

the foregoing pages to the same effect. On the other 'hand, it will **be** seen that the general idea of the amount of crime which is supposed by the committee on transportation in the subjoined passage in their report,* is applicable only to the convict population, and that the free emigrants and native colonists, are as exempt from its commission, as the virtuous inhabitants of that country to whom they have been compared.

POLITICAL HISTORY OF UPPER CANADA.

IN the two preceding numbers of this magazine, the physical character **and resources** of Upper Canada were examined : it may not be uninteresting to glance at some of the political events which have taken **place** in **that** province during the last few years, and at their consequences. At the conquest of Canada by Wolfe, in 1760, the **whole country** was comprehended and comprised under the 'province of Quebec ; there were but few settlements but those immediately on the St. Lawrence, and the **posts** where the traders in fur halted in their **journeyings** to the north-west regions. **After** the American revolution of **1776**, **many** loyalists **from** the United States, warmly **attached** to the British government, came over to Canada for an asylum, and settled **themselves on** the townships bordering on the frontier. The gallant Highlanders fought their **way** from the **Mohawk** river, in the state" of New York, through almost impenetrable **fastnesses**, to the **banks of** the St. Lawrence, 'when the revolutionary war broke out, determining **to** sacrifice their lives and fortunes rather than abandon their **fealty** and allegiance to the British crown. The sachems and **chiefs of** the Six Nations Indians came over to Canada, and occupied the lands on the Grand River, where they remain to this day, noble, faithful subjects of the British empire, honoured as much by the **revilings** of Hume, as by the **inextinguishable** regard of all British subjects

* " In short, in order to give an idea of the amount of crime in New South Wales, let it be supposed that the 17,000 **offenders**, who last year were tried and 'convicted in this country for **various** offences, before the several courts of **assize** and quarter sessions, had all of them been condemned for capital crimes, that **7,000** of them had been executed, and the remainder transported for life ; that, in addition, 120,000 other offenders had been convicted of the minor offences of forgery, sheep-stealing, and the like-then, in proportion to their respective populations, the state of crime and **punishment** in England and her Australian colonies would have been precisely the same."

who reside in their vicinity. Very shortly, therefore, after the conquest of Canada, this accession of British settlers took place. It became therefore necessary, on many accounts, to make a division of the province : the following narration of its necessity, by that ornament of Upper Canada, Chief Justice Robinson, is irresistible :—“ The division of Canada into two provinces was, on more accounts than one, a measure of absolute necessity. In the year 1791, when it took place, the agricultural settlements which had been formed in the upper part of the province, by disbanded soldiers and American loyalists, had become considerable. Some thousands of people had spread themselves over the district of Niagara, and over lands still more remote from Quebec, particularly in the western district. Between these new settlements and the country upon the St. Lawrence there were large tracts of wilderness intervening, which the Indians still held as hunting-grounds, and through which there was no road whatever in the year 1791, when the act was passed, nor for many years afterwards. The mail **from** Quebec found its way into this region but once or twice, I believe, in a twelvemonth ; for it was, in fact, only capable of being traversed by Indians and hunters, or by persons as active and hardy as they. The common way of **travelling** from the upper country, to and from Montreal and- Quebec, was through the lakes and rivers in the summer season ; and the passage was, in point of inconvenience, more formidable, and frequently occupied more time than the intercourse between Toronto and London at the present day. It is quite obvious, that, under such **circumstances**, justice could not be administered, nor any of those objects of society attained which require the intervention of the civil **power**, for the seat of government was nearly as distant **from** some of these settlements as Copenhagen is from Rome., If **Canada had** even remained a mere military government, it could not have continued undivided, without an utter disregard of the **convenience** and interests of the whole upper portion of it, which, while it was, in the rapid progress of settlement, required to have at hand the various departments of government, and especially those connected with the surveying and granting of land. But when parliament determined, as they did in 1791, to bestow a representative form of government upon the colony, the gift would have been little more than nominal so far as Upper Canada was concerned, if it had not been accompanied by a division of the territory. All who remember the **difficulties with** which even a journey to Toronto from the western **district** was attended, fifteen years afterwards, will have little doubt of this.”

