

CHAPTER XXIV.

Crown lands management—Waste lands in seigniories—Government officials—Army bills redeemed—Banking—Political situation, 1816—The two Papineaus—Sessions of 1817-1819—Death of George III., 1820—A speech of Louis-Joseph Papineau.

To portion out the lands amongst the militia, General Drummond, the administrator of the province (1815), was constrained to have recourse to the officials of a department in which enormous abuses existed. The lands were divided up between favourites. So much territory had been given away that Drummond informed the minister that there was no more room on the River St. Francis for the establishment of the immigrants and the discharged soldiers. Every one had pounced down upon that immense pasture ground. From 1793 to 1811, over three million acres had been granted to a couple of hundred privileged applicants. Some of them secured as much as sixty to eighty thousand acres—as, for example, Governor Milnes, who took nearly seventy thousand as his share. These people had no intention of ever improving the land by clearing it of the forest. As it cost them nothing, they purposed leaving the same in a wild state until such time as the development of the neighbourhood by colonization would increase the value of the whole.

Another vexatious land question arose out of the vast domains granted by the King of France to the so-called seigneurs which were intended, by the letter and spirit of the grants themselves, to be given to the settlers whenever they wished for them. Large tracts of these still remained unoccupied and the seigneurs had often expressed the desire to get them as their own property in free and common socage, whilst the country people maintained that they were to be kept *en seigneurie* according to the intention of the sovereign who first granted them. In 1816 a third or fourth attempt on the part of the seigneurs was made in that direction.

“The home authorities being asked for their opinion as to whether the provincial government could, of its own power, accept the surrender of

lands held *en seigneurie* for the purpose of regranting them in free and common socage . . . the answer was that there did not seem to be any objection to His Majesty's accepting a surrender of lands holden *en seigneurie* and regranting them in free and common socage, and hence that no special legislation on the point by either the home or the provincial Parliament would be necessary—but if commutation were to be made compulsory, appropriate legislation to this end must be obtained. . . . It seems that in 1794 Lord Dorchester had assured the colonial legislature that the proceeds of the *droit de quint*, which accrued to the Crown from the seigniories, should be used toward defraying the civil expense of the colony. The question which now presented itself was whether, in the event of permitting the seigniors voluntarily to obtain commutation, this right would not be lost, and whether, therefore, the Crown would not, by the use of its prerogative, have broken its pledge to the legislature. Since the permitting of voluntary commutation would reduce the revenues of the colony, ought not the consent of the colonial legislature to the proposed action to be asked? To this question the home government returned answer: that to take from the legislature this source of revenue without their assent, or without an equivalent, would be an infringement of what they might fairly consider a pledge or assurance on the part of the Crown. . . . One other question . . . is of interest. . . . By the provisions of the Constitutional Act of 1791, one-seventh of the ungranted lands of the colony were to be reserved for the support of the Protestant clergy. The point was now made that, if a seignior surrendered his lands to the Crown, he could receive back only six-sevenths of them in free and common socage; for, by the very fact of surrender, he would put his property in the category of ungranted lands, of which one-seventh must be reserved by the Crown."* The Trade Act of 1822 tried to settle that contestation, as we shall see later on.

The Chief Justice of the Court of King's Bench, James Monk, presided over the legislative council, in February, 1816, when he made known his intention to go to Montreal where the March assizes were to be held, but Sir Gordon Drummond informed him that his presence in the council was indispensable, and he consequently refrained from fulfilling his duty of

*W. B. Munro: *Seigniorial System in Canada*, p. 221.

judge to remain at his post as a legislator—which course, in a political debate which followed in the assembly, gave rise to complaints against him.

The army bills were all honourably discharged at this date. A newspaper made the remark that “they have enriched the country, not so much by the interest they paid, which, of itself, is no inconsiderable addition to its wealth, as by the high prices paid for its commodities, arising from the abundance of the circulating medium, the full nominal value of which could be relied on, equally with the precious metal; and which, for some time past, has even exceeded in value the precious metal from 2½ to 5 per cent., by their ability to procure government bills of exchange, at a discount so much greater than gold and silver could effect it. Such was their superior value, notwithstanding some alarm arising from numerous American forgeries of our army bills. What is still more striking is that Canada paper bore this high value at the period when the paper of the United States was in such a state of depreciation as to create the utmost confusion in that country. Our paper aided the government, because it operated as a loan, at a moment when the expenditure was of a magnitude not to be paralleled in the history of nations, but which, far from depressing the nation, served to evince not only the immensity of its resources, but the unbounded confidence placed in them.”

The entire amount of army bills outstanding in March, 1815, was £1,249,996. The army bill office was closed 24th December, 1820, all that paper being redeemed.

“The relations of trade increase daily, between Montreal and the United States, and such is the course of exchange that the notes of our principal banks circulate freely in all the towns of Canada. The merchants of Montreal are now, however, about establishing a bank of their own, with a capital of two hundred and fifty thousand pounds sterling. This will have a tendency to limit the circulation of foreign paper, and promote domestic improvements, as well as facilitate the operations of trade; though the exports from hence are chiefly confined to wheat and flour, peltry, lumber, etc., received from Upper Canada or the United States.”*

The establishment of banking facilities in Lower Canada met with

*Joseph Sansom, an American: *Sketches of Lower Canada*, 1817.

opposition from various quarters. Objections that had not been made, and could not be shown on any good ground or pretext against the army bills, fell like a shower on the proposed Bank of Montreal, some from England, others from traders with the United States—and even from the Canadians who dreaded a repetition of the French card money. The bank was founded July 23rd, 1817, with a capital of £250,000 currency, but the Act of incorporation having been reserved by the governor for the consideration of His Majesty, it was not till 1822 that an order-in-council put an end to the delay and anxiety on the subject. Meantime the Quebec Bank was founded on the 9th of June, 1818, with a capital of £75,000. Both of these institutions are still in existence.

