

## CHAPTER XXVIII.

Session of 1835—Session of 1836—Letter from T. F. Elliott—Lord John Russell's Resolutions, 1837—Mass meetings—Queen Victoria's ascension to the throne—Session of 1837—The clergy advise prudence and loyalty—Troubles in Upper Canada—Warrants issued for the arrest of leaders in Lower Canada—Insurrections on the Richelieu River and county of Two Mountains—The Constitution is suspended, 1838—Lord Durham arrives—Prisoners released, others exiled, others executed—Lord Durham's departure—Second insurrection—Sir John Colborne's severity—Lord Durham's report, 1839—The Union Bill, 1840—Meeting of the new assembly in Kingston, 1841.

The gross amount of revenue for the year ending 10th October, 1835, was £205,910 currency, leaving, after deduction of all expenses of collection, incidentals, drawbacks, also £54,876 to Upper Canada, for its portion of the duties levied in the lower province, a net amount of £140,747 currency.

The assembly set to work as soon as opened (27th October, 1835) and investigated the accounts and the conduct of eight or ten public functionaries who were either dismissed or censured. Then followed a remonstrance against a speech from Sir John Colborne, Lieut.-Governor of Upper Canada.

Three hundred bills passed by the assembly had been pigeon-holed during the last years. There was no remedy to the situation because the officials in the province, like those in Upper Canada, Nova Scotia and New Brunswick would not concede any point and were determined to rule by themselves, with the support of the colonial office, against the will of the assemblies.

The fate of the Canadians was bound up in that of the 92 resolutions. It was a case of Cortez burning his vessels, it was an *ultimatum* to England. Could these demands for reforms be met with a refusal? If so, there remained only to revolt. It is for this reason that several members, and, very

soon, all the members from the districts of Quebec and Three Rivers, declined to follow in such a movement. There was no disloyalty in the population. Common sense advised them not to knock their head against a wall, therefore they would rather wait in the hope of better days than offer a decisive and violent resistance.

During the session of 1836, Papineau accepted the responsibility for the 92 resolutions. "We seek to know," said he, "if, in the political situation of the country, there exist any new circumstances that might justify the conduct of those who seem to desert the national cause, and to separate from the vast majority of their fellow-citizens whose suffrages ratified, in the election booths, the voting of the 92 resolutions. In this great discussion principles must above all be taken into consideration. We struggle against a colonial system which, as it is applied to us by Lord Glenelg contains in its very essence the germs of every species of corruption and disorder. We are called upon to defend the cause and the rights of all British colonies. The same evil genius which drove, despite itself, the older colonies into the highway of a just and glorious resistance, now influences our destinies! It has inspired the instructions given to the commission which is changing our relations with the government, which has destroyed whatever title it had to the confidence of the popular representatives. It means a formal refusal to pay any attention to the complaints from Upper and Lower Canada. . .

"Could you imagine a more ill-conceived plan than that of sending out three commissioners, who had never seen each other before, and each one of whom carried secret communications and correspondences? Is there any sign of wisdom in such a combination? And the results were not long in becoming manifest. A few hours, so to speak, after their arrival, the public was made aware that they disagreed between themselves on every point. How could we, then, expect that they would be unanimous in regard to our political difficulties, and that their well-known differences of opinion concerning the politics of their own country would be the prelude to like diversity of views in regard to the politics of our land? Did we not see how they flung themselves into opposing sections and societies, and how the English press soon rang with attacks upon that party which they called Radical, and with praises for that other party known as Tory? We were

promised that this mixture would give birth to order and justice. . . . Let us not fall asleep upon the brink of a precipice; let us not be deceived by any dreams, lest, instead of attaining those enchanting realities, we roll into the gulf. . . .”

The plurality of offices occupied the House for a while; complaints against Lord Aylmer, the deputy postmaster-general and the receiver-general were the subject of lengthy speeches. In brief, when the governor prorogued the session on the 21st of March, 1836, he could say: “It is to me matter of sincere regret, that the offers of peace and conciliation, of which I was the bearer to this country, have not led to the result which I had hoped for. . . . Of the fifty-nine bills that have passed both Houses during the session, I have given the Royal assent to all, save one, namely, the bill for establishing a railroad between the River St. Lawrence and the province line, as it affects the King’s prerogative in the disposal of the waste lands of the Crown”—probably also because it was a road leading to the United States.

This was the last of constitutional legislation in Lower Canada. During the thirteen days’ session of September, 1836, no bill was passed, and none either in 1837. In 1836 (October) the assembly, in an address to the governor, declined to vote a supply for government expenses, until there was an elective legislative council, and other reforms. This made matters plain enough, but it stopped the operations of government.

