

CHAPTER XXIX.

The meaning of responsible government not clearly defined before 1843—
The Draper ministry, 1841—The Baldwin-La Fontaine ministry, 1842
—The Draper-Viger ministry, 1843—Return of political exiles—The
La Fontaine-Baldwin ministry, 1848—Full responsible government,
1848—The Rebellion Losses Bill, 1849—New political parties—Postal
service—Decimal currency—Hincks-Morin ministry, 1851—“Rep. by
pop.”—Scheme of Confederation—Coalition government, 1854—
Several old grievances settled—Reciprocity Treaty, 1855—Anglo-
French alliance—Ottawa chosen as the capital, 1857.

It seems strange that, during the long and violent struggle of the democracy against the bureaucracy, or the popular wish against the official domination, which we have shown in the preceding chapters, the question of “responsible government” should have received so little consideration. The term itself was not uttered once in the lengthy debates connected with the examination of public accounts or appointment of the executive councillors, or in connection with the request that such ministers of the Crown be compelled to occupy a seat in the assembly. A few men, Pierre Bédard, the first, according to date, intimated, now and again, that ministerial responsibility would put an end to the evils and abuses of the time, but it did not constitute one of the principal articles of their programme, because, it is supposed, that the Crown having the nomination of those functionaries, they could not be amenable to the assembly. Therefore, no one dared to propose their appointment by the popular branch of the legislature. No mention of responsible ministers is made in the 92 resolutions. The conflict remained after 1834 on the same ground as before, that is, between the assembly and the councillors, who were held to be the cause of bad administration. It was against them that Papineau and Mackenzie hurled their eloquent philippics and aroused public opinion. The executive councillors were bad because the system was false; to change the men would have

been of no avail; to adopt another mode of appointment would have cured the evil.

It must, however, be admitted that during the years which preceded the insurrections, ministerial responsibility was the principal reform advocated in Upper Canada, particularly by Mr. Robert Baldwin. It must also be acknowledged that such a measure, even in England, was not clearly understood and made practical as it is at present. The kings reluctantly consented to abandon their prerogatives and to reign without governing. At all events, the people in the colonies did not seem to harbour the hope that they would ever obtain such a favour, and the opinions expressed by the successive administrations of Great Britain were undoubtedly of a nature to confirm this impression.

As is generally the case, gunshots and bloodshed had more effect than the petitions and protests upon the mind of prejudiced statesmen, and, if the point was not gained at once, a decisive step was taken in the right direction, under the pretext of calming the people by trying a new system of government which could ensure loyalty and fidelity to the Crown.

Mr. Thompson was instructed to "administer the government in accordance with the well understood wishes and interest of the people; to call to his councils, and to employ in the public service those persons who by their position and character have obtained the general confidence and esteem of the inhabitants of the province." How was this carried into effect? Eight ministers were appointed—only one was a Catholic, and not a single French Canadian. The composition of that ministry was naturally considered a false and unjust interpretation of the new constitution.

Mr. Baldwin, appointed attorney-general for Upper Canada, suggested that French Canadians be included in the ministry, but he was ignored and resigned. He had made it an express condition that the government would be carried out in accordance with his well-known ideas about ministers being made responsible to the assembly; and that after the elections, when the cabinet was re-modelled all classes and nationalities should be represented in the executive.

Mr. Draper accepted the functions without apparently exacting any condition. Mr. La Fontaine refused because he was not promised the

reality of a government responsible to the assembly. Lord Sydenham went himself to the county of Terrebonne to canvass against his candidature during the general elections of 1841 and succeeded in beating him, but Mr. Baldwin secured for his friend a seat in the fourth riding of York, so that the French Canadian leader represented a county of Upper Canada during the first Parliament.