General Drummond went to England on the 22nd of May, 1816, leaving the government in the hands of Major-General Wilson; and Lieut-General Sir John Coape Sherbrooke landed in Quebec on the 21st July following, having for some time previously administrated the Province of Nova Scotia, whence he was advanced to that of Canada.

“Sir John lost no time after his arrival in requesting further instructions for his guidance. . . . He stated, that the late dissolution, by Sir Gordon Drummond, in consequence of the command he had received, if it were intended to have its effect, by changing for the better the representation of the assembly, had entirely failed; and not only that, but it had augmented the evil, by causing much irritation, both among the representatives and in the country, and by leading to the general election of the same members, or, in a few instances where a change had taken place, the election of others more immoderate than those whom they replaced.”*

* Lord Bathurst replied that he approved of the dissolving of the late Parliament, and that if the new one displayed the same spirit of resistance against the royal authority, he might dissolve it likewise. “Heretofore,” he added, “the governor has found a constant support in the firmness and the good intentions of the legislative council.”

Here follows a tabular statement showing the names of members returned at general elections from 1804 to 1816:—

*Christie: *History of Lower Canada*, II., 267.

	1804	1808	1809	1810	1814	1816
Drapeau, Jos.			1809	1810	....	....
Duchesnois, Et. ....			....	....	1814	1816
Duchesnay, J. A. J.	1804	1808	1809	....	....	....
Duclos, Jas.		1808	1809	....	....	....
Dumont, E. N. L.	1804	....	....	....	1814	1816
Durocher, J. B.		1808	1809	1810	....	....
Faribault, J. E.		1808	....	....	....	....
Ferré, J. B. ....		....	....	....	....	1816
Forbes, Wm. ....		....	....	1810	....	....
Fortin, J. B.	1804	1808	1809	1810	....	....
Foucher, L. C.	1804	....	....	....	....	....
Fournier, Frs. ....		....	....	....	1814	1816
Fraser, James ....		....	....	....	1814	....
Frobisher, Benjamin ...	1804	....	....	....	....	....
Gauvreau, Ls. ....		....	....	1810	1814	1816
Georzen, Fleury ....		....	....	....	1814	....
Grant, Wm.	1804	....	....	....	....	....
Gray, Ralph		1808	1809	....	....	....
Guay, Ls. ....		....	....	....	....	1816
Gugy, Lewis ....		....	1809	....	....	....
Hart, Ezech		1808	....	....	....	....
Hébert, J. B.		1808	1809	1810	....	....
Henry, Edme ....		....	....	1810	....	....
Huot, Frs.		1808	1809	1810	1814	1816
Irvine, James ....		....	....	1810	....	....
Jones, John		1808	1809	....	....	....
Jones, Robert ....		....	....	....	1814	1816
Lacombe, Jacques ....		....	....	....	1814	1816
Lagueux, Et. C. ....		....	....	....	1814	1816
Langlois, Pierre		1808	1809	1810	....	....
Languedoc, Frs. ....		....	....	....	....	1816
Lanauidière, C. G. de ...	1804	....	....	....	....	....
Larue, F. X. ....		....	....	1810	....	....
Leblanc, Etienne ....		....	....	....	1814	....
Lee, John	1804	....	....	....	....	....
Lees, Thomas ....		....	1809	1810	1814	....
Legendre, Frs.	1804	1808	1809	1810	....	....
McLeod, Arch. ....		....	....	1810	....	....
McCord, Thomas ....		....	1809	....	....	....
McGill, James	1804	....	....	....	....	....
McGillivray, W.		1808	....	....	....	....
Mackenzie, Sir Alex.	1804	....	....	....	....	....
Mailhot, F. ....		....	....	....	1814	....
Malbeuf, Jos. ....		....	....	1810	1814	1816
Martineau, Jérôme	1804	1808	1809	....	....	....
Mayrand, Et. ....		....	....	....	....	1816
Meunier, J.		1808	1809	1810	....	....
Molson, John ....		....	....	....	....	1816
Mondelet, J. M.	1804	1808	....	....	....	....

HISTORY OF QUEBEC.