Writing about the official party, Mr. Elliott does not hesitate to express his dislike for them, and he adds: “I take pleasure in stating this broadly, because once, from a quarter whence trifling objections too often come, my ears were shocked, on board of ship, with some talk of ‘danger’ from these men. They would write to their friends in England, they would give their own version of things, and would raise a clamour against the commission, if they were annoyed. Why, if their friends numbered legions, I should trust that no mission, sent on such an errand as ours, could shrink from exposing any abuses that might be detected amongst them.

“The ‘French party,’ if you confine the term to those who have thoughts, projects and feelings of their own, seems to be nearly synonymous with the majority of the House of Assembly, or rather with that small por-

tion of it which has any mind in politics. In conformity with the descriptions we have always had, the assembly consists mainly of advocates, physicians and farmers, the last very ignorant of politics and indifferent to them, and ambitious of their seats, as it is said, for no other object than the gain. The daily pay of \$2.00 enables them to make no contemptible savings in a long session, especially as their wives are usually competent to manage their farms in their absence. It is true, as you may have heard it reported, that two or three of the members cannot write their names, and it is said that others, who have had the spirit to learn to trace the characters composing their signatures, have no further insight into the mysteries of reading and writing. Without entering too much into detail, I may state to you once for all, that the bulk of the assembly is inert, and that the few members possessed of activity and intelligence, work in entire subordination to Papineau, of whom they stand in profound awe.

“This is perhaps the most remarkable feature in the aspect of affairs here, that men, who, by the unbounded confidence and assent of their constituents, have so great power, quarrel so little for the shares, but willingly surrender the whole into the hands of one individual.

“Lower Canada is divided into four districts, of which the Quebec district contains nearly one-third of the whole population, and returns more than a fourth of all the representatives. Three men, it is notorious, are the undisputed arbiters of the public conduct of this great district, having the command of every name in it for any petition they please, and of every vote for any candidate they choose to recommend. Other regions have in like manner their centurions and captains of ten thousand. Is it not almost beyond belief that the possessors of such influence, not merely should not oppose Mr. Papineau (that might proceed from unfeigned coincidence of sentiment), but should not venture to dream of the possibility of opposing him? In confidence they will talk of their fear of his choice of measures, just as if he were in his own person the whole assembly united.

“I have anxiously sought the solution of this phenomenon. The Quebec leaders, I have learned, flatter themselves that they act from prudence, because, as they argue, while they are outnumbered by the Montreal members, who are under Papineau's more immediate influence, it would be

an unjustifiable disturbance of the assembly to insist on any but fundamental differences of opinion. Others, again, hug themselves with the notion that Papineau is their instrument. Heaven help their wits! That being the most audacious among them, they place him in front of the battle, but voluntarily, and with power to set him aside at pleasure. These ideas may be agreeable salve to people's self-love. The real explanation of the case, I fear, is, that the Canadians want nerve and enterprise in public things, and that just as they used to follow the lead of three or four Englishmen, so now the impetuosity and oratorical talents of Papineau command from them an unqualified submission. He is, in truth, their master. Their natures crave for support, and they will always seek it in characters more vigorous than their own. I never saw any one who seemed better versed than the Canadian speaker, in the arts and demeanour by which one man wields dominion over the minds of many, and he is daily becoming more confirmed in his sway, as they are in their obedience. Such is the man that a few of his followers have the presumption to suppose that they can set aside, when no longer serviceable. It is just as likely that all your sheep in England will rise up and address the sheep-dog, and say: 'While we wanted you it was well, but there are no more wolves, and we will take care of ourselves and dispense with your canine guardianship.' One look from Papineau's eyes would quell his whole Canadian flock.

"The truth is, that Papineau, with all his faults, is rather a fine fellow. I dare say we shall find him perverse and suspicious, and that if ever he quarrels with us, he will be coarsely abusive. Still the good points of his character are not to be denied. He seems to be irreproachable in his private life; in social intercourse he is mild and gentlemanlike; and if, in politics, he is too hot and unmeasured in his proceedings, I do not find that reasonable men accuse him of being dishonest. His principal faults are violence, a want of the plainer sort of sense, and, I fear, an inveterate prejudice against the English. Whatever else he be, it is impossible to set eyes on him, and not perceive that he is by nature, as much as by the station he has won for himself, the first of the French Canadian race.

