable features run through the whole;—a *sublime* contempt of the lower class of Canadian landholders, an almost total neglect of the same class of British Settlers and an exclusive regard for the higher part of the community. A wise politician will never despise that body which forms the strength of every nation. He will deem it his duty to rescue them as quickly as possible from the fangs of designing demagogues, and also to guard them from the debasing effects of implicit obedience to the dictates of despotism.