This open kind of partiality roused the feelings of others than the French Canadians. There were in both provinces, as there are everywhere, English-speaking men who loved political liberty for itself and before all, and who were just and impartial enough to sacrifice personal sympathy and even popularity to the triumph of a principle they cherished, and to apply to all British subjects without distinction the benefit of their great and noble constitution. At the head of them stood the good and honest Robert Baldwin. As for the French Canadians, most of them were ready to follow Mr. Louis-Hyppolite La Fontaine, a learned and loyal man who had objected to the union at first, but decided to accept it when established, and to endeavour to take advantage of the germs of liberty which it contained. They were both highly qualified as representatives of two great races and their deeds deserve to be recorded as an example to future generations. It has often been said that there are men selected by Providence to further at a certain time the progress of humanity, or the prosperity of a nation. Baldwin and La Fontaine were two such privileged beings. They seem to have been chosen at a critical period of our history to show what the union of the descendants of two powerful races could do for the political welfare and prosperity of Canada. They had both fought courageously before, against the same official-party and oligarchy, and they enjoyed the confidence of all liberal and fair minds in the country.

Baldwin and La Fontaine became the leaders of a strong and patriotic opposition. On the 3rd September, 1841, the assembly passed a series of resolutions recognizing responsible government. On this occasion, for the first time in Parliamentary history the meaning and the *modus operandi* of those two words were defined and rendered intelligible, at least in so far as a new political religion can be appreciated.

The closing of the session and the death of Lord Sydenham (19th of

September) suspended the effect of this vote, but the prospects were great for another year.

That session is also remarkable for the passing of the municipal bill which provided for the incorporation of towns and cities under certain conditions and established therein a local government to administer and settle internal business.

During the session of 1842, the government was defeated. In September, therefore, Sir Charles Bagot called Mr. Baldwin to assume the position of attorney-general for Upper Canada and Mr. La Fontaine that of attorney-general for Lower Canada. As in the preceding ministry, there was also a secretary for Upper Canada and one for Lower Canada, a solicitor-general for Upper Canada, and one for Lower Canada. That practice continued until Confederation. Although there was but one government the duality of former days still existed and was made constitutional by the adoption of "the double majority principle," gradually from 1844 to 1852. This new factor in the balance of power consisted in forcing the administration to be sustained by a majority from each of the united provinces, and not merely by a majority of votes in the assembly. Thus, one province could not impose upon the other. Practically the two attorney-generals, or whatever be the attributes of those leaders in the work of the ministry, were two prime ministers, although one only held the title.

The La Fontaine-Baldwin cabinet was a "party" ministry, the first in the British colonies. The colonial office blamed Sir Charles for its formation, but the country greeted the event as the announcement of a new era, a triumph of political liberty, etc.

The ministers having to be re-elected, according to rule, Mr. Baldwin was defeated in the county of Hastings. His colleague got him chosen by Rimouski, so that the two principal ministers represented Lower Canadian constituencies in the second and third sessions of the first Parliament.

Mr. Papineau writing from France to Dr. O'Callaghan, on the 16th of November 1842, said: "I believe that the important steps taken by Sir Charles Bagot are to a certain extent sincere and that he must have acted under the authorization of Sir Robert Peel. If such a system is followed for some years there will be no way to go back to the method of partiality

so flagrant in the past. After the Ashburton Treaty I suppose that the British administration is no more inclined to depend on the so-called English party in Canada. . . . The Tories (in England) are convinced that they will hold power for a long time. They seem to be willing to use it mildly. Mr. Roebuck says the merchants of Canada are dead against Bagot, but that they can obtain no hearing. . . . I have no faith in the virtue of the Tories, but I have in their ability, which is incomparably greater than that of the Whigs. I believe in the power that a spirit of union (between ourselves), and the close neighbourhood of the United States, will give the Canadians, if they only have a little firmness, for the securing of better government in the future—especially after the humiliating treaty, for England, which handed over to a republican government her loyal subjects of Madawaska, a change that will by no means affect their happiness. . . . I think Mr. Baldwin is an honest and enlightened man. His appointment inspires me with more confidence than all the rest of them. They are also honest, but not clever. One would easily persuade them that the union is a blessing. . . . Then the reform of the legislative council? A good jury law? . . . I hope the new cabinet has some guarantees for all that—otherwise they will find that they are dupes. . . .”

Sir Charles Bagot, who had come with the intention of applying the principle of self-government, was not spared long to carry on the reformation as he died (16th May, 1843) after a few months' residence in Canada. His successor, Sir Charles Theophilus Metcalfe held that appointments to office without consulting his council, was his prerogative, thus acting in the face of responsible government. The ministry resigned, 26th November, 1843, and retired from office on the 11th December, two days after the close of the last session.

