

The British Colonist.

"NEMO ME IMPUNE LACESSIT."

CITY OF TORONTO, THURSDAY, APRIL 5, 1838.

NUMBER 10.

EXTRACT FROM SIR JAMES GRAHAM'S SPEECH AT CARLISLE.

"I am sincerely thankful, not less for the opportunity now afforded me of expressing my sentiments, than for the cordial manner in which you have drunk my health. My hon. friend, in proposing the toast, alluded to my recent defeat. I will be frank with you: this is a meeting of friends, and there should be no concealment. That defeat was not half so painful to me as some circumstances attending it. I had hoped, after a life of some duration, spent in the service of the country of Cumberland, that even if the constituency were resolved to dismiss me, they would, at least, have been pleased to listen to me; that, if they were resolved to strike, they would, at all events, have first heard me. [Loud cries of hear.] I did not suppose that I should have been hunted, almost like a mad dog, through the streets of Carlisle, and that my offending son would be knocked down at my feet, and almost trampled upon. I regret, for the honour of the county, to be compelled to state, that scenes took place, on that occasion, which I think disgraceful to the free institutions under which we live. [Loud cheers.] Recollecting these circumstances, I again thank you for this opportunity of expressing my sentiments. I am not vain enough to believe that this great meeting is an empty compliment paid to me personally. I should indeed be proud if I could for one moment flatter myself that such was the case; but this meeting has higher objects. I certainly see in this assembly proofs, gratifying proofs which will soon be known to all England, that I have still, in my native county of Cumberland, friends who have not discarded me; but what is infinitely more gratifying to me than any such proofs of affection and regard, highly as I value them, is the demonstration thus afforded, that the part I have taken in public affairs, under many trying circumstances, has met with the approbation of a large portion of the intelligence and respectability and property of the county. [Cheers.] I must admit, gentlemen, that I have been greatly saddened. During the last six months, the flood-gates of Billingsgate have been opened, and the vocabulary of abuse has been annexed to find terms of opprobrium to apply to me. I have been called turn-coat, bigot, apostate, renegade—the shout of triumph has been raised in Downing-street, and echoed in the lowest corners occupied by the retainers of Government, and perhaps there is no corner so low as the Council Chamber of this city. [Cheers and laughter.] All the pack of Ministerial retainers have been hallooed upon my traces—I have had to endure the deep-mouthed grunts of their quarterly, the yelp of their monthly, the bark of their weekly, and the snarl of their daily journals. [Laughter.] And after all, what has been achieved? One more individual has been excluded from Parliament, a single vote has been gained by Ministers."

"I have stood on the floor in the House of Commons, and I know what debating is. I know that without Mr. O'Connell, Mr. D. W. Harvey, and Mr. Sheil the Government could not make head against its opponents. Yet these are the men who advocate these changes which now, at the eleventh hour, Lord John Russell declares his intention to propose. Mr. Wakley, the friend of the Ministers, says he supports them because they are 'consequence'—[Laughter.]—whilst Mr. D. W. Harvey says there is no straw, however paltry and filthy, at which they will not catch. [Cheers and laughter.] Let me illustrate this gentleman's meaning. We know how much has been said about the Spotswood gang. It was a dangerous conspiracy which was to be kept down by the Government with a vigor beyond the law. An hon. gentleman, believing that Ministers meant to do what they threatened, and he would therefore oblige in their support, made a strong motion on the subject. They advised him to withdraw it, but a difficulty in point of Mr. having presented itself to the adoption of this course, the House of Commons actually witnessed the spectacle of Lord J. Russell, the Secretary of State for the Home Department, Lord Alcock, the Secretary at War, Lord Forth, the Secretary for Ireland, endeavoring to run out of the House to escape a division [laughter], and positively they were brought back by the Serjeant-at-Arms, and compelled by the rules of the House to pronounce an opinion on the subject. [Roars of laughter.] And God save the mark! they allowed Sir Robert Peel out of the House and voted against the unfortunate gentleman, whom they had tempted to bring forward the motion (cheers). I had not lived to see the contrary, I said, and he said that such slippery conduct could not be supported one hour, by the representatives of British people. [Cheers.] There have been more wicked Governments, but I defy any one to produce