	1804	1808	1809	1810	1814	1816
Moore, W. S.	1804	....	....	....	....	....
Mure, John	1804	1808	1809	1810	....	....
Nadon, André	1804	....	....	....	....	....
Ogden, C. R. ....	....	....	....	....	1814	....
Olivier, Louis ....	....	....	....	1810	....	....
O'Sullivan, M. ....	....	....	....	....	1814	1816
Panet, J. A.	1804	1808	1809	1810	1814	....
Panet, Phil. ....	....	....	....	....	....	1816
Panet, Bonav. ....	....	....	1809	....	....	....
Papineau, Jos. ....	....	1808	1809	....	....	....
Papineau, L. J. ....	....	1808	1809	1810	1814	1816
Planté, Jos.	1804	1808	....	....	....	....
Perrault, J. N.	1804	....	....	....	....	....
Platt, Geo. ....	....	....	....	....	1814	....
Porteous, Thomas	1804	....	....	....	....	....
Poulin, J. M.	1804	1808	....	....	....	....
Proulx, Ls.	1804	....	....	....	....	....
Pyke, Geo.	1804	1808	1809	1810	....	....
Raimond, J. B.	1804	....	....	....	....	....
Richardson, John	1804	....	....	....	....	....
Richer, Augustin ....	....	....	....	....	1814	1816
Robitaille, Jos. ....	....	1808	1809	1810	1814	1816
Rocheblave, N. de	1804	....	....	....	....	....
Roy-Portelance, L.	1804	....	....	1810	1814	1816
Roy, Et. Feréol	1804	1808	1809	1810	1814	1816
Roy, Louis ....	....	1808	1809	....	....	....
Roy, Alexis	1804	....	....	....	....	....
Salaberry, Louis de	1804	1808	....	....	....	....
Sewell, Jonathan	1804	1808	....	....	....	....
Sewell, Stephen ....	....	....	1809	1810	....	....
Sherwood, Samuel ....	....	....	....	....	1814	1816
Stuart, James ....	....	1808	1809	....	....	....
Stuart, Andrew ....	....	....	....	....	1814	1816
St. Dizier, E. N. ....	....	....	....	....	1814	....
St. Julien, Pierre ....	....	....	1809	1810	....	....
Taschereau, J. T.	1804	....	1809	....	1814	1816
Trestler, J. J. ....	....	1808	....	....	....	....
Turgeon, Louis	1804	1808	....	....	....	1816
Turgeon, Jos. ....	....	1808	....	....	....	....
Vallière, Rémi ....	....	....	....	....	1814	....
Vanfelson, Geo. ....	....	....	....	....	....	1816
Vesina, Pierre ....	....	....	....	....	....	1816
Viger, D. B. ....	....	1808	1809	1810	1814	1816
Viger, François	1804	....	....	....	....	....
Vinet, F. ....	....	....	....	....	....	1816
Weillbrenner, Peter	1804	....	....	....	....	....
Young, J.	1804	....	....	....	....	....

Making in all 145 members sitting in an assembly of 50 members, from 1804 to 1816.

The new members in 1808 were 27; in 1809, 11; 1810, 16; 1814, 29; 1816, 14.

The elections of 1814 give us the key to the public opinion and that key opens for us the door to the events that transpired from 1817 to 1837.

Of the fifty members elected in 1817, there were 33 who belonged to the House of 1814. Of these 33 there were 11 who sat in the Parliament of 1810.

The majority of voters in every county of the province—towns included—being Canadians, not a single English-speaking candidate could have been elected, had the Canadians determined to select members amongst their own people only. If, on the other hand, the representation had been based on the figure of each element, throughout the province, no Englishmen could pretend to enter the House for want of a majority in any county. Now, let the reader remember that, as a rule, 35 Canadians were chosen and 15 English-speaking men—can any reproach be cast on the Canadians on the ground of selfishness or lack of generosity in that matter?

The polling of votes lasted until more than two hours had elapsed since the registration of a vote. In this manner an election sometimes would last for twenty or thirty days. Besides, the vote was an open one (no secret ballot) and, very often, a squabble would arise for the purpose of preventing a man from registering his name. Fighting was the order of the day, to prevent the adversaries from winning the election.

Members of the legislative assembly at the meeting of 15th January, 1817:—

Upper Town of Quebec.—Claude Dénécheau, Geo. Vanfelson.

Lower Town of Quebec.—Andrew Stuart, François Languedoc.

East Ward of Montreal.—Louis Roy-Portelance, John Molson.

West Ward of Montreal.—L. J. Papineau, F. Vinet *alias* Soulligny.

Borough of Three Rivers.—Charles Richard Ogden, Pierre Vézina.

Borough of William Henry.—Robert Jones.

Hertford County.—Louis Turgeon, Feréol Roy.

Orleans County.—Charles Blouin.

Montreal County.—James Stuart, Augustin Richer.

Hampshire County.—Geo. W. Allsopp, François Huot.

Dorchester County.—John Davidson, J. T. Taschereau.
 Northumberland County.—Etienne C. Lagueux, Philippe Panet.
 Buckinghamshire County.—François Bellet, Joseph Badeaux.
 Warwick County.—Jacques Deligny, Joseph Douaire Bondy.
 Huntingdon County.—Austin Cuvillier, Michael O'Sullivan.
 Quebec County.—Peter Brehaut, Louis Gauvreau.
 Kent County.—Denis B. Viger, Joseph Bresse.
 Cornwallis County.—Joseph L. Borgia, Joseph Robitaille.
 Leinster County.—Benjamin Beaupré, Jacques Lacombe.
 Effingham County.—Joseph Malbœuf, Samuel Sherwood.
 Bedford County.—Thomas McCord.
 Devon County.—Jos. Couillard Després, François Fournier.
 St. Maurice County.—Etienne Mayrand, Louis Gogy.
 York County.—Eustache N. L. Dumont, J. Bte. Ferré.
 Surrey County.—Pierre Amiot, Etienne Duchesnois.
 Richelieu County.—Jean Dessaulles, Séraphin Cherrier.
 Gaspé County.—James Cockburn.

Mr. J. A. Panet on leaving the chair as speaker of the assembly had been summoned to the legislative council, but he died soon after, frustrating the hopes of those who had expected that his presence with that body would have the effect of reconciling the Canadians with the council. Sir John Sherbrooke suggested to the colonial minister "the expediency of giving the speaker of the assembly a seat in the executive council. The great evil of this country, and the most fruitful source of dissensions had been, he observed, a want of confidence in its executive government, not so much in personal character of the governor as in the executive council, who have come to be considered the governor's advisers, and whose movements were watched with a jealous suspicion which tended to hamper every operation of government. The removal of this distrust, he conceived, would be effected if the speaker of the assembly, for the time being, were made a member of the executive council."*

The war of 1812-1814 had kept in check the hostility that existed between the executive power and the assembly, but once peace was restored, and Prevost departed, the old dissensions broke out afresh.