"Independently of temporary causes and the influence of ambitious men, there appears to me to be a deeper motive calculated to bind the

French party together, and give a general direction to the policy. They can hardly fail to see that the English have possessed themselves of the whole wealth and power of every country in which they have acquired a footing. In all parts of the world, civilized or savage, whether as British subjects in the East or as revolted colonists on this continent, there has shown itself in the English people the same impossibility of amalgamation with others, the same necessity of gaining the upper hand themselves. This, it must be admitted, can form no pleasing topic of consideration for the mild and uncontentious race who find themselves here, imbedded in the midst of growing settlements and nations of Englishmen. Whatever political power they may for the moment possess within the limits of their own province, even there their more active rivals have hold of all the commerce of the country, and beyond the artificial boundaries which distinguish theirs from adjacent regions, they are surrounded on all sides by millions using the language and the customs of which they have so much reason to dread the ascendancy. Looking to the circumstances, I cannot think that the French Canadians would be very unreasonable to dread some future extinction of their own tongue and peculiar habits, and whether or not any of them extend their views so far, it is not to be doubted that some amongst them fear a lapse into insignificance.

“In fact the real question between the parties in this country is a question of time. The French cannot in their hearts be ignorant that they have a full measure of power at this moment, but they see it continually inclined, as it were, to pass into the grasp of others, and so they are restless and jealous. The English, on the other hand, must be confident that the dominion of the country will eventually centre in their race; but they are impatient and wish to seize the prize before it is legitimately theirs. Both parties are at present in their proper places. Each, however, is striving, one to precipitate, the other to avert, or at any rate postpone, a transaction which will eventually be the proper effect of the institutions of the province. In the meanwhile collateral objects will arise in the course of the struggle, and results will be valued by the contending parties, not merely as they may advance their own cause, but as they may injure or humiliate their adversaries. The government will not be esteemed

according to its independent merits or its courageous impartiality; it will be judged by the extent to which its views may fall in with the purposes of one or other of the factions. Lord Aylmer's administration was, at the outset, the ridicule and scorn of the constitutionalists (as they are now misnamed); yet, when the fractiousness of the French drove Lord Aylmer from that class, the English received him with open arms, and I myself saw them following him to the beach with their acclamations, and their praises, and almost their tears.

“If ever the opportunity be presented to the ‘English party’ of joining in some common cause with their English fellow-colonists in the upper province, they will see that to combine with such allies in renouncing the control of the English government in Europe, will be their surest means to overwhelm the influence of the French race in America. If ever the project of the union of the Canadas be revived, it will be well for us if the part of England be not left out of the plot.

“The Canadians, owing to the natural effect of free institutions, are governing the country, and are learning the lessons which that practice teaches. The English merchants, in the meanwhile, swelling with indignation at their own want of power, are exercising themselves in no school but that of agitation and remonstrance. Here they are very skilful, but soon they will be fitter to disturb a government than to conduct it, while their rivals, it is to be hoped, may steadily improve. For this desirable end, however, the municipal institutions of Canada ought to be extended much more widely; Canadians ought to be more prominently employed in official stations, and every effort be made to train them to the wise use of that power which, unless you deprive them of English institutions, they must inevitably exercise as the great majority of the society. . . . Since the Canadians must at present predominate, it is far better to endeavour to qualify them for power than vainly seek to exclude them.

“One of the first members of the popular party in the House of Assembly told me that if, to the control which the assembly was to have over all the finances, were added a responsible executive council of government, he would desire no more, but would waive all particular grievances and all demands of an elective legislative council. This project of having

three or five salaried councillors, to be chosen from the leading men of the colony, with seats in the legislature, and bound to get supplies or vacate their posts, seems to be fast gaining ground. Papineau dislikes it, because he knows it would put a bit in his mouth, but he confessed to me the other day, that from the strong feeling in its favour in the assembly, and from the approval of the same object among the popular party in Upper Canada, with whom he is very desirous to co-operate, he should be disposed not to press his individual opposition to the scheme. If the commissioners could devise some secure and acceptable mode of realizing it, I am persuaded that they would do more, to prolong the harmonious connection with Canada than by endless investigations of details; but I know not whether they will entertain the subject. Lord Howick was strongly prepossessed towards such a measure, when last I saw him in England, and indeed he is the first person by whom I ever heard it mentioned."

Towards the middle of April, 1837, the resolutions presented by Lord John Russell and adopted by the House of Commons became known in Canada. They produced great excitement, as they rejected the measures proposed by the assembly for the reform of the provincial administration, and moreover, the governor was authorized to use the funds in the public chest without the concurrence of the popular branch of the legislature. An extraordinarily high feeling spread amidst the population of the district of Montreal, and in some other localities down to Kamouraska. The newspapers on both sides attacked each other virulently. It was the sole topic of conversation, and generally of the most violent character. Even the distress of the year—a regular famine—and the terrible financial crisis prevailing in all parts of North America, were forgotten. Small meetings took place everywhere and every day of the week. M. Papineau and his friends went right and left accelerating the movement. *La Minerve, the Vindicator*, in Montreal; *Le Libéral*, at Quebec, constantly called for *agitation, agitation!* The public peace was thoroughly disturbed. Some one went so far as to cry for independence.

