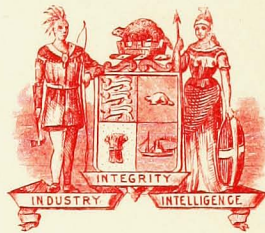


Library also has film copy; Casey 1960.

TR
Shelf No. 971.06.H38.5

TP.L 2647



TORONTO PUBLIC LIBRARY.

Reference Department.

THIS BOOK MUST NOT BE TAKEN OUT OF THE ROOM.

MAY 5 1936

ADDRESS

OF THE

HONORABLE FRANCIS HINCKS,

TO THE

REFORMERS OF FRONTENAC,

PUBLISHED BY ORDER OF

The Reform Association

OF CANADA.

Toronto:

PRINTED BY C. DONLEVY, MIRROR OFFICE.

1844.

Address of the Honorable Francis Hincks to the Reformers of Frontenac.

GENTLEMEN,

In addressing you publicly on the present occasion my first duty is to explain the circumstances which have rendered it necessary that I should do so. About ten days ago I was requested by some gentlemen, freeholders of the County, to attend a meeting of Reformers, at the village of Sydenham, on Wednesday the 7th inst., the object of which was to appoint a committee to select a Candidate to oppose Mr. Smith at the next general Election. It was stated that I could render service to the cause, by explaining the measures and the policy of the late Ministry. I cheerfully acceded to the request, on the distinct understanding that it was to be a *party meeting* of our own friends. I have long since determined to avoid public meetings open to both political parties, nor that I fear discussion, but because I know by sad experience, that our opponents have no arguments but those of the bludgeon and bowie-knife. And I would most earnestly recommend you gentlemen, and our brother Reformers every where, to avoid public meeting on all occasions, and to let it be distinctly understood that the meetings of our opponents are mere party demonstrations. By keeping away from them altogether you will destroy the effect that they are intended to produce. I could not have believed it possible, had I not been present, that any gentleman would have acted with such total disregard to delicacy and propriety as your representative Mr. Smith. A rumour having been circulated that the Orangemen from Kingston intended going out to our meeting, I called on Mr. Smith to remonstrate with him on the subject, but I found him determined to attend. Mr. Thibodo then addressed a letter both to Mr. Gowan, Grand Master of the Orangemen, and to Mr. Smith, warning them that the meeting was not open to the public, but only to the supporters of the late Ministry—Mr. Thibodo also took the necessary steps to bring the meeting under the protection of the late Act of Parliament, 7 Vic. Cap. 8, which expressly recognizes the right of “particular classes of the inhabitants” to hold meetings. The legal notice was issued by two Magistrates, who described the meeting as “a Public Meeting of the supporters of the late Provincial Administration”—notwithstanding all this, I found on going out to Sydenham that the peaceable inhabitants had been deterred from attending their own meeting in consequence of the determination of the Orangemen to muster in force to put them down. As was expected, these Orangemen came out in procession from Kingston, and, I regret to say accompanied by persons connected with the government, such as the Deputy Sheriff, Deputy Inspector of Licenses, Constables, &c. Among them were the very men who had been most active at the last Sydenham riot. They were armed in various ways, in open violation of the law. They introduced themselves into the place of meeting, even into the very room where I was sitting with some of my friends, and hardly had they come in before I

heard a man exclaim in a ruffianly manner. "I'll see whether any damned rascal shall hold a private meeting in Sydenham." On enquiry who this person was I was told he was a Magistrate!!! And that very person was chairman of the Orange meeting, and in direct violation of the law neglected reading the Magistrate's notice, which he was required to do by the Act. Finding myself in the power of a mob of ruffians who, as I know by experience literally thirst for my blood, I determined to take the earliest opportunity of leaving the place of meeting, as I knew perfectly well that a riot would soon be got up, and that in the confusion Mr. Thibodo and myself would be marked men. I accordingly took my departure, went to another tavern, and soon after addressed a few remarks to our friends who were present—I promised that as I had been deprived of the opportunity of addressing them at this meeting, I would get all the substance of what I had intended saying, printed and circulated among them extensively. I do not think, gentlemen, after all that our Orange opponents have much to plume themselves on. Messrs. Smith and Gowan might have made speeches to their brethren any evening at their lodge rooms in Kingston. As far as the government is concerned it has already had the benefit of one great Orange demonstration for the County of Frontenac, viz, at Waterloo. Another will not help it much.* The laws of the land have been openly violated, and by persons connected with the government, but in my opinion we ought to congratulate ourselves that the sincerity of the declarations of the present administration against Orangeism will now be tested. We shall see whether the Magistrate that I have alluded to will be dismissed, whether the Deputy Sheriff and Inspector will meet the same punishment. I have felt it my duty to bring the whole affair under the notice of the government, and I pledge myself to you, gentlemen, that if I live until Parliament meets, Messrs. Viger and Balay shall be held responsible for this gross outrage perpetrated by their Orange supporters. You now understand gentlemen, my reasons for addressing you in this manner. The first advice I would give you, is to be united among yourselves. No political object can be accomplished except by means of party combinations, and although it is the fashion with many to decry party, I have no hesitation in avowing myself to be a decided party man. I belong to a party whose objects are to secure the peace and prosperity of the Country, and the maintenance of the connection so happily subsisting between this Colony and the Parent State. The effect of the policy of our opponents, as I firmly believe would be to endanger British connection, and to disturb the peace of the Country. When, gentlemen, such important results are likely to follow the adoption of a particular line of policy, it becomes the duty of every man to join that party whose objects he believes to be most beneficial to his country. Nothing can be accomplished except by means of party, and I therefore repeat, you ought to be united among your-