*Christie: *History of Lower Canada*, II., 266, 273.

The events known as "the time of Papineau" embrace the years 1807-1837. The honourable John Neilson clearly indicates the origin of these troubles in his evidence given before the House of Commons in 1828: "From 1792 to 1806 the government measures were generally sustained by the majority of the House of Assembly. The change which took place in 1807 is attributed to Sir James Craig, who behaved in a most violent manner towards the assembly. This was the end of the administration's influence, because such conduct implicated not only the governor, but also all who were in the employ of the government. During Sir George Prevost's administration, the assembly unanimously supported all his measures as they tended to the defence of the country. In the days of Sir John Sherbrooke the people were generally on the government's side and that governor found a majority to ratify all his measures."

Lower Canada was the cradle of political liberty before any other colony, comprised in the present Confederation, ever attempted to raise a voice in that sense, but it is well to remark that had the province belonged to Spain, Portugal or France, after 1760, we would not have had the struggle which imparted such a noble aspect to our history during the lengthy period of 1774 to 1850. As a French or Spanish dominion we could have no experience of, or aspiration for, political liberty, as the King was owner of the soil, of the forests, the waters, the animals and the inhabitants, and consequently could direct all their actions, dispose of them at will, and, so much was this the case that the people, transferred by one sovereign to another, changed yokes with the passiveness, the blind obedience, the unresisting submission of the ox, without experiencing either sorrow or regret. The man who has never enjoyed liberty in the social order, does not long for it, being incapable of appreciating the boon. Such was Canada when it passed from the autocrat Louis XV. to the constitutional King, George III., and the Canadians had no idea of the surprising change destined to take place in their general conception of public affairs as a result of their contact with a free people. After a while, when they had time to realize the new situation and get somewhat familiar with the spirit of a free government, they were also astonished to see how limited was the knowledge of the few English-speaking men in the colony when they talked of adminis-

tration. In fact these "old subjects" were satisfied to be in a Crown colony whilst the "new subjects" conceived something much better.

One hundred and forty years have rolled away since the Canadians first made their representations heard, and from that hour to the present, they have not ceased to gain ground in regard to political liberties. The history of our great men in the Parliamentary arena is also unique and inspiring.

In the colony as in Great Britain, there was a party that, bound to the old European school, had cursed Pitt and his work, because it was believed that the Canadians would take advantage of it to make themselves heard in higher circles. This party styled itself the "English" one; and, in contradiction the party of Papineau and Bédard was called the "Canadian" one. These Englishmen commenced to manifest their contempt and discontentment when they beheld Canadians electing Canadians, and even English-speaking people following Papineau. They did not hesitate to say that it was the duty of the "habitants" to send Englishmen to the House—as many at least as could be found belonging to the "English" party. On such a basis there was no way of coming to an understanding.

The colonial question, as it was understood a century ago, is little known to-day, at least in America, on account of the numerous and important changes which have taken place amongst us, but Europe still encrusted in the ideas of an epoch belonging to Christopher Columbus, even now cultivates those false and antiquated principles with an incomprehensible persistence. Great Britain was far in advance of the rest of Europe with regard to the science of government, but, like all European people, the moment there was question of the colonies, she too became entangled in a cobweb of prejudices.

"There was no desire to curtail Canadian liberty, and Craig's suggestions to that effect were not favoured. The trouble lay partly in the form of government, which was popular but not responsible. But even waiving the question of responsible government, the Canadian executive was singularly weak. The executive council were the advisers of the governor, but there was no division into departments, no individual responsibility, and no individual superintendence. Each member of the council took an equal

part in all the business brought before it. The power of removing councillors was rarely executed, so that the governor was obliged either to consult advisers, in whom he had no confidence, or to make use of only a portion of the council. The secrecy of its proceedings added to its irresponsibility. Upon the whole, no more unfit instrument could have been imagined with which to oppose a demagogic assembly. In reading the history of Canada during this period, on the surface the old story of colonial emancipation appears about to be acted. In fact, however, the circumstances were very different. The love of self-government in the New England colonies had grown with their growth, and been prepared in the township and the church. The French Canadians had known nothing of self-government, local or political. While they employed the political weapons put into their hands, they cared little for them as ends in themselves. Many will remember Lord Durham's words: 'I expected to find a contest between a government and a people. I found two nations waring in the bosom of a single state. I found a struggle not of principles, but of races.' The fact, however, that this state of things prevailed in Lower Canada rendered the constitutional question of less importance in Upper Canada. Whatever might be the objections of English settlers to the "family compact," a name given to a body of men who possessed almost all the highest public offices, by means of which, and of their influence in the executive council, they wielded all the powers of government, there could be no question as to the fixed determination of the great majority of the people to maintain the connection with Great Britain.'*

"The colonies offered a wide field of employment for the friends, connections, and political partisans of the home government. The offices in England fell short of the demand, and appointments were accordingly multiplied abroad. Of these many of the most lucrative were executed by deputy. Infants in the cradle were endowed with colonial appointments to be executed through life by convenient deputies. Extravagant fees or salaries were granted in Downing Street and spent in England, but paid out of colonial revenue. Other offices, again, to which residence was attached, were too frequently given to men wholly unfit for employment at

*Hugh Edward Egerton: *History of British Colonial Policy*, London, 1898, p. 261.

home, but who were supposed to be equal to colonial service, where indolence, incapacity, or doubtful character might escape exposure.”*

The resistance offered by the two Papineaus to the form of government thus imposed upon the country, had neither the tinge of nor any connection with the idea of rebellion. They sought reforms, but did not ask for them all at once through fear of upsetting the business of the country. They never spoke the language of the demagogue—which belongs to those who pretend to advocate popular interests and who favour the cause of the people in order to win a support that may permit them to dominate the masses. They exaggerated in nothing; never stepped aside from the pathway of truth; and they were irrefutable.