from the history of our country a more shabby Government than the present. [Enthusiastic cheering for some minutes.] I say it with regret, duplicity is its characteristic, and the historian who hands down its deeds to future time, will tell posterity that it was worthy only the contempt of a great people, that whilst clinging to office with a tenacity unexampled, it had neither the head, the heart, nor the courage to govern with propriety. [Prolonged cheering.] I shall be told, forsooth, 'You are denouncing our old colleagues.' Oh! I owe these old colleagues a large debt of gratitude! [Cheers.] It will be said, 'this is the Government of Lord Grey, or at least it is carrying out the principle of Lord Grey's Administration.' Lord Grey's Administration! Where is Lord Grey? where is the Duke of Richmond? where is Lord Durham, where is Lord Althorp? where is Lord Brougham?—Aye, echo answers, 'Where?' His lordship is sunk in the very dregs of democracy—is mingled with the lees of White Conduit House. I saw him once the Lord Chancellor of England, the keeper of the King's conscience, the first law adviser of the Crown—I saw him standing at the foot of the throne, when his Royal Master, by advice in which Lord Brougham participated, hurled defiance at him whom his Lordship justly designated as the mendicant agitator of Ireland. I have seen this same Lord Brougham, who boasted of his daily correspondence with royalty, writing a letter, a most obsequious letter, to some chairman of a meeting at the Crown and Anchor tavern, apologizing for his absence, and regretting that he was not present when that very Mr. O'Connell proposed at that same meeting the establishment in England of an association to be founded on the model of that Irish association which Lord Brougham concurred with his colleagues in endeavoring to put down by statutory enactments beyond the reach of the common law. [Continued cheers.]

"I, together with my colleague, Lord Stanley, who was Colonial Secretary, whilst I was at the Admiralty, had something to do with the Colonial question. I happened to be present at an interview between Lord Stanley and Mr. Morin, who was sent as a delegate to this country from the revolutionary party in Canada. This gentleman, in answer to a question put by Lord Stanley, frankly stated, that unless the British Government made the second Chamber elective, and the Executive Government removable, by the votes of the two Assemblies, all hopes of accommodation were out of the question. By an ill advised act of confidence, for which I am responsible, Lord Grey's Government, in 1831 made great concessions to the popular party in Canada. Up to that period the revenues of the Crown had been retained by the Crown, and were available for the Civil Government. In that year, however, Lord Grey's Government, relying on the solemn assurances of the representative Assembly that if the power of voting the salaries annually were conceded to them, they would make ample provision by a civil list for the maintenance of the British authorities in the colonies—in an ill-advised hour yielded up the hereditary revenues, and up to 1834 the Legislative Assembly never fulfilled the condition upon which this surrender was made. In 1834, after the interview with the Canadian delegate, Lord Stanley, with that decision for which he is remarkable, on his own responsibility introduced an Act for repealing the Act of 1831, by which the surrender of the revenues of the Crown was made. This was in the end of April or beginning of May, 1834. Lord Stanley and I left office on the last day of May, and from that time to this no effort has been made by the government to retrieve the fatal error which from overweening confidence we committed. All that ministers have done with respect to Canada since Lord Stanley and I quitted office is exactly coincident with the policy they have pursued towards Ireland. The cases indeed are remarkably similar. Instead of adopting the vigorous course of repealing the Act to which I have just alluded, the passing of which was clearly an error, they sent out Lord Gosford on a conciliatory mission. His lordship attempted to cajole Papineau, the great Canadian agitator, but signally failed—Just as Lord Mulgrave in Ireland entertains O'Connell at his table, fresh from declaiming about hereditary bondsmen, so in Canada Lord Gosford invites M. Papineau to his table, and then ministers affect surprise that the Canadians should rebel. The poet says that a letter can