* The accounts given of the late meeting in the Tory papers, show clearly that it was almost exclusively composed of the opponents of the late Ministry. I can only say for myself, that until the Orangemen abandon their ruffianly proceedings at public meetings, I will not consent to discuss political topics in their presence. I never proposed meeting them, and I abandoned the ground to them at Sydenham, just as I would deliver my purse to a highwayman who had a pistol pointed at my heart.

selves. You never see any division in the ranks of your opponents, who owe all their political influence to their superior organization. Not, gentlemen, that you ought to have secret societies. Your objects being legitimate, you require neither secret signs nor oaths. Believe me, however, that there cannot be a greater delusion than to imagine that in a free country, enjoying representative institutions, all the people can be got to be of one mind, and of course of one party. Great fault has been found with the late Ministry because they were party men, and because they desired that the vacant offices should be filled by men of their own party, that is, men desirous of preserving British connection, and securing the peace of the country, instead of those who, in their opinion, are taking a course calculated to produce the contrary effects. On the principles avowed by the Head of the Government I might, if a member of the Administration, be compelled to defend the appointment of one of the Orange ruffians who committed such a flagrant outrage upon us on Wednesday last. We were accused, gentlemen, of wishing to purchase Parliamentary support? With what object? To keep ourselves in office. I trust there are but few Reformers in the Province who believe that our objects were so selfish. No, gentlemen! We desired to carry out our principles, the principles of our party, the principles which would lead to such great results as peace, prosperity, and British connection. It was to carry out such objects as those that we sought parliamentary support, which, after all, is the support of the people. I will, however, have to enlarge on this subject by and bye, when I come to speak of the late resignations. Having impressed on you the necessity of union among yourselves, I would recommend you to lose no time in forming township committees, to act in concert, and to select a candidate, who ought to be unanimously supported by all the friends of Reform. From the information that I have received, I feel certain that there is a majority in the County of Frontenac favorable to the principles of the late Administration, and that by prudence and forbearance to one another you will succeed in the approaching contest. Your present member is identified with a party whose conduct must excite indignation and disgust in the mind of every friend to the peace and welfare of the country. It is your duty to combine together to secure his defeat. I would recommend you not only to have a general committee for the purpose of selecting your candidate, but when that has been done to divide each township into a convenient number of sections, and place each under the charge of a zealous Reformer, who should ascertain the opinions of the inhabitants, and their right to vote. This is absolutely necessary, as a poll will be held in each township, and the candidate of course can only be present in one. Your committee men should circulate information which is particularly required at present, in consequence of the misrepresentations regarding the Assessment Bill, the removal of the Seat of Government, and the late resignation of Ministers. Our principles will bear examination and discussion, and you should seize every opportunity of explaining them, not to the Orange and exclusive party with whom you can have no sympathy, but to those who, agreeing with us on great principles have been led astray by misrepresentation.

I now proceed, Gentlemen, to offer those observations on the measures and policy of the Government, of which I was a member, which I would have done verbally, had our political opponents afforded me an opportunity. The most absorbing question at the present moment is, of course, the resig-

nation of the late Ministry, involving as it does, the great principle of Responsible Government. There has always been a great anxiety manifested on the part of the Crown, both in our own and in other countries, to maintain its prerogatives subject to as little control as possible, and it ought not, therefore, to have been a matter of much surprise that the people of this Province had to pass through a long struggle to obtain that just control over the prerogative which their fellow subjects in Britain obtained at the time of the Revolution of 1688. But we have a right to express surprise when we find that, after all the difficulties that have been experienced in this Province, owing to the want of constitutional government, after our long and arduous contest having terminated, as we were led to believe it had, by the concession of the great principle of Responsible Government, *as practiced in England*, the Imperial Government are determined to make another struggle, a fruitless and absurd one, it must be, to support the Governor of Canada in an undue exercise of the Royal Prerogative. Attempts have been made, gentlemen, to induce you to believe that Responsible Government is fully admitted by the distinguished individual at the head of the government. It is true, indeed, that the term Responsible Government has been used, but that is not what we want. We must have the substance, not the shadow. The very object of Responsible Government is to control the Prerogative, by providing the Governor with advisers possessed of public confidence. If, however, the Governor is to make appointments to office, either without or against the advice of his responsible advisers, it must be obvious to every man of common understanding that all the advantages of Responsible Government would be lost. Can you imagine for one moment, gentlemen, that any set of men will remain in office if appointments are to be made prejudicial to their influence? The very idea is absurd. A government acting in such a manner as to destroy itself! And yet the Governor declares, in almost every one of his answers to addresses, that the appointments are to be made without reference to party considerations. Notwithstanding this declaration, gentlemen, I fear that none of us, no matter how well qualified we may be to fill office, will be honored with an offer. Indeed I should have a very poor opinion of the judgment of those who would make us one—unless with the view of purchasing either silence or support. Nothing, I confess, has appeared to me more absurd than the complaints made against the late ministry because they would not consent to remain in office while appointments were made for which they were held responsible, and which were prejudicial to their influence. I know that in England the statesman who would submit to such a system of government would be looked upon as bereft of his senses. Let me, gentlemen, give you a practical illustration of the effect of such a system. I will suppose that I have been elected your representative, pledged to the principles which I have always maintained, viz. that all classes of the people should be placed on a footing of perfect equality as regards religious and educational endowments, and that the people should be allowed the entire management of their own local affairs. I will suppose that persons of the same political opinions are in the majority in Parliament, and on the principles of Responsible Government, that the Provincial Ministry of which I am a member, profess the same opinion. I will next suppose that a vacancy occurs in one of the District offices, and that it is filled up by the appointment of the party of the minority with a man