On the 30th of June, 1843, the village of Boucherville was destroyed by fire. On the 28th of May and 28th of June, 1845, the city of Quebec was nearly all burnt out. In May, 1846, the villages of Chicoutimi and Ha! Ha! Bay were swept by the flames. On the 12th of June following St. Louis theatre in Quebec also caught fire—forty persons perished within its walls. In August three hundred houses were destroyed in the same manner at Laprairie—and St. Louis Castle of Quebec was burned to the ground.

A few figures concerning the trade of the country may not be out of place here.

In 1836, a railway, fourteen miles long, was opened between Laprairie and the town of St. John's. They used fire-wood instead of coal.

The produce of wheat in 1831, 1844, 1851, was as follows:—

1831.	3,404,756
1844.	942,835
1851.	3,045,600

In 1841, 64 sea-going vessels with an aggregate of 23,122 tons were built at Quebec.

The annual interest of the public debt was £145,244; the total revenue, £512,993 currency, in 1846.

1846 arrivals, 1,439 vessels, 573, 104 tons burthen.

1847 arrivals, 1,178 vessels, 474,486 tons burthen.

The annual exportation of lumber in 1853-57, may be stated at thirty million cubic feet in the rough state and four hundred million feet, board measure, of sawed lumber. The revenue derived from timber cut in the public forests in 1861 was \$383,150.

News arrived at Quebec, 22nd October, 1847, *via* Boston, dated Liverpool 5th of that month, with intelligence from Lahore, 12th of August, and Hong Kong, 25th July.

During the session of 1844, Mr. La Fontaine asked for the return of the political exiles. These unfortunate men commenced to arrive in 1845, Mr. Papineau being one of the first, and the others followed in 1846-47.

When the people heard of the reasons which had brought about the resignation of the executive great excitement prevailed all over the country, public meetings were held and resolutions passed approving the late ministers and blaming the governor.

The third administration was called the Draper-Viger and lasted from 12th of December, 1843, to January, 1848, the whole term of the second Parliament, which sat at Montreal.

Mr. W. H. Draper, an able man, the head of the moderate Conservatives since 1841, had been opposed to many of the reforms for which the popular party was striving, but since the union he decidedly inclined

towards the new system and bowed gracefully to the inevitable. Between him and Baldwin stood the question of patronage and a few other points of secondary importance. As for the Tories or family compact, seven or eight in number, led by Sir Allan MacNab, they had made no recruits from the beginning and remained ready to vote against any Liberal measure.

Mr. Denis-Benjamin Viger, an upright and learned writer, was followed in the ministry by Denis-Benjamin Papineau, as commissioner of Crown Lands from 1844 to 1847, R. E. Caron, as speaker of the legislative council from 1843 to 1847, J. A. Taschereau, as solicitor-general from 1845 to 1847.

Lord Metcalfe was succeeded on the 26th November, 1845, by Lord Cathcart, who, in turn, was replaced by Lord Elgin, 30th of January, 1847. The answers he made to several public addresses gave the clue to his intended policy and caused the electoral body to anticipate a favourable wind for the Reformers.

The sweeping victory of the Reformers, at the general election of January, 1848, showed that the Viger-Draper government had existed since fifty month without the confidence of the majority of the country. They abandoned their portfolios on the 4th of March, after the meeting of the legislature in Montreal. Mr. La Fontaine accepted office as premier and for twenty-four hours was sole minister. Then came in Robert Baldwin, James Leslie, R. B. Sullivan, R. E. Caron, Francis Hincks, E. P. Taché, J. H. Price, T. C. Aylwin, Malcolm Cameron, L. M. Viger, and Lord Elgin was enabled to exercise the power vested in him by the Imperial authorities, and such as no governor of Canada had ever possessed before. Recognizing his wisdom and his love of liberty Lord Elgin found the country quite prepared to welcome him. He had declared, when answering the addresses which were presented to him on his arrival that he had been instructed to administer the affairs of the colony with the advice and the assistance of those who enjoyed the confidence of the people and that he would govern accordingly. He kept his promise, aided by the circumstance of the last election—in spite of those who tried to frighten him, as they had alarmed Metcalfe in representing La Fontaine and his friends as rebels unworthy of his confidence. He said that he had been sent to Canada not to perpetuate old animosities,

but to govern constitutionally, and he gave a memorable proof of his sincerity when he sanctioned, in 1849, the bill to indemnify those who had suffered losses in the turbulent times of 1837-1838. This governor, in contrast to some others since 1841 followed the advice of his ministers without regard to his private opinions, and the danger to his personal safety.