Papineau was no utopian. That which he demanded was perfectly practicable; only that, like all agitators, he was ahead of the times. And even in this regard, it is scarcely right to say that he went too rapidly, since it is to-day admitted that the greater number of the reforms which he sought to have effected should have been accorded at the time by the reigning power.

“The attitude of the colonial office towards the colonies from 1815 to 1840 may be shortly stated as an absolute refusal to admit that the officials in the colonies were answerable for their conduct to anyone but the colonial secretary. At the same time a strong desire was often expressed to remedy any and all abuses of which the colonists could justly complain. The colonial office said, in effect: ‘If the governor does wrong blame him to us, and if we agree with you we will recall him or instruct him to do better in future. If he retains in office men against whom you have just cause of complaint, lay your complaints before us, and if we agree with you we will see that the delinquent officials are dismissed.’ In the last resort, therefore, what policy should be pursued in the government of the provinces of North America and elsewhere was determined by the British ministry. No doubt each succeeding ministry honestly desired that the colonies should be governed in harmony with the wishes of the colonists; but, so long as the local officials were held responsible to Downing Street instead of to the

*Sir Thomas Erskine May: *Constitutional History of England*.

colonial assemblies, just so long were the provinces without real self-government.

“In each of the provinces the head of the official staff was the governor (or lieutenant-governor), the representative of the Crown. His powers were, 1st, to summon, adjourn, prorogue and dissolve the Provincial Parliament; 2nd, to appoint the members of his executive and legislative councils, judges, magistrates, and all other officials; 3rd, to pardon offenders; 4th, to grant Crown lands; 5th, to perform all other necessary acts of executive government. These wide powers were to be exercised subject to instructions from the colonial secretary, so that the governor was in reality one of the staff of the colonial department.

“Associated with the governor in the government of each province was an executive council. In each of the Maritime Provinces one council combined both executive and legislative functions: as an executive council, advising the lieut.-governor in the work of executive government; as a legislative council, having an equal voice with the assembly in passing all laws. In the two Canadas, the councils were distinct. In Upper Canada, the executive council was a very small body, composed exclusively of the heads of the chief public departments. In Lower Canada it contained (in 1828) eleven members, including, in addition to departmental heads, the chief justice and one other judge, the Anglican Bishop, and one leading partner in the North-West Company. The powers of the executive council were very ill-defined. Some few acts of the governor were required to be done ‘by and with the advice’ of this body, and in some of the provinces the governor and his council constituted a court of appeal. In the performance of most of his duties, however, the governor was under no obligation to consult the members of his council. Downing Street held him alone responsible.

“Gradually the officials of the colonies became more settled. Colonial appointments though nominally ‘during pleasure’ were practically for life, and the office-holders and their families became permanent residents. Living chiefly in the larger towns in each province, they formed an official aristocracy, with the governor (or lieutenant-governor) at its head. There was naturally much inter-marrying among them. Social and business ties

drew them together, and it was not long before in each province there was a tacit 'family compact' to work together to hold a monopoly of place and power. The executive council was composed of the leading members of this family compact, and as the years went by they secured an ever-increasing control of the patronage of the Crown. Although they are usually spoken of as an 'official' aristocracy, they embraced, particularly in the Maritime Provinces and in Lower Canada, the most influential of the mercantile class, those interested in trade with England, and the magnates of the North-West Company. New officials, as they arrived from England, naturally fell within the circle. Those who failed to adopt and uphold the views of the ruling faction found that faction strong enough in influence with the governors and the colonial office to secure their dismissal.

"The power conferred upon the colonial Parliaments to make the laws by which in local matters the colonists were to be governed must not be lightly valued. That it did not carry with it proper control over the executive government of the province was owing to the fact that for many years the colonial revenues were largely derived from sources over which the assemblies had no control. Even in the matter of legislation, the officials long retained a dominant influence, for, through the legislative council, they could defeat any measure tending to weaken their hold upon the government of the province. For many years, therefore, the only remedy for executive misrule was an appeal to the British ministry through the colonial secretary.

"Financial control by the 'people's house' would have prevented all this, and reforms would speedily have been forced upon the executive without the necessity of an appeal to Downing Street. After years of practically useless struggle to remedy particular abuses the popular leaders became convinced—to use the word of Joseph Howe, one of the most noted of them—that the touchstone of liberty was the control of the supplies.