hostile to religious equality, and to the extension of the popular influence. I, as a member of the government, have to come before you, my supporters, and avow that this appointment was made *by my advice*, that I am responsible for it, and that this is the way I take to advance my political opinions, and to further the objects of my party. What, gentlemen, would you say to such a declaration? I know and feel that you would laugh to scorn the man who made it, and would tell him that you would find a representative whose acts would be in accordance with his professions. For my part, gentlemen, and I may venture to speak for my late colleagues, I state publicly and distinctly, that I will not act with any government which avows the principle of making appointments in the belief that they will be prejudicial to its own influence; and no Reformer has a right to expect from any member of his party that he will submit to occupy such a degrading position. It amuses me a little, I must confess, to observe how such sentiments are cheered by the Tories, now that they are out of office, and in a hopeless minority. They are obliged to submit to Responsible Government, that is, having a ministry of the party of the majority, and they are willing to console themselves with the assurance that they will still have an equal chance of getting office with their opponents. But, gentlemen, how did they act when in power themselves? Look only to the various offices in this District—are they not all in the hands of our opponents? The Judge, the Sheriff, the Treasurer, the Inspector of Licenses, the Registrar, the Clerk of the Peace, the Collector of Customs, the Clerk of the District Court, all, without one solitary exception, are Tories; and, gentlemen, the same remarks would apply equally well to the County that I represent, and to the Counties adjoining to it, and indeed to nearly all the Counties in the Province. So that even on the principle of fair play, had every appointment been given to our friends, it would have taken fifteen or twenty years to bring us to any thing like a footing of equality with our opponents. You must, therefore, see how impossible it was that we could submit to have our political influence undermined by the appointment of our opponents; and I can assure you that cases of the damaging nature I have described actually occurred. I need only allude to one, that of Mr. Powell, which took place a day or two before our resignation. Mr. Smith, your present representative, is now very apprehensive lest the Administration should be able to purchase parliamentary support. What, however, has been his own practice? Did he or did he not employ his parliamentary influence to procure the appointment of Mr. Sheriff Corbett, who evinced his gratitude by making Mr. Francis Smith, brother of your member, his Deputy. It is, of course, for you to judge whether these appointments were judicious, and whether Mr. Smith employed his influence for the public good, or to serve his own private friends and relations. That is his affair and yours, but I contend that the appointment in question was made owing to Mr. Smith's use of his parliamentary influence; and further, I am sure the Administration of the day, in meeting his views, understood him to be a friend to their policy and measures, and believed that he made a recommendation that would give satisfaction to the party by which he was supported. It is but an act of justice to the late Ministry to remind you, gentlemen, that the Bill for securing the Independence of Parliament, brought in by Mr. Lafontaine, would have had a most important influence in checking any thing like corruption in the Government. The

object of that bill was to exclude from Parliament all subordinate officers of the Government, all indeed, who were not liable to be driven from office by a vote of the House of Assembly. The fact that this bill was introduced by the late Ministry ought to be sufficient to convince you that they had no desire to purchase parliamentary support—unless, indeed, it be called purchasing parliamentary support to administer the Government in such a manner as will be satisfactory to the people and their representatives. I am sure, gentlemen, that you will think I have said enough on this subject; but as I am anxious to convince you that the views of the late Ministry with regard to the distribution of patronage, are strictly in accordance with English practice, I shall copy an extract from the work of a very celebrated writer on Political Economy, Professor McCulloch. In an article on the Constitution and Government of England, the following passage occurs :

From McCulloch's Geographical Dictionary—Article on "England and Wales."—Constitution and Government.

“Not only are the Legislative measures proposed by the Crown and conduct of the internal Government of the country, and its foreign relations with other States entrusted to Ministers, but they have also the disposal of all, or by far the greater part of the patronage belonging to the Crown. Offices involving no political responsibility, such as those of the household, have been sometimes exempted from this rule, and left to be filled up by the Sovereign according to his personal predilections, but this is not by any means an uniform practice, and Ministers have repeatedly required and obtained the disposal of these offices.”

“Generally speaking, patronage in a country like England, is always exercised with a view to the acquiring or preserving Parliamentary support. Napoleon, the King of Prussia, and the Emperors of Austria and Russia might select individuals to fill offices on the sole ground of their superior fitness to discharge their duties. But in a free country suitability for office is not the only thing to be attended to in deciding as to the comparative claims of candidates for official preferment; if they possess it so much the better; but the primary consideration is, how is the government to be carried on? Now that, it is plain, will be best effected by securing the active support of the friends of Government and by weakening the party of their opponents; and the distribution of patronage is one of the principal means by which these objects are to be realized. A government that would neglect to avail itself of this power could not long exist. Hence in England, nine out of every ten situations are disposed of, on the recommendation of persons possessed of Parliamentary influence. This in fact is here the *via regia* to preferment and state distinction. In filling up the conspicuous situations, the talents and acquirements of the Candidates, as well as their recommendations must necessarily be taken into account; but in the great majority of cases parliamentary patronage is the *sine qua non*. Were the Government more popular than it is, this result would be still more apparent. A man of ability in Prussia without connections, has a much better chance of getting on if he devote himself to the public service than in England; but at the same time, the chances of such a person be advanced are infinitely greater here than in the United States. In the latter, every thing is sacrificed to party consi-

derations ; and the most splendid talents and capacity to render great public services would never advance their possessor one step on the ladder of promotion if he happened to be of a different party from that in favour at the time, or to want party support. The reason is, that in England Parliamentary influence predominates merely, whereas in America it is everything ; and every thing must, in consequence, be made subservient to its support."