There were a variety of other reasons, which are most ably discussed; by this learned judge, arising from the impolicy, as well as impracticability, of subjecting these new settlers to the dominion, difficulties, inconveniences, and disadvantages of French laws, customs, usages, and habits ; especially as, by the act of 1774, the ancient law of Canada was expressly. restored, in contradistinction to the law of England, which had been introduced into Canada after the conquest, and was made the rule of decision in all controversies relating to property and **civil rights.**

Nor has the striking advancement in population, commerce, settlement, revenue, public improvements, value of property, arisen from any cause so much as the *division of the province ; if Upper Canada had been controlled by a French legislature, which, to render its eagerness to retard and discountenance the increase of population from the British Isles more apparent and effectual, imposed a capitation tax on all emigrants from Great Britain and Ireland, and **from thence only,** on landing at Quebec ; which made every possible effort and exertion (happily unsuccessful) to induce the home-government to annul their agreement with the British American Land Company, a company expressly established to encourage emigration from the parent state, and the. settlement of valuable and fertile lands lying idle, useless, unprofitable, and unproductive : would-could Upper Canada, in less than half a century, have advanced in number from 10,000 to 500,000—from a vast, impenetrable wilderness, to a country, where so many, and such gigantic undertakings and improvements have been effected, as to induce numbers of Americans, in their various legislatures, to hold it up as a model for imitation? Thus, then, the division of the province of Quebec into Upper and Lower Canada was caused by the settlement of the united-empire loyalists, and the impossibility of governing them under the existing regulations of the country.

On the assumption of the government by the first governor, General Simcoe, after the partition of the provinces in 1791, he issued an invitation to American settlers, to come and establish themselves in Upper Canada. Well aware of the fertility of the land, the salubrity of the climate, the nature of its settlement, and the extent of its capabilities, they came over in numbers, particularly from New Jersey and Pennsylvania, and some of the early settlers have told the writer of this sketch, that when they first came into the township of Ancaster, in that beautiful settlement called the Jersey settlement, now covered with noble. farms, they had to ride sixty miles to Niagara, through an Indian trail, for every article they required, which they could not raise

or manufacture. Ey some grievous oversight on the part of the British government, neither schoolmasters, nor clergymen were established or provided for these settlers in their new settlements—their feelings, predilections, habits, were all American, nor were they at all lessened by European settlers, whose improved habits and different tastes were ascribed to aristocratic prejudice, and a desire to introduce 'monarchical and aristocratic principles into a country they hoped to see republican and American.

The first indication of this anti-British feeling was manifested in 1811, when Governor Gore, at the commencement of the American war, required the oath of allegiance to be taken, when numbers, rather than take that oath, or carry arms for the defence of the country, quitted it ; unhappily, many of the same principles remained behind, although their hostility was not excited at that time sufficiently to induce them to proclaim their inveterate hatred to the British sway. As the circumstances of these men became more easy, and as their families grew up around them, they cared less for the cultivation and settlement of the land, and occupied themselves more and more in the discussion of politics. They had had neither the opportunity nor the material for cultivating a taste for literature, and they were soon lured into the discussion of politics, and engulfed in its distracting and embroiling agitations ; nor were there wanting crafty, ambitious, wicked, designing demagogues, who made a trade of politics, and assumed the pretext of patriotism for the better purpose of carrying on their schemes of self-aggrandizement, and living without labour.

From the manner in which the education of the settlers, and their families, had been neglected, they were, generally speaking, incompetent to fill those offices which required ability and information in the performance of their duties. When a British settler arrived of character and talent—when he cheerfully gave the price demanded for a cultivated farm, and introduced those improvements in agriculture, horticulture, &c., which were sources of gratification and enjoyment to him, and entered with energy, enterprise,* and spirit into the public improvements contemplated—and having secured powerful letters of introduction to the officers of the executive, from the friends he had parted with to make Upper Canada his home, he was sometimes nominated to an honorary appointment in the disposal of the crown, causing discontent and jealousy to the older settler, who thought he had a better, having a prior claim. The farmers had no grievances of a practical nature to complain of, but they felt the incipient feelings of mortification and discontent, and they listened with attention to the

wily harangues of the demagogues who addressed them ; and caught up, with avidity, the advice and suggestions they gave. They told them,-You were the first settlers ; you were invited over to settle the country ; you ought to be judges, sheriffs, coroners, magistrates, militia officers ; and you would be filling all offices of trust, power; and emolument, if similar elective institutions were established as in the country from whence you came.