"The colonial revenues may be conveniently classified as follows: 1st. The casual and territorial revenues of the Crown, arising from the sale of lands, mining royalties, fees of office, fines and the like; 2nd, duties payable under Imperial statutes upon goods imported into the colonies; 3rd, duties levied and moneys collected under Acts of the Provincial Parliaments. The

salaries of the majority of the officials were paid out of the first and second classes, and over these the assemblies had no control whatever. The civil list, as the officials' pay-roll was called, was settled in England. All the assembly could do, if they thought the salaries too high, was to complain to the colonial office in Downing Street. They could, of course, pass Acts granting money for road-making, bridge-building and other public works, and could control the raising and spending of such moneys; these formed the third class above mentioned. To withhold supplies, therefore, might inflict great injury upon the country by stopping public improvements; it could not affect the officials. They held their positions and drew their salaries regardless of the censure of the people's representatives in the assembly.

“Even in the composition of the legislative assemblies there was much which tended to give undue weight to the wishes of the official class. The towns, in which that class was the predominant element, were allowed representation in the assemblies out of all proportion to their population. Placemen also were eligible to seats in the assembly. Many of them held official positions which brought them in close contact with the people in the different towns and counties. It was in the power of the government to advance or retard progress in any particular region, and the individual settler, too, could be helped or hindered by government officials, who frequently used their powers, with little scruple, to secure their own election to the provincial assembly. Every effort to effect reform in this direction was in every province long frustrated by the legislative councils.

“In the Maritime Provinces, where one council exercised both execution and legislative functions, advocates of reform thought for a time that an improvement might be effected by a division of the council. This was done in New Brunswick in 1832, in Nova Scotia in 1837, and in Prince Edward Island in 1839, but, as Joseph Howe expressed it in somewhat robust phrase, it was but cutting a rotten orange in two in order to improve its flavour. The family compact controlled the two councils as they had before controlled the one. In New Brunswick, after the separation, three families formed a clear majority of the legislative council, and the same invidious preferences—local, commercial and religi-

ous—were shown in its composition as in the other provinces. Before its division the council of Nova Scotia consisted of twelve members, all resident in Halifax. The Anglican Bishop was a member *ex officio*, and eight others were of that church. The chief justice presided, and around the board were the heads of departments and other influential members of the family compact. Two families were represented by five members. One mercantile partnership was also represented by five members. The result was that while needed measures of civil and religious form were prevented, the interests of the outlying parts of the province were sacrificed to benefit Halifax merchants.

“If the long-suffering colonists carried their complaints to the colonial secretary they found, as Howe said, that there was hardly a public servant in the province who could not by his representations and influence thwart any resolution or address which the assembled representatives of the whole country thought it their duty to adopt.

“Colonial government was then in its infancy, and many men both in England and on this side of the Atlantic conscientiously believed that to give entire control to the colonial assemblies would be but a step toward separation from Great Britain. We know now that they were mistaken.

“In the Maritime Provinces, while there was the same vicious system and the same spirit as in the Canadian provinces, there was a marked absence of that active oppression to which the family compact resorted in order to maintain their position in Upper and Lower Canada. The battle for reform was, as a natural consequence, well advanced in the two Canadas before it began in the Maritime Provinces; and in the latter, where executive oppression had been less felt, it was fought with less bitterness.”*

Samuel Papineau was born in the town of Montigny, Poitou, France, 1670, and married, in Montreal, 1704, Catherine Quevillon. Of their nine children, one, Joseph, born in 1719 was the father of Joseph, born in 1752, who entered the first house of assembly (1792) and displayed both great talents and patriotic wisdom. Sir James Craig had frequent conversations with him on all sorts of subjects whenever occasion presented itself, yet none ever fought more vigorously against that governor and his council

*W. H. P. Clement: *History of Canada*, Toronto, 1897, pp. 185, 187-90, 192, 196.

than did Papineau. In Ryland's letters we read that Papineau was absent from a meeting that had just taken place, but, he adds, "there are one or two phrases in the resolution adopted on that occasion, that could not come from elsewhere than his subtile mind, which was ever on the alert to avoid all danger, even while saying all that he wished to say."

His son, Louis-Joseph, was born in Montreal and baptized on the 10th October, 1786. He was sent to the Quebec Seminary where he entered his class in rhetoric in 1802. As a member of the literary association of that college he delivered a speech on one occasion which caused the admiration of all the town society. "The renown of young Papineau had preceded him even before his entry into the Seminary of Quebec. Everything presaged from that day a brilliant career. He was passionately devoted to reading and his mind was already more developed than those of the greatest number of the finishing students. He seldom played with children of his own age; rather did he spend his hours of recreation in reading, playing a game of drafts or checkers, or conversing upon literary subjects either with his masters or with students belonging to the higher classes. The general opinion was that he would have been constantly at the head of his class, were it not that he preferred reading to the study of the Latin language."*

Thus, Louis-Joseph pursued his studies in the Quebec Seminary, although his family resided in Montreal; still, as the legislature met in Quebec, the father and son found themselves frequently in each other's company. It might be said that the young man was brought up in a political atmosphere, amongst men such as Bédard, Borgia, Lothbinière, Debartzch, Neilson, the only group in the entire civilized world that possessed a proper conception of the manner in which colonies should be governed.

When Louis-Joseph was asked where he had learned to speak, he made a reply that should be taken to heart by all young men who are desirous of entering the public arena, he said: "I practised to speak in our little literary circle in Quebec." That small academy was a very humble assembly; yet seven or eight brilliant men, who could never have been educated elsewhere in the same manner, and whose careers depended upon their training, came forth from that same circle.

*De Gaspé: a fellow student of Papineau.