I shall not enter at length into the proceedings of the late Ministry at the time of, or subsequent to their resignation. I have shown you that the views of the Governor General with regard to the distribution of patronage, are altogether opposed to English practice, and are such as no Ministry of any party can carry out. His Excellency is determined, as he says, to exercise the prerogative of the Crown as he himself thinks right, and not according to the advice of his Ministry, which latter system would make him "a mere tool in the hands of his Council." Most assuredly he could not be more "a tool" than what his Sovereign is, and the very object of Responsible Government, as I have already stated, is that the Governor shall act, *not according to his own wishes and opinions*, but according to those of the people, which, under our Constitution, are expressed through his responsible Ministers. Never forget, gentlemen, that in the contest now going on, the late Ministry and their friends are contending for your rights. What is parliamentary influence ? Why your influence, gentlemen, and the purchase of parliamentary support is making the appointments that the people desire. It is your interest, therefore, to join heartily with us in this great contest. The stakes that are played for are high indeed. They are no less than your own and your children's liberties on the one side, and on the other the prerogative of the Crown as contended for by the infatuated Monarchs of the Stuart race.

I shall proceed now, gentlemen, to touch on some of the most important measures introduced by the late Ministry, and I shall commence with the bill for the establishment of municipal institutions. I know that efforts have been made dissatisfy the people with municipal institutions altogether, and that it is asserted that the system now in operation has been a failure. You, gentlemen, will have too much good sense to be led astray by any representations from your opponents that you are incapable of managing your own affairs. The present act was a mere experiment, and every one almost who supported it was convinced that it would require great alteration. The question for you to consider is not that act, but the bill which we introduced, and you will find that the latter is as liberal as any reasonable man can desire. Every thing is left to the people themselves, who have the election of their own Councillors, and then again the appointment of their Warden, and every other officer that they wish to employ. The Government retained no patronage whatever, another proof that they did not seek to strengthen themselves in that way. It is for you, gentlemen, to determine whether you are capable of managing your own local affairs, or whether you would prefer leaving it to the Government, or to the magistrates, to manage them for you. If you prefer the former system, I think you will find that the bill introduced by the late Ministry will afford you all the power that is requisite. I now come to the assessment bill, which has been more misrepresented by our political opponents than any other bill that was brought forward, and which, in my judgment, would conduce more to the benefit of the resident settlers of the country than any mea-

sure ever submitted to a Canadian Legislature. It may be very well, gentlemen, for interested parties to misrepresent this bill, and to cry it down as unpopular. It cannot be unpopular. The mass of the people are the parties to be benefited by it, and when they come to understand it, they will support it most zealously, and withdraw their confidence from those who have opposed it. You have been told gentlemen, that the effect of this bill would have been to increase your taxes. Such assertions are untrue. It would have diminished them. The Assessment Bill raised no tax whatever; it merely provided a different system for collecting those which you now pay. At present, as you are aware, the non-resident landholders contribute but very little to the public burthens, and improved land worth £10 an acre, pays no more than that only worth £1 or £2. The general opinion has been, that the present system is unjust, and that a remedy was required. What, gentlemen, was the principle of the bill which has been so loudly denounced? Why simply that all property should be taxed according to its real value—that the non-resident landowners should pay the full amount of taxation according to the value of their land; and that all other owners of real property should contribute in the same way. To this part of the bill I have heard little objection. The effect of the proposed system would be this:—Assuming the taxes of any township to be £300, and that the taxes on the non-resident land would amount to £75, it follows that the actual settlers would only have to pay £225, instead of £300, and that besides they would enjoy the advantage of having £75 of cash spent among them, provision having been made for the regular payment of the wild land tax to the Municipalities. But the personal property tax and income tax have been complained of. I appeal however, to you, gentlemen, whether you will allow your representative, a professional man, with a handsome income, to misrepresent you by voting to throw the whole taxation upon land. Why should not personal property contribute its fair share? Can any good reason be given to the contrary? No, gentlemen, the lawyers and merchants may complain at being called on to pay their fair share of the taxes, but the great majority of the people, who are farmers, will insist on the taxation falling equally upon all. I will again endeavour to illustrate my meaning.—Taking the taxes of a township at £300, let us suppose that upon a fair estimate of the entire property, income and personal property would contribute £75 of the amount—does it not follow that if this description of property be exempted,—the farmers will have to pay amongst them the exact amount from which the lawyers, merchants, and others are relieved?—But we are told that the tax is inquisitorial. Now on this I would observe, gentlemen, that I am not pledged to any particular scheme, and that if the principle is admitted, I am ready, as far as I am concerned, to agree to any amendment in detail; nevertheless, I must observe that I have as yet heard no feasible scheme proposed in amendment. Many are loud in opposing the bill, but I have heard of no substitute.—I deny altogether that the bill would be inquisitorial, at least not more so than is absolutely necessary. I think, gentlemen, the merchants and lawyers, when they have any dealings with you, farmers, contrive to find out what you are worth before they let you get into their books. They are, however, desperately afraid lest you should find out what they are worth. You have heard a great deal about the inquisitorial nature of this bill, and that the assessors would have to examine a man's accounts, and take an inven-