The dexterous demagogues who assailed these men, knew well what arguments they could successfully make use of, to shake their affection to **the English** government, and enlist them in **their** cause. They inveighed against all grants for religious purposes -they imputed systematic corruption to the banks-they incessantly vilified every **public officer**-they uniformly decried and denounced the executive—**they called all** public works jobs, speculation, for private, not general interests-they most falsely and injuriously misrepresented the Canada company, who had been the means of promoting a large emigration to the **province**—they recommended and urged measures both on the **local** and imperial legislatures and government, which could not be conceded, without abandoning the constitution, and surrendering the government of the province; and by this course of operation, they artfully alienated the affections of the people from their rulers, whom **they** invariably designated as arbitrary, partial, self&h, vindictive, and corrupt. Notwithstanding, however, all their exertions, they never so far succeeded, as to obtain more than two Houses of Assembly favourable to their views, both of which contained nearly all the prominent actors. in **the** abortive effort at rebellion, and both of which were presided over by an American speaker, Mr. Eidwell. These two Houses of Assembly were mainly distinguished by an opposition to the government of the mother-country-their unceasing efforts and principal occupation were directed against the formation and constitution of the legislative **council**—they passed every description of measure likely to be rejected by that body, introduced for no other motive, **and carried for no** other object-they postponed the discussion of **useful**, salutary, and necessary measures to so late a period in the session, that the legislative council could not pass them, frequently sending them a vast quantity of bills for deliberation but the clay before their adjournment, and all this with the sole view and purpose of creating an odium against that body, and a corresponding increase of regard for elective institutions. Neither of these Houses of Assembly continued in session more than two years : the first terminated by the demise of George IV. in the third year of its

sittings ; the last was dissolved by Sir Francis Head ; they both ended their career amidst the universal rejoicings of a delighted people.

Their opposition to public improvements--their adverse feelings to British emigrants—their inveterate hostility to the parent state—their undisguised hatred to monarchical institutions, were too evident to be concealed, too active not to be exerted, and too mischievous not to lead to their discomfiture and disgrace, in a colony, where nine-tenths of the Canadian and British settlers glory and feel proud in their connexion with the British empire. Notwithstanding, however, the existence of this feeling, which like a mask covered, not concealed the face, they feigned attachment to the government and constitution of Great Britain ; and some pompous eulogiums of its excellencies and merits might be culled from the speeches of these men, who, afterwards, banded together to remove it altogether from the American continent. Those words, so significant of purpose and pregnant of meaning, “ **reform,**” and “ **redress of grievances,**” were the talismanic words under which they cloaked their designs, arranged their plans, and fought their battles : to accomplish and effect these ostensible purposes, this was the professed object of all their exertions—resistance to the authorities, overthrow of the constitution, severance from the parent state, if meditated, were certainly not avowed.

In the year 1834, the aspect of things became at once suddenly and alarmingly changed. Mr. Hume, then member for the important county of Middlesex, wrote to the mayor of Toronto, W. L. Mackenzie—since stained by the crimes of murder, arson, mail-robbing, footpad robbery, &c.—saying, that the crisis had arrived in the affairs of the Canadas, when the “ baneful domination of the mother-country” must be terminated in their freedom and independence ; telling the Canadians, that, “ the proceedings between 1772 and 1782, ought not to be forgotten ;” and advising them strongly, in carrying on the contest, they should “ let **their conduct** and the **result** be ever in view !” The whole people of Upper Canada were startled at the audacity of the advice—the press vehemently denounced it—and the enthusiastic loyalty it provoked, can never be forgotten by those who were the admiring witnesses of it. An eloquent writer in Upper Canada thus noticed it at the time. “ Dr. Johnson observes, that ‘ there are certain authors whose writings are beneath the dignity of criticism ;’ and I have heard it more than once asserted, that there are certain demagogues, whose political tergiversations are so notoriously at variance with every principle’ of honour and honesty,

