

## Ninety Two Resolutions

From L.M.'s fifth Letter. Vindicatn. of Ch. Jany. 1837  
 Carried 1834 by a majority of 56 to 24 on Jany. 1834  
 winter session. (The resolutions represent that  
 the Canadians at all times <sup>had</sup> manifested an attachment  
 to the British Government, which remained unchanged,  
 although the Government had been administered  
 by men, who trampled under foot the dearest  
 rights of subjects, that they <sup>were</sup> received with welcome  
~~and desirous of admiring~~ <sup>readily admitted</sup> to all their privileges  
 such as <sup>those</sup> of their fellow subjects from other parts of  
 the Empire as soon as they made Canada their  
 dwelling place. That the House of Assembly, as  
 representing the people of the Province, had always  
 shown an ardent zeal to advance the prosperity of  
 all, without distinction of origin or creed. That it  
 had seized every occasion to adopt such parts of  
 the public law of the Empire, as appeared applicable  
 to the <sup>general</sup> welfare of the people, so to <sup>order</sup> amend  
 its own proceedings as to render them analagous  
 to the practices of the House of Commons, that abuses  
 existed without correction or mitigation of which  
 87,000 petitioners complained in 1827. That  
 the just conclusions of the Parliamentary Committee  
 then appointed had not been followed by  
 measures of a nature to produce the desired  
 effect.

That the most obvious principle of evil & discordant  
 in the Province was the defect in the Constitutional  
 act passed by the Province at the time of its adoption  
 namely, that which inserted the Crown with the  
 extraordinary power of election, & composing each  
 without any rule or limitation, or any prescribed  
 qualification, an entire branch of the Legislature  
 - the Legislative Council supposed from the  
 nature of its attributes to be independent.  
 But in reality the servile tool of the



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authority, which creates confusion, & it can on any day modify it: To wit: the interests or passions of the moment: That abuse had been invariably connected with the exercise of power so unlimited, in favouring the Executive & oppressing the Public good. That the principle of election had been proposed & pointed out as an effective remedy by the Committee of the House of Commons, and that the House was of opinion that a complete freedom of election in the composition of this Council was the only remedy. That the House did not with the Colonial Secretary admit the excellence of the Constitution, or it was the danger of extending the system of frequent elections to render our institutions analogous to those which

"The several States comprising the independent moral & prosperous Confederation of the United States of America have adopted" That the House was grateful to his Majesty for his intention to reform the Council, but as the work had been left to his chief agent the Governor, this proposed reform had only rendered it more vicious - that the Council had been nothing but an in potent power between the Governor & the people, & that its late proceedings as well as the character of the persons lately appointed, disqualified it from acting harmoniously with the Assembly - that the peculiar character of these appointments & many of these recent acts were deserving of very high censure.

That among others who held seats in the Council though not qualified by Law, was Sir John Caldwell, late Receiver <sup>General</sup> of the Province, a speculator who had been censured.



to pay (it was still unpaid.) four hundred thousand dollars of public money. That he had appropriated to his own personal use - that no partial remedy, such as excluding a few notorious individuals from the Council, would be sufficient; that notwithstanding of election would now satisfy the wants & wishes of the people with American feelings; which was evident by the unanimous consent with which the American States had adopted & extended the elective system. That the fidelity of a people to the protection of Government - being co-relative obligations one could not exist without the other - that by reason of defects in the laws & conduct of the country, but more especially by the maladministration of them the people were not sufficiently protected in their property, their lives, their honor, whereas the ties with the mother country became endangered. The House did not desire to convey any threat, but in remarking upon the disastrous consequences of one of Mr. Secretary Stanley's speeches, it in candor reminded the people of England that in a few years the augmentation of population in these colonies would enable them to decide upon the advantages of governing themselves - that the majority of the people of the Province were in no ways disposed to repudiate their descent from the Great Nation from which they drew their language, laws, religion, habits, manners & customs; although this circumstance was of choice, but of necessity, had been made a pretext for abuses, for exclusion, for



~~Handwritten scribbles~~

For a separation of rights & interests by the  
 Colonial authorities who in the approbation  
 of the Legislative Council, created invidious  
 gradations of distinction and preferences.  
 The House complained of & determined by Resol.  
 - 140 against a violation of the Constitution &  
 a pretence to its entire subordination in the en-  
 -actment of laws by Imperial Parliament  
 to be enforced within the Province in contradic-  
 -tion of former engagements especially the Constitution  
 Act: This act was passed in London without  
 a knowledge of the land which person persons  
 & property in the country at the instigation of  
 certain speculators among whom was Richard  
Office was conspicuous: ostensibly to release  
 the land from General Cutlers by exchanging  
 the tenure into free common socage at the  
 will of the proprietor, but in reality to  
 confirm the exactions of the pernicious Office  
 than for no equivalent: the complete dis-  
 -priority of all unenclosed land within the  
 limits of respective parishes which by the origin-  
 -al tenures are only held in a manner  
 in trust for actual settlers. Any man changing  
 the tenure of his land, under this act, would also  
 change the law of his land, though he be but  
 one square foot in the midst of a thousand  
 miles: so that a man's rights might be gov-  
 -erned by the laws of England, & by the laws of  
 France.