tory of his furniture. I have even been told that his wife's jewels would be taxed. Now, gentlemen, I will just describe very shortly the actual practical operation of the bill. An assessor enters a man's house, whether he be a merchant or otherwise, and asks him the value of his personal property as defined in the act. If satisfied with his answer, which is of course a gross sum, he assesses him accordingly: if he has reason, from his knowledge of the person's circumstances, to think he has underrated himself, he puts him down at a higher rate, but the individual has then the power of swearing to any amount that he pleases, after which the assessor has no option. You will see, gentlemen, that the system is if any thing too loose, and that is the only objection to it in the State of New York where it has long been in operation, as well as in Massachusetts, Pennsylvania, and indeed nearly all the States of the Union. In those States the system has been tried, and has been found to work well, and neither the mercantile nor any other class complains of it.* I would make one further observation regarding the misrepresentations circulated with respect to this bill. You are told that many kinds of property would be taxed under the new bill which were formerly exempt; granted. The principle of the bill was to tax all property at its actual value, excepting household furniture to the value of £250, agricultural implements, mechanic's tools, and some other items. But recollect that under the assessment bill the property would only be rated for taxation, and that the aggregate taxes of the township would not be increased. I will suppose again that the taxes to be raised in any township are £300. Under the present system I will suppose the rateable property in that township to be £48000. To raise the amount necessary you would have to be taxed 1½d in the pound. But if under the new system taxing all kinds of property, the aggregate of the assessment roll should be increased three-fold; say to £144,000—it is obvious that the tax required would only be ½d in the pound. You will therefore see that it makes no real difference to you whether you are assessed £500 or £100, provided all are put upon the same footing, and the advantage to the man of small means of placing the taxation upon all property according to its value is as obvious as the principle is just. I cannot dismiss the assessment bill without a few remarks on the absurd charge that has been brought against us of taxing Upper Canada and not Lower Canada. Putting aside the cost of the local administration of justice to which I will refer by and by, you

* It is right that I should state distinctly that I am decidedly in favor of the principle of the Assessment Bill as *originally introduced*. The Ministry consented to strike out the personal property clauses to meet the wishes of several of their supporters, who, of course, have to answer to their own constituents for their conduct. The effect of leaving out those clauses would be to increase the tax of the farmer by relieving from taxation the merchant, lawyer, physician, capitalist, &c. &c. When the farmers come to understand the bill, I have no doubt whatever that they will insist on their representatives supporting it as originally introduced. My own constituents have never had a second opinion on this subject. I have thought it right to make this explanation, because I have observed in the Hamilton Journal and Express, and I think in other liberal papers, a kind of apology for what are termed the "inquisitorial clauses," and a statement that they were abandoned.

have nothing to do with Lower Canada, nor does it make any difference to you whether there are any taxes there, or not. The taxes raised by your own Councils are expended among yourselves for your own benefit, and you need not not be taxed at all unless you yourselves wish it. There were to be no taxes raised from you for the Provincial Government. Lower Canada would necessarily have had a system of assessment in order to raise taxes for the same purposes with yourselves, but it is impossible to frame a bill that will answer for both Provinces. And what have you to do with the matter? You have to consider whether the bill proposed for Upper Canada—is a good one and suitable for you. If the Lower Canadians have a worse one, they will be the sufferers, I now come to the tax for the administration of justice, regarding which so much has been said, and first, I wish to observe that the question has nothing whatever to do with the assessment bill. Under the present assessment law, as you, gentlemen, know full well, you pay for the local administration of justice, while the Lower Canadians do not. This is a fact which cannot be disputed. The new bill made no change in this respect whatever. It left matters just as they were. Now what I have complained of, and I think with great justice, is, that some of the reform members lent themselves most foolishly to the Tories to obstruct one of the most popular bills that was introduced during last session, and unwisely raised this question of the administration of justice which ought to have been brought forward separately. The persons to whom I alluded not only lent themselves to Mr Sherwood and the Tory opposition in an attack on the Ministry, but they are in a great degree responsible for the loss of the Assessment Bill, and for the unpopularity which has been fastened on it, solely because it is not understood.

Having now disposed of all objections that I have heard made to the Assessment Bill, I must offer one or two remarks about the different mode adopted in Lower Canada of paying the expenses of the administration of justice. This, I admit, is a question of much interest, but I do not think that those who complain of injustice to Upper Canada can have reflected much upon the subject. In Upper Canada we have always paid these expenses as we do at present, while in Lower Canada, where before the Union there was a surplus revenue of £80,000 they were defrayed from the general revenue. Such, gentlemen was the actual state of affairs when the Union was asked for by Upper Canada and when the terms were arranged in which it was to be carried out. The Union was principally sought for to relieve Upper Canada from financial difficulties. The Imperial Parliament adjusted the terms of the Union, and you, gentlemen, must be well aware that in a pecuniary point of view we have been the gainers. You are aware that a Civil List was established at the time, and that it was intended to place on it all the charges previously paid for the administration of justice in both Provinces out of the public revenue. On that principle the charges in Lower Canada—for the support of their Gaols, few indeed in number compared to those in Upper Canada, were placed on the Civil List on the recommendation of Lord Sydenham, whose despatches referring to those very charges have been published. These charges then constitute a part of the Union arrangement, and one, which it would be very difficult to disturb. And recollect, gentlemen, that if we raise the point, Lower Canada will have many a set off to plead, and we shall get into a dispute about a paltry matter, which is really