that to make them the subject of even common conversation, would be at once degrading and impolitic. Those sentiments might both be entitled to serious consideration, if mankind were for the most part freed from the shackles of ignorance and prejudice, which, fortunately for the brainless scribbler, as for the brawling demagogue, yet fetter the mind of a large proportion of the human family. It, therefore, becomes as necessary, at times, coolly to sit down and animadvert upon the conduct of the pretended patriot, however at variance with reason, religion, and loyalty that conduct may be, as it is to apply the lash of criticism to the productions of the illiterate, when the principles which they advocate (however feebly) may have a tendency to disturb the peace of society, or to undermine the institutions of long and well-established governments. The bite of the meanest reptile needs as much the healing hand of the physician, as the wound of the well-directed rifle—for it is unhappily the condition of man, that the health of the physical body, as well as that of the body politic, may at any moment be impaired by the concealed treachery of the most **grovelling** reptile ‘that licks the dust,’ or struts ‘in purple and fine linen.’ It is, however, wisely provided by an over-ruling Providence, that noxious animals; whose sting is most calculated to inflict permanent injury, or instantaneous death, either give some warning of their intended attack, or have their haunts made known by the appearance; in their immediate neighbourhood, of certain antidotes to their poison.” .

The application of these remarks to the letter in question, are too obvious to need illustration. British emigration, up to the period of that letter, had, been so steadily directed to Upper Canada, as to amount, during the two years of 1831 and 1832, to 102,000 ; and that year itself before the “*baneful*” influence of the letter was felt, to 31,000 persons; fell off the next year to 12,000 ! and although the simultaneous rising of the loyalists were well calculated to discourage this embryo rebellion, its effects were eminently prejudicial to the best interests of Upper Canada. No sooner was the astounding nature of this advice communicated to the public by Mackenzie, than the people rose, as it were, by **talismanic** influence, to express their invincible resolution to defend to the last extremity, the royal standard, and the integrity of the empire. Lord Seaton (then Sir John Colborne) was **Lieutenant-Governor** of the province, and the noble inhabitants of the city of Toronto, with unexampled promptitude, presented a most loyal and affectionate address, through him, to the throne ; and discarded from the council, at the following election, every member who had

given countenance to the flagitious and revolting effort to provoke rebellion. The gallant “men of Gore,” to the number of 1,200, quitted their fields, then ripe for the scythe, and accompanied their brave Canadian leader, Sir Allen N. M’Nab, in two large steam-boats, which he munificently provided for their accommodation, from Hamilton to Toronto, a distance of fifty miles, to present a similar address. A more gorgeous scene might have been witnessed, a more magnificent display been seen, but one more imposing from its moral grandeur-never : a phalanx of devoted subjects, speaking a language and assuming an attitude not difficult to interpret-the language of fervid loyalty, and inexpressible determination ; the attitude of men who loved their connexion with Great Britain, and who were resolved to defend it with their lives. Never was witnessed such a glorious array-pregnant with hope to the future destinies of Canada. There is a powerful charm, at all times, in witnessing the devotion of a people to their institutions ; but never were created more stirring influences and overpowering feelings, than the gathering on that occasion, in the city of Toronto, brought into life. Thousands of subjects assembled under the light of heaven-all interfused with one passionate emotion, love to their sovereign and the British sway! The period for election was approaching, and a new House of Assembly, by the terms of the **constitution**, must shortly be convened. The lieutenant-governor, trusting implicitly to this noble demonstration of loyalty; and unwilling to add to the ferment excited by the publication of ML Hume’s ill-advised and most disastrous letter, permitted the excitement to subside, before issuing writs. for the forthcoming election.

The cholera had broken out in the province, carrying mourning into many families ; the people, weary of political agitation, sunk, for a time, into a state of morbid apathy ; the loyalists made no exertions whatever. **Such** was the indifference, that in many places there was scarcely a choice of members. There seemed to be a feeling in the country not to resist the efforts of the old settlers-to return members from amongst themselves and the agricultural classes altogether. There were but few contests-none severe ; and the party who styled themselves, **THEN**, reformers, had a small majority; in the new House. Amongst those returned were the two individuals, who were both in correspondence with Mr. Hume, Messrs. Mackenzie and **Duncombe**, and who afterwards acted upon Mr. **Hume’s** advice, having the conduct and the result of the proceedings of the Americans between 1772 and 1782 in view, by appealing to arms to decide the contest. So small, however, was the majority of **this** party in the House, that but for the falsification of the