“Lord Elgin had married a daughter of Lord Durham, and was naturally anxious to see the views expressed in the celebrated report fairly applied to the government of the provinces.”*

It is proper to say that the question of representative and responsible government was then definitely settled and that the country, since that time, has been administered in accordance with the principles laid down by the Baldwin-La Fontaine ministry and by Lord Elgin.

In 1844 Lieutenant-Governor Falkland, in Nova Scotia, resisted the principles of responsible government against Messrs. Howe, Uniacke and McNab. This would tend to show that the instructions given to Bagot and Metcalfe (and so little understood by the latter) were not extended to the lieutenant-governors of the Maritime Provinces.

As a consequence of the reforms made during the last preceding years of the reign of Queen Victoria, the claims of the colonies were no more considered out of place. Besides the formation of the Canadian ministry in 1848, “that year saw the Uniacke cabinet in Nova Scotia, and, in New Brunswick, Messrs. Wilmot and Fisher were made members of the executive council which openly avowed that it held office on the tenure of public confidence. In this complete establishment of responsible government the different provinces enjoyed common triumph. The reformers in each province had watched with much sympathy the progress of the struggle in the others. The leaders had been in frequent communication, and a concession gained from the colonial office for one province had often been a gain for all.”†

In 1852 responsible government was assumed in Prince Edward Island.

The British Parliament repealed the navigation laws, in 1849, thereby giving the colonies liberty to trade in any part of the world, but each colony, such as Prince Edward Island, Newfoundland, New Brunswick, Nova Scotia

*Clement: *History of Canada*, p. 274.

†Clement: *History of Canada*, p. 274.

and Canada, continued to lay import duties on the goods of its neighbours. Some people wished for free trade between the Maritime Provinces and Canada and they generally coupled that proposal with that of a legislative union or a confederation. An intercolonial railway plan entered naturally as part of the whole scheme.

Commissioners had been appointed to the number of six, in 1845, to inquire into the losses sustained by loyal people of Lower Canada during the rebellion. The Tory party made a good deal of political capital out of that question, pretending that it was a pretext to recompense men who had taken up arms against the law and fought against the British troops, but Lord Metcalfe was not the dupe of these street corner gossips and knew exactly what the measure was intended for. When the commission declared, the following year, that they had received two thousand, one hundred and seventy-six claims amounting to £241,965, and stating that, in their opinion, the sum of £100,000 would cover all real damage, the opposition kept up a hotter fusilade than ever against the ministry, but Lord Metcalfe was gone (26th of November, 1845), Lord Cathcart had nothing to do with the matter and let it sleep until the arrival of Lord Elgin, whose instructions from Lord John Russell, Sir George Grey and Earl Grey were not calculated to please the Tories of Canada.

On the 25th of April, 1849, Lord Elgin gave his assent to the Rebellion Losses Bill. When he left the assembly frenzied mobs pelted his carriage with every abominable missile, and strove to do him personal injury; but, by rapid driving, he escaped them. Then, in their mad rage, they burned the House of Assembly, together with the public records of the Upper and Lower Canada Parliaments, and the records of Parliament since the union. Five days later His Lordship drove from his residence at Monklands into Montreal, and was soon surrounded by a hostile crowd, which pelted him with stones, and he had to return to Monklands. A body of radical reformers made the "Clear Grit Departure," agitating for universal suffrage, vote by ballot, biennial Parliaments, free trade, direct taxation, etc. Mr. L.-J. Papineau was the recognized leader of a party still more radical "*le parti rouge*."* Mr. La Fontaine's house was sacked. The governor

*James P. Taylor: *Facts of Canadian History*, p. 142.

forbid the calling out of the military. Three months later the ring-leaders were arrested, and this was the signal for a further outbreak. The mob again attacked La Fontaine's house, but this time he was prepared and they were driven off after one of their number had been killed.*

"The same violent spirit was shown in Upper Canada. Mobs broke the windows of well-known reformers, and burnt stuffed figures representing them in great bonfires. Some of the Conservatives (Tories) who had loudly accused others of disloyalty now talked of making Canada part of the United States. Others joined a league of which one object was to break up the union between the two provinces. Amongst other schemes, a confederation of all the provinces was suggested, but the league soon fell to pieces."†

In 1849 Mr. Papineau spoke in favour of the recall of the Union Act and for "rep. by pop."