not worth contending for. To say nothing of the interest of our debt, there are many other items of expense in Upper Canada for which there is no corresponding charge in Lower Canada, and yet you never hear the Lower Canadians complaining of these expences. And I may also observe that, on the Union, Lower Canada brought us the Lachine Canal constructed by means of her revenue, and entirely paid for, and which work alone, yielding us a handsome revenue, is more than sufficient compensation for the charges for the administration of justice. I know it is said by many that the public works for which the debt was contracted have been handed over to the Province. The Lower Canadians on the other hand would tell us—"we don't want either your debt or your works, and certainly it is too bad not only to put your debt on us, and take all our surplus revenue, but actually to refuse the very charges which you found on our revenue when we have assumed all your charges as we found them." I know gentlemen that the views I have just expressed have not had that weight with many of my fellow members that I anticipated. The Upper Canadians have already got but an indifferent character in Lower Canada where money matters are concerned, and unfortunately too many are disposed to look at these questions with a sectional bias. They think more of what will be for the pecuniary interest of their constituents than of what is just and right. And because I cannot go with them in such views I have been denounced as indifferent to Upper Canada interests, and as sold to the Lower Canadians. Now, gentlemen, I can state with the utmost sincerity that not one of these persons is more attached than myself to the interests of Upper Canada, but I shall ever deprecate all these sectional jealousies. The policy of our opponents is to foment them; and it is much to be deplored that the Reformers are but too ready to fall into the trap. Although I have felt it necessary to offer the foregoing observations, and to explain to you that there is no real ground for complaint on the part of Upper Canada with regard to the expenses of the administration of justice, I am far from being opposed to any practicable measure of relief. The only feasible mode is to give up to the several Districts, a portion of the internal revenue—such as that from Tavern Licenses. You will however admit that the maintenance of the public faith is the first thing to be attended to, and in the face of a revenue materially diminished from temporary causes it was impossible to do any thing last year. It is very well for individual members entirely irresponsible for the carrying on of the Government, and the maintenance of the public credit, to propose schemes for giving up portions of that revenue to the Districts, but it is most unfair in them to embarrass the Government with such proposition. They are brought forward merely to raise political capital for the author of the scheme, although he is himself perfectly aware that his proposal is impracticable. The late Ministry were in hopes that by greater economy in the public expenditure, and by some judicious alterations in the revenue laws, we should have had such an increased income as would have enabled the Government to relieve the Districts in some way from the administration of justice. This however cannot be done until the public revenue is in a better condition, and as I have already shown you it must not be allowed to influence the Assessment Bill, in any way, indeed the persons who raises this question in connexion with that measure must do it with a view to obstruct its progress. The new Assessment Bill would make the administration of

justice expenses much lighter than they are to the actual settler.

I have been compelled, gentlemen, to occupy a considerable space with my explanation, regarding this bill, but its importance must be my apology. I come now to a subject which I will dismiss very briefly although it is a very important one, I mean our Education measures. I need say little about our University Bill, the principle of which is well understood by all classes of the people. It is founded on principles of justice to all, and none can object to it but those who advocate the principle of placing one religious body in a position of superiority to others. It is but right, while on this subject, that I should correct a very gross misrepresentation which has been made by our opponents among others by Mr. Buchanan, whose utter ignorance of the subject is his only apology. It is that the Lower Canadian supporters of the late Ministry would have opposed the University Bill. In one word, gentlemen, the statement is untrue. It has been circulated with a view to prejudice the Reformers of Upper Canada against their brethren in Lower Canada, who are charged with being unfriendly to an Upper Canadian measure sought for by the great majority of the people.

The Common School Law is in your hands—almost every one has seen it and you can now form an opinion whether it will meet the wants of the country. Much dissatisfaction was felt at the old law, and our opponents endeavoured to make political capital out of it, and perhaps with some success. I believe that the new law will give very general satisfaction. It is based on popular principles, every thing being left in the hands of the people themselves, who appoint, directly or indirectly, all the officers required in order to carry out the system efficiently. Here is another proof that the late Ministry did not seek to obtain patronage. I have a few observations to make regarding the tax, which is complained of by some, owing either to their selfishness, or their ignorance. The late Ministry could have had no object in requiring this tax unless for the benefit of the people. It is evident, however, that the object of the tax is not generally understood. I shall endeavour to explain to you its practical effect. I shall suppose that the Trustees of a School District engage a teacher at £60 a year, and that the share of the Government allowance for that District would be £10. It follows that the parents of the children would have to raise the remaining £50 if there were no tax. If however, a tax to double the amount of the grant were raised, that District would get £20 more, and the parents would only have to raise £30 instead of £50; and this tax falls upon the whole property of the township, real and personal, residents and non-residents—those who have children and those who have none. The object of the tax is to encourage the actual settlers, particularly the poorer ones, to establish schools. But it is said by some. “Let those who use the school pay for it” On this principle the Provincial Government should give nothing. I contend however that as all persons having property are interested in the education of the people, property ought to be taxed, not unreasonably high, but to such an extent as will give a moderate encouragement to the resident settler.

On the very important measure for imposing duties on Agricultural produce and live stock imported into the Province. I need say little, especially as all parties now profess to be in favour of it. I would however remind you, gentlemen, that our opponents when in power might have carried such a

measure had they been willing to do so. They were long enough in office in all conscience. I have therefore a right to express my satisfaction that a Reform Ministry were able to carry a measure of such great importance and that I had myself the honour of being entrusted with it.