and assuredly the Atlantic presents no obstacle to the transmission of a debate in the House of Commons to Canada—What could the Canadians think of Lord J. Russell quoting a hasty expression of Mr. Fox to the effect that there is no safety in governing any people unless the acts of the government are framed with the view of satisfying the majority, and that it is necessary to go on

from concession to concession until the majority are satisfied. The French Canadians are an overwhelming majority, the British settlers are comparatively weak and powerless. Lord John Russell says that in Ireland the Papists are an overwhelming majority, and the Protestants a small monopolizing minority, and as such entitled to no consideration. What application would the Canadians make of this declaration? Would they say 'What is good for Ireland must be good for Canada?' [Cheers.] 'We, the Papist party are an overwhelming majority, and your doctrine is, that the government should be conducted so as to satisfy us, and to disregard the feelings of the minority. If this policy is just in Dublin, it must be equally just in Quebec.'"

"I may be asked to what we should ascribe the sudden change which has come over the dream of the government—how it has happened that, at all once, the Government has declared against the ballot, when, during the elections, Lord John Russell concealed his hostility to that measure. I speak advisedly: believing that the cause which has arrested the downward progress of government, in Radical change leading to revolution, is the firmness, the judgment, the good sense, and the virtuous and religious education of our maiden Queen. I believe she has distinctly told Ministers that their Radical experiments shall not be tried, that the colonies shall not be surrendered—that the property and just rights of the Church shall not be invaded—that the command of the army shall not be wrested from her. 'I have,' said her Majesty, 'no predilections for party men, but to principles I will adhere; and if you continue in office, it is on those principles you must administer the affairs of the country.'—This, I believe, is the real situation of the conduct of the Government. This resistance on the part of Her Majesty is much in conformity with the decision, courage, and principles of the House of Brunswick. But to enable her resistance to be successfully maintained, Her Majesty must be backed by the people."

Imperial Parliament. HOUSE OF LORDS.

THURSDAY FEB. 1.

The LORD CHANCELLOR took his seat at seven minutes past five o'clock. A very comical scene—a scene that has never occurred before took place, which was, that a circle was formed at the Lord Chancellor took his seat, on the Tory side of the House, composed of Lord Shaftesbury, Lord Ashburton, Lord Aberdeen, Lord Beresford, the Marquis of Salisbury, Lord Ellenborough, Lord Strangford, and Lord Redesdale, in the centre of which was Lord Brougham. This circle of noble individuals continued in conversation for rather more than a quarter of an hour. Of course we did not hear or cannot state what was said; but Lord Brougham evidently was the spokesman on the occasion, and kept his audience listening with the most earnest attention to what he stated. The noble and learned lord then withdrew from those by whom he had been thus surrounded, left the Tory side of the House, and took his usual seat.

The Marquis of Lansdowne then went to the noble and learned lord, and these two noble lords continued in conversation nearly five minutes, during the whole of which time no business was done.

Lord Brougham presented a petition from from Mr. Roebuck, praying to be heard at the bar, against the passing of the Canada Bill. It was agreed that he should be heard, but no day was named.

CANADA GOVERNMENT BILL.

The order of the day for the second reading of this bill having been read by the clerk, at the table,

Lord GLENELG said, that it was with pain he rose to ask the House to accede to a measure, the adoption of which could only be justified by necessity. Unfortunately, the circumstances connected with the case were too well and generally known to require explanation from him; if any, however, were required by their lordships, it would only be necessary for him to refer to the papers on the table of the House, which proved the Constitution of Canada to have been for several years past entirely inoperative.