The House protested against the interference  
 with its privileges by the colonial Secretary  
 - of the claims presented in by the Executive to  
 the Crown the expenditure of a large portion of  
 the money which of right belonged to the  
 representatives of the people. It protested  
 that these claims & the accounts connected with them



deceptive  
 had been variously, that impudently heads of  
 persons had been entirely omitted; when by  
 the House had not been able to proceed <sup>with them</sup>  
 with an understanding of the matter - that the  
 Executive had endeavored to create a revenue by  
 the sale of lands & timber, & to expend this & other  
 revenues secretly, & unlawfully in sinecure salaries  
 not recognized by the House, with a view to de-  
 stroying its influence, & gradually to take away  
 every shadow of control over the public services -  
 that the Governor had protected subordi-  
 nates on their refusal to render rightly calau-  
 -nated accounts, although the right of the House  
 to demand them could not be questioned -  
 that since the previous session sums had been  
 paid in contradiction to the vote of the  
 House, for which it would hold all parties  
 responsible - the House vindicated its right  
 to vote public officers salaries, & their names  
 subjected to such conditions as it might  
 choose to attach, & that agreeable to the long  
 established practice of the House of Commons,  
 it possessed the power of stopping all supplies  
 until the grievances were redressed. It exposed  
 the unjustly partial distribution of public  
 offices - that while those of French origin  
 composed five sixths of the population, there  
 were but 47 officers of that origin receiving  
 salaries, while there were 157 British or foreign origin  
 holding all superior & more lucrative positions  
 - that of justices of the Peace only one third  
 were French & two thirds of British or foreign  
 origin - that this abusive practice of bestowing  
 places upon persons not connected with  
 the country, & ignorant of its laws, language &  
 customs, had introduced irregularity into the  
 system of jurisprudence, & destroying the free



action of Law: usage & solemnity, sanctioned by  
 Treaty. by the Law of Nations. & by repeated  
 Statutes of the British Parliament. — that Judge  
 had through partiality & in violation of Law con-  
 -vined with Law officers in of the Crown to in-  
 -vite all criminal prosecution without allow-  
 -ing appropriate procedure to be heard, where by it  
 -was impossible to bring with confidence any pro-  
 -secution against persons favored by the ad-  
 -ministration that the House possess & ex-  
 -ercise in the Province by its constitution all the powers  
 -privileges & immunities of the Commons House  
 of Parliament of the United Kingdom among  
 -which was the ancient right & privilege of  
 -searching for persons, papers & records;  
 -but that public functionaries had been supp-  
 -lied illegally by the Executive in refusing  
 -documents & personal attendance that as  
 -the paramount interest of the Country, it was its  
 -duty to inquire concerning all proceedings in  
 -the conduct of which and in the prepara-  
 -tion of Bills much expense necessarily  
 -accrued to the House — that these monies  
 -had since 1792. been constantly advanced  
 -by the Governor upon a resolution of the  
 -House to make good the same by bill.  
 -but that the present Governor by ac-  
 -cidentally refusing this warrant had prom-  
 -pted many inquiries in which he was person-  
 -ally & deeply implicated. The House ex-  
 -posed the various transgressions of the House  
 -of Commons & Executive Council, the mem-  
 -bers of the Court of Appeals, & the secrecy  
 -with which not only the functionaries but  
 -the names of its members had been kept  
 -from its knowledge. the exorbitant fees  
 -illegally exacted by public officers



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the practice of calling upon judges to give their  
 opinions secretly on questions which would  
 afterwards be brought publicly before them;  
 the cumulation of offices in the same persons  
 & families - the interference of Legislative  
 Councillors in the selection of returning officers  
 the interference of an armed military force  
 at an election where by 3 men had been shot  
 dead - the approval of the act by the Governor  
 when the perpetrators had not been acquitted  
 by a petty jury - The faulty system in regard to  
 wild land by which public officers had appro-  
 priated to themselves large tracts: The increase  
 of the expense of the Government without the  
 authority of the Legislature, the want of all recourse  
 in the courts of law on the part of those who  
 had just claims on Government - The frequent  
 reservation of Bills for His Majesty's pleasure  
 a great number of which are never heard from  
 the neglect of the Colonial officers to answer the  
 addresses of the House, the relocation of the Jesuit  
 College which from a college had been con-  
 verted into a barrack for soldiers and the squan-  
 dering among officials the revenue of estates  
 which had been devoted to education - the  
 appropriation of the Executive to the erection of  
 establishments for the education of the people  
 the refusal of justice with regard to accusa-  
 tions brought against judges for flagrant acts  
 of malversation & for a manifest violation of  
 law - the refusal of the Governors to com-  
 muneate information asked for upon  
 public business - & the practice of multi-  
 plying despatches from the Home Govern-  
 ment - the neglect to enforce laws against  
 the great defaulter, the Cash Receiver - General.  
 This is a summary of the 92 Resolutions and a former  
 may cert.