There are many other measures of secondary importance, compared with the great ones to which I have referred, but which still entitle the late Ministry to your confidence and support. In this Country you must derive great benefit from the new Election law, which will enable you to exercise that inestimable privilege, the elective franchise, without expence, and without danger to your lives, and which will also, I hope put an end to bribery, and treating. You will likewise find the benefit of the bill for restraining party processions, and for preserving order at public meetings. Need I tell you, gentlemen, that some measure for discouraging the members of Secret Societies is imperatively called for? You have suffered too severely from Orange outrages to have any doubt on the subject. For my own part it will ever be a source of the highest satisfaction to me that I was a member of the ministry that brought forward the Secret Societies Bill. You will also agree with me in thinking that the Jury Bill is not an unimportant measure. Only a few days since you have seen a Deputy Sheriff acting with a party of men, many of whom were in open violation of the law of the land, and yet this very person would be entrusted under our present law with the summoning of the jury who would have to try his friends.

The next subject to which I shall call your attention is one regarding which I am aware that many of you may have those strong prejudices which personal interest almost always creates. I allude, of course, to the Seat of Government question. And yet, gentlemen, notwithstanding all your prejudices on this point, I do not despair of convincing you that the late Ministry were justified in taking the course that they did; at any rate I feel satisfied that you will give us credit for having acted as we thought most for the interest of the whole Province. The question of the Seat of Government, like some others, has been made use of by our political opponents in order to foster dissension between the people of Lower and Upper Canada. It ought not, however, to be so treated. You, gentlemen, whatever prejudices you may have on the subject, are too liberal minded and too just to advance any claim on the part of Upper Canada, on the ground of right. Such a claim is quite inconsistent with the terms on which the Union was established, it is an insult to Lower Canada to advance it, and for my own part, I would disown any man as a Reformer who would urge it. The Union having been established, we are to consider that there is one united Province, and in selecting the Seat of Government, regard should be had to the convenience, and interests of the whole population. It is almost amusing to find that the very parties who a few years ago insisted that the Island of Montreal should be attached to Upper Canada, on the ground that Montreal was an Upper Canada city, built up and supported by our Commerce, are those who declare now that because Montreal is out of the former limits of Upper Canada it is *on that account* an improper place for the Seat of Government. With such people it is useless to argue. They are not actuated by any principle but are influenced in their conduct by hostility to the people of Lower Canada. It is necessary, however, before advancing any reasons in favour of Montreal, to state the circumstances under which, the

late Ministry were called upon to act. You will recollect gentlemen, that during the first session of the present Parliament the House of Assembly passed an address to the Queen praying for alternate Parliaments at Quebec and Toronto. The mover of this address was Sir Allan McNab, who is now so warm in his opposition to Montreal. He was willing, however, to have had the Government and Parliament half the time in Lower Canada, and at a place particularly inconvenient for Upper Canadians. Would such a scheme have been of any service to you, gentlemen? or would you have preferred it to the one adopted by the late ministry? You are aware that Her Majesty's Government objected altogether to such an arrangement, on which the House of Assembly was disposed to leave the settlement of the question in the hands of the Imperial Government, whose decision it was supposed would have been bowed to by the whole Province. Her Majesty's Government, however, were not willing to assume the responsibility of settling a question of so much importance, and they accordingly asked the opinion of the late Governor General, and instructed him to obtain that of the Executive Council. You will see therefore that the question was forced upon the late ministry, and not taken up spontaneously by them. Called upon to discharge a most solemn duty, and bound by the most sacred obligations to advise that course which should be most for the public interest, the late ministry took up this embarrassing question. You will at once perceive how ignorant of the duties of an Executive Councillor those persons must be, (and I regret to say that amongst them are persons of some influence,) who endeavour to persuade the people that Upper Canadian members have sacrificed the interest of Upper Canada. I was sworn in, gentlemen, an Executive Councillor as well as a member of Parliament, for the Province of Canada, and I could not without violating my oath, support Upper Canada in preference to Lower Canada, unless I thought the public interests would thereby be advanced. The question which we had to consider was, which was the best place for the Seat of Government; and I hesitate not to say, that if Montreal had been within Upper Canada it would have been selected, with just as much readiness as it was. With regard to the claims of Montreal I would observe that it has long been the commercial capital of United Canada, and from its position it is likely to remain so. It is the point where the greater part of the revenue is collected, and where our fiscal affairs can be most satisfactorily managed. But the strongest argument in favour of Montreal, the one which to me is unanswerable, is that it is the only city in Canada where the two races can meet on a footing of perfect equality. I know that such an argument as this will have little weight with our political opponents, but I address Reformers, men disposed to act on the golden rule of doing as they would be done by. I put it to you, gentlemen, whether you would submit to have the Seat of Government at a French Town in Lower Canada, where the English language is not spoken, and where there is no press to give expression to your views, or to record the speeches of your representatives. What would you say if you were placed in such a position? and yet it was imagined that the French Canadians would submit to such a state of things with patience. I am sure that you, gentlemen, thinking only of the little advantages (and little indeed they would have been) that you would have derived from the Seat of Government being at Kingston, lost sight altogether of the cruel injustice that would have been done to the Lower Canadians

by it. Imagine a whole people isolated from their government, and their representatives, and without the means of knowing any thing that is going forward at the capital. Reverse the picture. What have we Upper Canadians to complain of at Montreal? We have a city with a larger British population than there is French; with four daily newspapers in the English language, besides other periodicals. It is the place to which we look for all our commercial information; in short, it is already the capital of Canada, and the Seat of Government would never have been taken anywhere else but with a view of temporarily subserving party objects.