Parliament met in Toronto on the 14th of May, 1850. The postal service was vested in the Canadian administration, but the transfer from the Imperial authorities only took place in April, 1851. First postal stamp was issued by Canada in May following. The present decimal currency was introduced this year.

After the session of 1851 (October) the government offices were transferred to Quebec and the "Grand Ministry" resigned. Messrs. La Fontaine and Baldwin withdrew from public life. Their places were taken by Mr. Francis Hincks and Mr. A. N. Morin. The La Fontaine, Baldwin, Hincks, Morin party were considered too Conservative for the more ardent reformers and the latter became the "Liberals," whilst the former were called "Conservative."

The number of members of the assembly was increased (1853) from forty-two to sixty-five for each province. Upper Canada had then a larger population than Lower Canada and Mr. George Brown raised the cry of "rep. by pop.," meaning representation by population, which he kept up until 1866, when this was agreed to in framing the Confederation Act.

Lord Elgin left Canada in December, 1854, being succeeded by Sir Edmund Head, Lieutenant-Governor of New Brunswick. "He had the

*Clement: *History of Canada*, p. 287.

†Emily P. Weaver: *History of Canada*, p. 257.

supreme consolation, before he left Canada, of finding that his policy had met with the success which is its best eulogy and satisfaction." (Sir John Bourinot.)

Lord Elgin, writing to England in 1851, said that he "did not believe that the functions of governor-general under constitutional government, as the moderator between parties, the representatives of interests which are common to all the inhabitants of the country, as distinct from those that divide them into parties, was ever so fully and so frankly recognized."

He was sure that he could not have achieved such results if he had had blood upon his hands. His business was "to humanize, not to harden." One of Canada's ablest men—not then in politics—said to him: "Yes, I see it all now, you were right, though I thought otherwise then. I own that I would have reduced Montreal to ashes before I would have endured half of what you did," and he added: "You would have been justified because your course would have been perfectly defensive; but it would not have been the best course."

The Parliament building in Quebec was burned 1st February, 1854. The legislature sat for nine days in June, then came the general elections, and a second session from 5th of September to 19th of December.

The elections having failed to give a working majority to either of the parties represented by the popular vote, Mr. John A. Macdonald arranged a compromise which brought (11th of September) the MacNab-Morin ministry into power, an alliance which lasted seven or eight years under the successive names of MacNab-Morin, MacNab-Taché, Taché-Macdonald, Macdonald-Cartier, and Cartier-Macdonald, broken, once, in 1858, by the Brown-Dorion ministry—lasting three days.

The principal measures adopted in 1854 were the following: The abolition of the seigniorial tenure and of the clergy reserves, two grievances often agitated without satisfactory result were demanded by the electors of 1854 in such strong terms that the administration had to resign, not because they were adverse to the reform of those laws, but on account of the difficulty of solving the problem in a manner acceptable to both sides. The new government went earnestly into the questions and made a fair and final arrangement of the whole.

The Reciprocity Treaty with the United States was signed, 5th of June, 1854, to take effect on the 16th of March, 1855. It lasted until 1866.

The right of primogeniture was abolished in 1854. This old law gave the eldest son a larger proportion in the father's inheritance than to any of the other children.

That same year, the legislative council was made elective.

The codification of laws, the decentralization of justice (1857-1860) are lasting works due to Mr. George Etienne Cartier, but were not brought to a finish until this energetic statesman had devoted three or four years to their execution.

There remained very few of the old grievances of the time of Papi-neau to be removed or altered for the better. The country was prosperous and free from incumbrance of pending difficulties, therefore, the field for improvement on a large scale was wide open to men of high intellect and patriotic views. The political conflict being over, Canada was no more a colony depending on the Crown but a new British country living its own life and governing itself with perfect independence.