The Earl of ABERDEEN said, agreeing as their lordships all must, in the professed objects of the bill, which was to enable Parliament to provide a Government and a Constitution for the province of Lower Canada, founded on peace and liberty, and promote the interests of that class of Her Majesty's subjects, he hoped their lordships would not differ materially in the first step proposed to be taken, in order to arrive at the accomplishment of that most desirable object. But he must say, in expressing this hope, that many of their lordships

came to the conclusion under very different impressions, and entertaining various opinions upon different parts of this subject—entertaining very different opinions upon past transactions, and especially of the conduct and course pursued by Her Majesty's Ministers during the time of their having been in office, towards Canada. (Hear, hear.) Their lordships had got on their table a paper which nobody now thought of asking for; but a document which had been produced by Her Majesty's Government purporting to be an extract of a despatch addressed by the noble Lord opposite to the noble Earl who was about to undertake the Government of the province, and dated on the 20th of January 1838. What was the object of producing that document? It was to inform them, or had been originally intended to bolster up and explain the preamble, in which some doctrine had appeared, in which was developed in the despatch to which he had referred. (Hear.) That despatch recommending the calling of a convention, which had been originally produced for the purpose of giving some countenance and connecting it with this bill, had been pronounced to be eminently absurd [hear, and laughter]. But if the preamble had been removed, so far as it was in any respect connected with that document, and the instruction stood alone, what must then be its character? Why, it must be pre-eminently absurd. (Loud laughter.) Again—if it were true, as he understood it to be, that the bill as it now stood would render it illegal in the Earl of Durham, or any one else, to summon such a convention, and that he would no longer be able to execute those instructions without committing a violation of the law—then must that document appear to their lordships super-saturated with absurdity. (Cheers.) There was, however, one little expression in the despatch which reconciled him in a great measure to that paper. The noble lord was only ordered in those instructions to call a convention, and so forth, "if he should so think fit." (Laughter.) Now he (the Earl of Aberdeen) would venture to say that that noble lord never would think fit—(Cheers.)

Lord BROUGHAM said, how came it to pass, and by what was it that as often as that great question of Canada came before their lordships, he should be the only person in that House who should ever be doomed to interrupt the unanimity and harmony of their lordships' House, that he alone should stand there the advocate of law, and the enemy of the violation of justice in the highest court of law appointed to distribute justice in this country. The task he had undertaken was a thankless one—but he would not abandon the post where he had planted himself; and accordingly there he was, at the last moment of that hateful controversy, on the side of justice. He might return defeated, but not disgraced; if he gained nothing else, he would at least retain the satisfaction of his own mind. The only argument in favor of this Bill, was that the Assembly had again and again refused the supplies, and that having thus been wanting in their duty, the only course was to suspend their Constitution. It remained on record that they had been told again and again, that until they had the power of refusing the supplies, theirs was only the mockery of a Constitution; and then was given to them the power to grant or to withhold until they obtained redress. That was what was told them; and that power they used. Short-sighted men! Innocent individuals! (laughter.) But the moment they used that power they were turned upon. Was it not a mockery little short of insult to boast of having given the Canadians, out of kind consideration, their political privileges, and the instant they attempted to use it to say, 'You are abusing your gift; it was never meant to be so used; it was only meant to round a period in a dispatch or in a Viceroys' speech at Quebec, but never to be used except in one way; that is to say, you shall have the power of refusing supplies on this condition, that you should at ways please to give and never to refuse.' (laughter.) That was the state of the case between the two parties. They had refused the supplies, and on their refusal, the eight resolutions were passed—those resolutions which the defendants then acknowledged to be calculated to harass, vex, irritate, and annoy the Canadian people. These resolutions were passed, and their natural consequences had followed. His lordship continued, addressing ministers—You took no pains to prevent those consequences; not a man did you send—not an act did you frame—not even the breath required for an order did you send in prevention thereof. Not a man sent, not a pound is spent, to prevent the inevitable, because natural causes of your eighth resolution (hear, hear.)—And now, in one of these two provinces we have a scene that baffles all description—a scene of abuse of the governing power—a scene which I drag forward with pain, but which I defy any other Christian country in the world