But we are told, gentlemen, that if the Seat of Government is fixed at Montreal, French influence will preponderate. Instead of "French," gentlemen, read "Reform," and you will learn the real ground of the strong opposition to Montreal. The Reformers of British origin in Lower Canada are, I am happy to say, a numerous and influential body, and their influence is just as much dreaded as that of the French Canadians. Now I honestly confess, gentlemen, that I look upon it as a matter of great importance that this French influence, or as I should say, Reform influence, will be substituted for Orange influence. I think it highly desirable that the public opinion at the Seat of Government should be that of the majority of the people, and that if your liberties should be attacked by a wicked or corrupt government, there should be a public that would give immediate expression to its feelings of honest indignation. Can you, gentlemen, suppose that I could think Kingston a proper place for the Seat of Government, when I know that in the metropolitan County you cannot hold a public meeting without having your lives endangered? When I see the Orangemen on Lot No. 24 representing their opinions to the Governor as those of the majority of the people? For my own part, I neither think such a place a desirable one for the Seat of Government, nor do I wish to live there myself. I am sure that many of you would not be sorry to be beyond the reach of the lawless men by whom you have been so scandalously abused. As to your private interests, in the first place, I do not think you will suffer so much as you imagine by the change. I am quite satisfied that the Act of last Session imposing duties on agricultural produce and live stock, will be of infinitely more benefit to you than the Seat of Government. The persons in Kingston who have invested money in real property are to be pitied, although many of them were very imprudent, and the Corporation of Kingston were absolutely reckless. They deserve to suffer, if for nothing else, for their contempt for the opinions of the Representatives of the Canadian people, and their reliance on the promises of English politicians. And even if you, the farmers, do suffer a little, by getting prices a very little lower than before, are you unwilling to make some sacrifice for the public good, and in order to see justice done to your fellow subjects in Lower Canada of French origin? But secondly, I would remark, that even if the Seat of Government were to be fixed in Upper Canada, it is quite possible that it would be removed from Kingston. And would you, gentlemen, be any better off by having it either at Toronto or Bytown, than at Montreal? Certainly not. Rely upon it this Seat of Government agitation has been got up principally in order to disturb the present good understanding between Upper and Lower Canadians, and it is satisfactory to know that it has proved a signal failure. Even those Reform Members who from timidity voted against Montreal, have become convinced that the

opinion of the Reformers throughout the country is decidedly with the late Ministry on this question. You, gentlemen, may occupy a proud position.—You may come out, interested as you are said to be, and as you feel yourselves to be, and on this very question prove yourselves to be both disinterested and patriotic. And believe me, by such a course you would gain credit with your fellow Reformers over the whole Province.

In conclusion, gentlemen, I will once more earnestly implore you, as you value the best interests of your country, not to entertain any feeling of jealousy or distrust towards our Lower Canadian brethren, and to look upon those who endeavor to excite any such feelings as the worst enemies of the country. On this subject I will quote to you the language of my late colleague, Mr. Baldwin, which cannot be too strongly impressed upon the people, or too often repeated, and with an extract from his Speech at the late Dinner at Toronto I will conclude this long and, I fear, tedious address.

“And if Upper Canada desires that her equal representation shall indeed possess an equal weight in the Councils of the Province, with that of the other sections of the Province, the first step she must take towards that end must be to give a distinctively party character to the Representation which she returns. In fact without this it is impossible for any party to retain power—they in fact do not deserve to obtain it. But, for his own part, he did not hesitate to say, that neither he nor his Upper Canada friends were in any danger of suffering in the slightest degree from his learned friend being, as he justly was, the leader of the united Reform party.—[Cheers.] For himself he would say, notwithstanding the absurd imputation, (as all who knew him would vouch it to be) of inordinate ambition, for which he was indebted to the same high authority, he did not hesitate to say, he was perfectly ready and happy, while his country required his services, to give them in that station in which they can be most useful.—[Cheers.] And that as to his learned friend, he had found him so clear in his perception of right, so prompt in the assertion of it, and so stern in the condemnation of all those arts of low and petty intrigue, to which little minds resort to conceal their barrenness, that he declared it a comfort to have such a guide, a glory to have such a leader, and a source of the greatest satisfaction to have such a friend. And he would tell the people of Upper Canada, that in his opinion, they could not have a man as the leader of the United Reform party more attentive to their interests, more resolved on having the administration, as respected that section of the Province, conducted in a manner satisfactory to them. [Loud cheers.] And he [Mr. Baldwin] would assure them, that he felt that he could give them no better advice, than to let nothing induce them to entertain jealousies or distrust of their Lower Canadian brethren, which every engine of their enemies is set to work to bring about.—He conjured them not to listen to the wily insinuations of those who preached up such distrust, but to mark every man who did so as the worst enemy of both sections of the Province. And he unhesitatingly asserted that the Reformers of Upper Canada could have no better allies than their brother Reformers of the other section of the Province; and could have no leader more resolved to do them justice, than his hon. and learned friend Mr. LaFontaine.” [Cheers.]

I have the honour to be,

Gentlemen,

Your most obedient Servant.

F. HINCKS.