promises of the two Duncombes to vote for Mr. M^cLean, and the fact of Mr. Bidwell voting for himself as speaker; the latter person would not have filled the chair; the former gentleman, who now worthily adorns the bench, and who occupied the chair in the next parliament, would even then have been raised to that honour. During the first session of this very parliament, Mr. Hume's letter had evoked so strong and stern a spirit of indignation, that Mr. Duncombe, who afterwards headed the party of rebels in the London District, in conformity with Mr. Hume's recommendation to adopt the proceedings of the Americans between 1772 and 1782, thus spoke, in reference to that very letter and advice :—“ I am not one of those who think they should act without any regard to the opinions of their constituents ; neither am I one who hastily expresses an opinion upon another ; but my opinion on this subject-and I believe it is the opinion of the country-is, that we should decidedly express our disapprobation of the sentiments contained **in** this letter. . (Loud cries of ‘ Hear, hear,’ from both sides of the House.) If Mr. Hume wrote that letter for the purpose of expressing his opinions on the free trade, it might be allowed to pass unnoticed ; but I cannot view it in any other light than for the purpose of alienating the affections of the people from the mother-country ; and in that light I believe it is viewed by almost every person in the province and outofit. . . . I would ask if this House would allow a member of the Imperial Parliament to interfere in the **affairs** of this country, and advise **the** people to throw off the government of Great Britain, without addressing his Majesty on the subject? I trust not. We are told this is not what was intended by the letter; but the language is so plain, that any man of common sense cannot mistake it (‘ Hear, hear ’), and the explanation Mr. Hume has attempted is no better-it just amounts to the same thing. **If**, Sir, Mr. Hume had shown us that the **British** government was ruling us with a rod of iron-that our addresses were neglected, and our wishes disregarded — there might be some **excuse** for his conduct. But that is not the case ; for I will appeal to **the journals** of this House, that when we passed addresses last session on various subjects connected with the welfare of this country, whether **they** have not been attended to, with the most favourable disposition on the part of His Majesty's government to our wishes. (Here the Hon. Gentleman mentioned the several **despatches** which had been communicated to the House in **answer** to addresses.) And I do not recollect **any** occasion when this House addressed his Majesty's government, and their address was unattended to. This, then, being the manner in which the country is treated by the British government, I do not

believe that there is a member in this house will stand up, and say that his constituents approve of the sentiments put forth in Mr. Hume's letter ; in which the government of the country is called a ' baneful domination.' And this being the case, I shall feel it my duty, if the amendment proposed by the honourable member for Lennox and Addington is lost, to move a resolution, expressing a strong and decided opinion, unconnected with any other matter (' Hear, hear ') ; for, Sir, I consider it to be of the utmost importance to this province, that the British government should know what are the sentiments of the country, when they (the British government) are told that some are ' beginning to cast about in their mind's eye for some new state of political existence,' and others are ' keeping in view the example and result of the revolution of the United States.' If our loyalty and attachment to British government should begin to be suspected, would not her protection be withdrawn from our commerce, and no more of her money be expended in this country ? and would not our constituents very justly say to us, when they began to feel the effects of such measures, ' You have brought upon us all this evil, and all this poverty, by refusing to disclaim connexion with persons who have avowed themselves the enemies of British government in this country?' And how could we justify to them our conduct? It is not only necessary that honourable members should ' feel loyal in their hearts,' but they should on this occasion express the loyalty which they feel. . . . If the amendment be lost, I will move one that will express my sentiments on the subject." Here the honourable member read the following resolution :-

" That this House, as the representatives of the sentiments, and guardians of the rights and interests of the people of this province, have witnessed, with feelings of regret and UTTER DETESTATION, the suspicion of disaffection and disloyalty to his Majesty's government, as construed to be cast upon the people of this province by the seditious representations and advice contained in a letter purporting to be written by Joseph Hume, Esq., member of the Imperial Parliament, dated 29th of March, 1834, addressed to the Chief Magistrate of the city of Toronto, and published in the public newspapers of this province, stating that ' a crisis was fast approaching in the affairs of the Canadas, which will terminate in freedom and independence from the baneful domination of the mother-country,' and that to accomplish this object, ' the conduct of the Americans between 1772 and 1782, and the result, should be ever in view' by the inhabitants of these provinces. The inhabitants of this province are fully sensible of the many advantages they derive from their connexion with the mother-country, and the apprehension that there is a