to produce. A Governor appointed to administer the laws, sent to exercise a paternal power, to administer justice in mercy, and what does he do? He avows (and it is boasted of by you) in his dispatches to his employers, that although he knew that his preparations were making for crime—although he was aware that rebellion was hatching, and the traitors laying their plans—although he knew that, day by day, the slightly disaffected were seconded by the arts of greater traitors—he did not deem it his duty to take any steps for its prevention (hear, hear.) Gracious Lord, do I live in a civilized country? Am I to be told that we are a mother country—a parent state bound to foster and protect—to well govern and justly guide those over whom we have assumed the control? And, after all, does it turn out that our mode of governing, that when we are aware of the existence of disaffection, and when we could easily put it down, we do nothing but send away our troops from the scene of danger? Is it because the disaffected may think better, and return to their allegiance? No, our object was, it seems, to force disaffection into revolt, that we may pounce down upon the affected with an army of volunteers, and that blood may be spilled, the blood of the innocent as well as the guilty—(Hear, hear.) He appealed to the venerable Bench of Bishops, was such a mode of proceeding consistent with Christian duty? He called on the Judges of the land to say how they dealt with police officers and informers who, instead of protection, sought for information, prosecution and punishment. All this had been done in Upper Canada, and he boasted of in that house—and the Governor had not been ashamed to boast of such a betrayal of his trust to the people he had maltreated. The rebellion had burst forth, and he could assure their lordships it was not yet over (hear.) The same Governor now threatened war with the United States. A more injudicious course could not be adopted. Already had the territory of the States been violated—violated by volunteers, force which could not be controlled; a thing easy with regular troops. (Hear.) When he was told by the noble Earl at the head of the Government, that he had a high military opinion in vindication of his Government, he (Lord Brougham) would pay the greatest respect to military opinion on military subjects, but none on such as were of civil concern (hear.) That was no military question. It was a civil question, and civil only. The omission of their precaution of having a sufficient number of troops in the province having created rebellion, led to the effusion of blood, and created rancorous sores, which would lead to unspeakable irritation in after times; and the employment of volunteers has led to a breach of peace with the United States (hear.) His last advice, as well as his first advice was, that they should go all lengths that they could to restore kind feelings, amicable and friendly relations with our subjects in Canada. Let them be merciful wherever, and to whatever extent justice permitted them to be so. Let them punish where punishment was demanded, but not with an angry retrospect of the past; and above all, their object ought to be conciliation with a view to the establishment of future friendship and future kindly feelings with our North American Colonies.

Viscount MELBOURNE said, for the part of noble and learned Lord's speech recommending harmony and conciliation, and attention to the dictates of justice tempered with mercy, the only power & enlarged policy, he (Viscount Melbourne) was extremely obliged. Those parts of the noble and learned Lord's speech which were of a different nature, which were so severe and sarcastic in their tone, their lordships would readily excuse him troubling them with any lengthened reply to. He (Viscount Melbourne) had long expected the outburst. He all along knew it must come—that the spirit of bitterness, the acerbity of feeling which took its birth in the noble and learned Lord's mind in the beginning of 1833, and which had been gathering strength and bitterness from long forcible suppression, must break out at last. He (Viscount Melbourne) thanked the noble and learned Lord for his active support in 1835, for his absence from the House in 1836—(A laugh)—for his less active support in 1837; and he felt no irritation at the very different tone which the Noble and learned Lord's regard for the public service, his zeal for the public welfare, his great patriotism, & his anxious desire for the people's well-being had reluctantly compelled the Noble and learned Lord to adopt in the present session—(Loud laughter and cheering.) The Noble and learned Lord had made some very severe observations on the dispatches from Upper Canada of Sir F. Head, and unquestionably these might be considered as not altogether free from a certain over-chivalrous tone, not altogether unmixt with imprudence—(hear)—and as exhibiting a mode of proceeding somewhat hazardous in its character. He (Viscount Melbourne) quite agreed with the Noble and learned

Lord that if they were to judge entirely from the expressions used by Sir Francis Head himself, it would hardly be denied that that officer would appear to have given encouragement to those crimes which it was stated might by a different line of proceeding have been prevented. But it must be considered that these expressions were cast in the epigrammatic pointed style which Sir F. Head was known to admire, and which might lead persons to see in them a wider statement of what had been done, and what dangers had been incurred, than was meant to be conveyed.