The amiability and courtesy of the two Papineaus constituted the source of all the compliments showered upon them, and even with their most pronounced opponents their social relations were of the most agreeable character. In 1822, when Louis-Joseph was waging a formidable campaign against the financial administration, he stated, in a letter to his brother, that the Receiver-General, Caldwell, returning from England, gave him ample information in regard to the project of the ministers concerning Lower Canada; and yet Papineau, at that time, demanded an examination into Mr. Campbell's books and safe, in order to know what was going on in his office. We must suppose that neither Ryland, nor Craig, nor Caldwell attributed any motives of personal animosity, or of private interest, to the Canadian leader, and, apart from the political battle, they treated him in a friendly manner.

A simple student at law, in 1808, and only twenty-one years of age, Louis-Joseph was elected by the county of Kent (Chambly) as a member of the legislative assembly, and from that date till 1834, he was returned to Parliament ten times. He seems during the sessions of 1808 and 1809 to have confined himself to a close study of the practices and customs of the house of assembly, in order that he might become perfectly acquainted with that peculiar and complicated procedure, a knowledge of which is absolutely necessary for one who is desirous of taking an active part in the work of legislation. He was admitted to the Bar in 1810. During the war he served as a captain of militia. One day, when in command of a company escorting American prisoners, he ordered the band to stop playing *Yankee Doodle*, as he looked upon that air as, under the circumstances, an insult to the vanquished.

On the 29th of April, 1818, at Quebec, he married Julie Bruneau, of a family from Poitou, France, settled at Quebec before the conquest.

The new Parliament (the ninth of Lower Canada) met on the 15th January, 1817. M. Papineau was again chosen speaker of the assembly unanimously. The governor called the immediate attention of the legislature to the failure of the crops in different parts of the province, but more particularly in the parishes below Quebec, where it had been represented to him that the inhabitants had been reduced to a state of absolute want.

In the month of April of that year, Mgr. Plessis was summoned to the legislative council.

The assembly met again on the 7th of January, 1818. One of the public complaints had reference to contingent, extraordinary and unforeseen expenses. In such cases the governor met the expenditure by drawing from the military funds, not feeling justified in making use of the money of the province that was not as yet allotted by the legislature to any definite object. If, for example, a sum of £100 were voted for the building of a wharf which unavoidably cost £120, the £20 that were lacking were borrowed from the funds for the army—but the question here arises as to whether or not the Imperial treasury should be at the loss of that amount? If the assembly were asked to recognize it by a vote, the latter could make answer that it did not approve of expenses incurred outside of its control—and there was no minister responsible to the people. The debate on that and other similar questions concerning finances was destined to be renewed, year after year, for a long time—and so the session of 1818 passed without a conclusion being arrived at.

The Duke of Richmond arrived at Quebec on the 29th July, 1818. He died in Upper Canada, during a tour of inspection, 28th August, 1819.

On an application from steamboat owners (1819) the Lords of the Treasury authorized the commissariat in Canada to advance them from £1,500 to £2,000, to be repaid by instalments, the steamers to have the preference for freight, the proceeds from which would no doubt go a long way to extinguish the debt.

The session of 1819 opened on the 22nd January. "The estimate of the expenses of the civil government for the year 1819 was £81,432 sterling, being upwards of £15,000 over that of the previous year. This sudden increase, without any ostensible necessity, created dissatisfaction, and indisposed the generality of the assembly, who disapproved of the advice that had induced the governor to make so large a demand upon the country upon his advent. The estimate was referred to a select committee, by which, after being particularly examined, a report recommending in strong terms retrenchment and economy was made. 'Your committee,' they observed in conclusion, 'are of opinion that this House, on making a suitable provision

for such offices as are indispensably necessary, will also act in conformity with the desire and interest of the province at large, by making an unqualified reduction of those sinecures and pensions, which, in all countries, have been considered as the reward of iniquities, and the encouragement of vice; which, in the mother country have been and still are a subject of complaint, and which, in this province, will lead to corruption.' A provision of £8,000 sterling, a year, for pensions, was unwisely proposed in the estimate as 'the pension list at the disposal of His Majesty's representatives, for rewarding provincial services, and providing for old and reduced servants of the government and others.' '*

The Duke of Richmond prorogued the session on the 24th of April, 1819, with expressions of dissatisfaction at the proceedings of the commons: "You, gentlemen of the legislative council, have not disappointed my hopes," said His Grace, "and I beg to return you my thanks for the zeal and alacrity you have shown in all that more immediately belongs to your body. It is with much concern I feel myself compelled to say that I cannot express to you, gentlemen of the assembly, the same satisfaction, nor my approbation at the general result of your labours (at the expense of so much valuable time) and of the principle upon which they rest, as recorded on your journals. You proceeded upon the documents which I laid before you, to vote part of the sum required for the expenses of the year 1819, but the bill of approbation which you passed, was founded upon such principles, that it appears from the journals of the upper House, to have been most constitutionally rejected: His Majesty's government has been thus left without the necessary supplies for supporting the civil administration of the province for the ensuing year, notwithstanding the voluntary offer and pledge given to His Majesty, by the resolve of your House, of the 13th February, 1810."

On the receipt of the sad news that the governor-general had died in the upper province, Chief Justice Monck took in hand the administration. Lord Dalhousie only arrived on the 18th of July, 1820.

In a letter, dated 15th of April, 1820, Louis-Joseph Papineau wrote to his father that, according to all appearances, the administrator awaited the

*Christie: *History of Lower Canada*, II., 308.

official news of the King's death to dismiss the House, and in fact such is exactly what took place, we might say with theatrical suddenness, on the 24th of the same month.

As on former occasions, the polling, in June-July, were decisively unfavourable to those who, in accordance with the views of the executive, had sided with it and combated the bill as passed by the assembly, providing for the civil list by items, and consequently few of them were returned.