Mr. Papineau had lived to see all these transformations. How he realized them will be explained by the following translation of a letter he wrote in 1854 to one of his friends: "We are entering into a new era. The democratic element predominates suddenly, without any counterpoise, and to a dangerous degree. In the United States, the character of the Senate counterbalances to a certain extent the too precipitate action of the representative assemblies, but the Supreme Court is the strongest check of all because their judgments can stop the execution of laws contrary to the rules of justice consecrated by the constitution of each State. In Canada the assembly alone makes the laws since their ministers can select judges and councillors who will proclaim the validity of such laws, according to the fancy of the moment. The vigorous aristocracy of Great Britain is so essentially conservative that there is no risk in that country to admit that Parliament is supreme in legislation. In Canada, new men will supersede each other at every general election, and the result, I doubt not, will be manifested by legislative actions both hastily taken and dictated by passion. The reforms at once carried to the last limit, after a long period of harsh

resistance against them, will do as much evil coming from the colonists, as England has done in the past by supporting absolutely the domination of the executive body. . . . We are falling, I am afraid, into a state of legislative anarchy. Each Parliament will destroy the reputation of their own ministers, because they will start with a majority and end in a minority. Each new Parliament will keep busy destroying the work of its predecessor." The leader of 1820-1837 is hardly recognizable in those lines, and, as said Mr. A. D. De Celles, it would seem that, in 1854, the régime inaugurated by the union could be viewed favourably by Mr. Papi-neau, as the assembly had become sovereign and the true organ of the people. And he adds: "The old adversaries were there no more; the governor is now a figure-head; the executive council is the humble servant of the assembly; the elective legislative council take their cue from the assembly—the expectations of the "patriots" of 1837 were less than all that. It is not, though, what he thinks of it. He declares that the reforms have gone too far and that, under the régime of 1841, there was more liberty . . . and that our situation, politically, was better than that of the Americans. It is not that we find his opinion erroneous, for he had seized admirably well the defects of the constitution of 1841. We are near enough to his opinion on that point, but our surprise comes from the utterance of an old Liberal who says what Tories, such as MacNab and Draper, would have hesitated to express. As a rule, it may be conceded that men are born Liberals and die Conservatives. The age of maturity introduces an insight into the falsehood of many theories, gradually, as experience allows us to see them crumble down under the test of time or circumstances. As we advance through life, the difficulty of moulding humanity, with all its drawbacks, upon the exigencies of learned systems, though admirable on paper, becomes more and more visible. Most often, the institutions are worth more than the men, and men, by their own deficiency render them impracticable."

The welcome news of the Anglo-French alliance, the declaration of war against Russia, the victories of Alma, Balaklava and the fall of Sebastopol, the visit of a French frigate, the first appearance of the steamships belonging to the Allan line, all of which occurred during the years 1854-

1855, amongst other things already noted here, excited for a long time after that date the attention of the people of Lower Canada.

A curious circumstance must not be omitted in connection with these events, it is the importation of the *tricolore* flag of France, an entire novelty on the shores of the St. Lawrence. It was brought by the Allan line, then taken up by the Richelieu Navigation Company, and soon afterwards was displayed at the festivities in honour of the alliance; in celebration of the battles won in the Crimea; on the occasion of the visit of *La Capricieuse*, man-of-war, and no British flag was hoisted unless a French one was flown alongside of it. The first steps in that direction were taken with unbounded enthusiasm by the English-speaking citizens. The Canadians followed, and, as a consequence of this *furor* the *tricolore* remained in use here; even we can affirm that it created a revival of sentiment for old France in the minds of many French-speaking Canadians.

From Quebec, in October, 1855, the government went to Toronto where the question of a permanent residence was discussed and left undecided. Then, in May, 1859, the administration returned to Quebec.

In 1857 the town of Ottawa was designated by the Queen to be the capital of Canada, but this choice displeased all the other towns and cities, especially in Upper Canada. That province was then decidedly against the union, whilst Lower Canada held fast to it—the reverse of what had been seen on both sides, fifteen years before. Here and there, a solution of the problem was proposed under the form of a confederation of the two provinces, thus giving each one a separate legislation. A motion of this nature was defeated in 1860 by a large majority—nevertheless, it served as a step towards the scheme of a larger confederation.