The Duke of WELLINGTON said there was no necessity for summoning a convention in that country; and he was decidedly of opinion that the words originally in the preamble of the bill, but which were struck out by the House of Commons, and the terms of instructions to the Noble Lord who was to govern Canada, were calculated to throw a falset light over the subject. He repeated, it would be a great unsatisfaction to attempt to act on the instruction as far as Upper Canada was concerned, and he should be sorry if the Noble Lord who was appointed to carry on the Government of the provinces; and to effect an arrangement of the questions depending between Upper and Lower Canada, should attempt, or if the ministers should attempt to carry their measures into execution without being thoroughly advised as to the opinions of the leading men in the Canada, and as to the system of Government which would be most agreeable to the Country. The rebellion might now, perhaps, be quelled, but he entreated the Ministers not to suppose that it was completely got rid of; he entreated them to proceed with their preparation, and to assemble in Canada at the earliest possible period the largest force the resources of this country would admit of. It had been seen that within a very short space points had been raised relating to the question of the boundary of the state or Maine, to that of the river Columbia, to that of Mexico, besides other important subjects, and he had no doubt that in proportion as the present difficulties in the Canada died away other questions would arise which would require the most vigilant attention on the part of the Government of this country. The Government must therefore, he repeated, not look upon this as a small affair. They should consider, and he entreated them to do so that in proportion as they were strong in Canada, they would have the countenance and support of many in the United States who would otherwise be against them, even though in doing it they might act against their consciences.

Lord GLENELG, in reference to an observation by Lord Wharfedale, that the object of the Canadian House of Assembly had been to form a republic in connection with the United States, said he believed that if their object was a republic, they were not much disposed to form a connection with the United States. He believed that their desire was the formation of a great Canadian republic.

The Bill was then read a second time, and ordered to be committed on Monday.

Lord BROUGHAM then moved that Mr. Roebuck be heard at the bar on Monday, on the question that the Bill be committed, not as agent for the House of Assembly but as regarded the subject matter of his petition.

The motion was agreed to.

Monday, Feb. 5.

The House of Lords this evening presented a very animated and novel appearance. Immediately after Mr. Roebuck was ordered to be called in, several Peers left their usual seats, and stationed themselves on the benches near the bar, among whom we observed Lord Lyndhurst, Lord Dacre, the Earl of Radnor, the Duke of Wellington, the Marquis of Salisbury, the Earl of Aberdeen, and Lord Wharfedale. Lord Melbourne appeared to pay great attention to the speech of the learned gentleman, of which he took voluminous notes; Lord Glenelg sat next to the Lord Chancellor at the table. The space below the Bar was crowded, Mr. Leader, Sir William Molesworth, Mr. Wakley, Mr. Hume, and several other members who take an interest in Canadian affairs, were present the whole of the evening.

Mr. ROEBUCK addressed the House at great length, and in a strain of most impressive eloquence. He dwelt on the warning example of the American Revolution. He justified the demand on the part of the Canadians, of an elective Legislative Council. He reviewed the proceedings of the successive Assemblies of the Colonial office. The learned gentleman's speech occupied two hours in the delivery. At its conclusion, Lord Brougham stated that it was probable that at a future stage of the Bill he should move that Mr. Roebuck be allowed to examine witness at the Bar to prove the allegations in his address. The Bill was then committed and reported.

The Earl of ABERDEEN inquired if Sir John Colborne would have authority to carry the provisions of the Bill