“A speech, at the hustings, by Mr. Papineau, late speaker of the assembly, on his re-election, conjointly with Mr. Garden, for the west ward of the City of Montreal, much spoken of at the time, and going, with great applause, the rounds of the journals, is, in all respects so faithful, as to deserve notice and a place in the annals of his native country. The testimony, on a subject of this nature, of one occupying the eminent public position which Mr. Papineau so long did, in the councils of the province, whose private life, whatever may be said of his political career, is unblemished and exemplary, and who then stood, and possibly, notwithstanding all that has occurred; still stands higher in the estimation of his compatriots than any other man living, will, in all time to come, be read with interest, whatever vicissitudes may still await the political course he has re-entered upon.”*

M. Papineau said: “Not many days have elapsed since we assembled on this spot for the same purpose as that which now calls us together—the choice of representatives. The opportunity for that choice being caused by a great national calamity, the decease of that beloved sovereign who had reigned over the inhabitants of this country since the day they became British subjects, it is impossible not to express the feelings of gratitude for the many benefits received from him, and those of sorrow for his loss, so deeply felt in this, as in every other portion of his extensive dominions. And how could it be otherwise, when each year of his long reign has been marked by new favours bestowed upon the country? To enumerate these, and to detail the history of this country for so many years, would occupy more time than can be spared by those whom I have the honour to address. Suffice it, then, at a glance, to compare our present happy situation with that

*Christie: *History of Lower Canada*, II., 327.

of our forefathers, on the eve of the day, when George the Third became their legitimate monarch.

“Recollect that under the French government (internally and externally, arbitrary and oppressive) the interests of this country had been more frequently neglected and maladministered than any other part of its dependencies. In its estimation, Canada seems not to have been considered as a country which, from fertility of soil, salubrity of climate, and extent of territories, might then have been the peaceful abode of a numerous and happy population; but as a military post, whose feeble garrison was condemned to live in a state of perpetual warfare and insecurity—frequently suffering from famine—without trade, or with a trade monopolized by privileged companies—private and public property often pillaged, and personal liberty daily violated—when year after year the handful of inhabitants settled in this province were dragged from their homes and families, to shed their blood, and carry murder and havoc from the shores of the great lakes of the Mississippi and the Ohio, to those of Nova Scotia, Newfoundland, and Hudson’s Bay. Such was the situation of our forefathers: behold the change. George the Third, a sovereign revered for his moral character, attention to his kingly duties, and love of his subjects, succeeds to Louis XV., a prince then deservedly despised for his debauchery, his inattention to the wants of the people, and his lavish profusion of his public moneys upon favourites and mistresses. From that day, the reign of the law succeeded to that of violence; from that day, the treasures, the navy, and the armies of Great Britain, are mustered to afford us an invincible protection against external danger; from that day, the better part of her laws became ours, while our religion, property, and the laws by which they were governed, remained unaltered; soon after, are granted to us the privileges of its free constitution—an infallible pledge, when acted upon, of our internal prosperity.

“Now, religious toleration, trial by jury—that wisest of safeguards ever devised for the protection of innocence—security against arbitrary imprisonment, by the privileges attached to the writ of habeas corpus; legal and equal security afforded to all, in their person, honour and property; the right to obey no other law than those of our own making and choice,

expressed through our representatives; all these advantages have become our birthright, and shall, I hope, be the lasting inheritance of our posterity. To secure them let us only act as British subjects and free men."

Now follows the commentaries of Mr. Christie: "Mr. Papineau's just appreciation, at this period of his political life, of the paternal treatment and protection Canada had ever experienced, since it became part of the British Empire, at the hands of its government, found a hearty approval in every truly British bosom, and rendered him not less popular with his fellow subjects of British, than with those of his own origin; a distinction, which unhappily, had now come fully into vogue between the two classes. But the really patriotic views he then entertained, have since, it seems, undergone a total change, and others of a different character been adopted in their stead, unprofitable to his country and himself, the more to be regretted, as the quiet redress of all real grievances and abuses of which the province may have had just cause to complain was within his reach. A man of his acknowledged talents and standing, mediating between the people and the government, confided in as he might have been by both, could not have failed, by a prudent and pacific course, to reconcile all jarring interests, and to secure, without an effort, the repose and prosperity of his country, and with them its gratitude. At all events, it is more than probable that the affliction it has experienced, and the position in which we find it to-day—a false one, as many will have it, but the necessary consequence of its own erroneous policy, stimulated by the virulence and intolerant politics of that gentleman—might have been avoided. Happy, however, if he does not again succeed in plunging it into still deeper trouble, by a perseverance in his former agitation and another hegira. No man in Canada at the present hour is so esteemed by his countrymen, the Canadians of French origin, as Mr. Papineau; none so influential throughout the masses, for good or for evil to them, as all those observant of the time must perceive, as he. But their true interests cannot possibly lie in the direction he seems determined, at the time (1848) we are writing, to pursue, but the opposite. Will he see it so, and have the wisdom to follow it?"

The foregoing is exceedingly well thought out. It was Mr. Papineau's misfortune to have survived the twenty years (1817-1837) during which

he was the leader in Lower Canada, or rather, to have re-entered the political arena, in 1848, without being aware that he stepped into a new sphere. He even attempted to take up the fight again at the point where he had left left off in 1837, as Mr. Christie expected he would; but was forced to retire before the indifference manifested towards him by the greater number of the French Canadian political leaders.