On the 7th of May, Dr. Wolfred Nelson held a mass meeting at St. Ours, near Sorel, on the East side of the Richelieu River. Resolutions were adopted on the line of the debates in Parliament during the last thirty



years, but nothing revolutionary transpired in them nor in the vehement harangues of the orators. This was the signal for other demonstrations of the same nature and temper. Decidedly what is called the popular lion was let loose. A second mass meeting, at Montreal, on the 15th of May, and a third one at St. Laurent, soon after, where Papineau upbraided the administration of the province and spoke wildly, made matters worse. It is true that a number of people felt disgusted and give up all allegiance to the famous leader, but they could do no more because things were too far advanced. In June and July M. Papineau extended his peregrinations to the lower regions of the district of Quebec with success, but this did not last long, as we know that neither that district nor those of Three Rivers and St. Francis followed him any further.

About the middle of June the governor issued a proclamation forbidding political gatherings, but he dismissed militia officers and justices of the peace by the score and created renewed ill-feeling all round.

On the 31st of July came the intelligence of the demise of William IV., which had taken place on the 20th of June. Parliament was summoned for the 18th of August. It was a surprise for the world at large to hear that a princess of eighteen years old, unknown to most people, and without experience of public affairs, had become the sovereign of the greatest empire of modern times. *Le Journal des Débats*, in Paris, said that, moreover, the young lady being of weak health was not likely to live long. So much for prediction. Queen Victoria not only had a most glorious reign, but she died at the age of eighty-two years.

The district of Montreal kept on with mass meetings—always on the same theme, without any colour of revolution, at least in the form and tenure of the speeches and resolutions passed by the mob. It was soon seen that the River Richelieu parishes, the city of Montreal and the county of Two Mountains were the main centres of the agitation.

The session of the legislature lasted only eight days and dealt only with the address of the governor, the answer thereto from the assembly, and the oath of fidelity to Queen Victoria—but no bill was presented, and the members separated of their own accord, without waiting for the governor to close the proceedings.

It was known at that date that Lord John Russell had rescinded his order for the payment of civil expenditure from the Canadian treasury; also that he had declared again his intention not to permit the reform of the council.

Mr. Papineau must have paid a visit to Lord Gosford, after the session, as we can see by the following extract of a letter His Lordship wrote from Ireland to a friend in Canada, on the 7th December, 1845:—

December, 1845: "I am very glad Mr. Papineau has returned to Canada and enjoys such good health. I do not think there was much, if any, difference in our opinions as to our general views as regarded Canada. He dwelt on some points which I had not the power to grant; though in some instances I would gladly have done so. I wish he had remained in Quebec (in August, 1837). I always looked on his going to Montreal as an unfortunate trip—when faction and violence raged. Had he remained in Quebec what sorrows and heart burnings might have been avoided! I call to mind with much satisfaction the conversation I have had with Mr. Papineau in which I heard statements and opinions from him which reflected the highest credit on his heart and head. If you should see him, pray present to him my best compliments and kind remembrance if you think they will be acceptable to him. . . ." Another paragraph of the same letter may be quoted for the sake of curiosity: "There is a particular friend of mine who is a great collector of autographs of eminent men and he is very anxious to get a letter or note of Mr. Papineau's. Perhaps you may assist me in getting one. If you could do so without much inconvenience you would oblige me. If it had any allusion to events in Canada it would be, of course, more acceptable. I had not heard of Mr. Papineau being in Ireland until after he had left it, or I should have made an effort to have the pleasure of seeing him here."

Mgr. Lartigue, of Montreal, a relation of Mr. Papineau, did all he could, and his clergy also, to induce their people to remain quiet, but, in some localities, their efforts were in vain. Mgr. Signay, Bishop of Quebec, joined with Mr. Lartigue in trying to persuade the executive council to ask the Imperial government for changes which would satisfy the moderate reformers, but in this they were not successful.

In Upper Canada, Mr. Mackenzie openly discussed whether the colonists should call to arms and declare their independence. Lord John Russell's ten resolutions roused as much anger in that province as in Lower Canada, for they were held to threaten the liberty of both alike; and a number of people prepared in earnest for a rising. We need not say that the provinces had about an equal proportion of bloodshed during these troubles.

The largest and the last grand demonstration of this eventful year took place at St. Charles, east side of River Richelieu, on the 23rd October, and it is remembered to these days as an imposing manifestation of public sentiment. The same old variations were played on the well-known tune—and Mr. Papineau surpassed himself in eloquence, vigour, logic, etc.—the end of a great epic.

At that meeting, Mr. Papineau commenced to realize that things were going too far. He advised his hearers of this and they were greatly displeased with the remark. He concluded by saying that the best method to fight Great Britain was to buy no goods from that part of the world, but Dr. Nelson shouted that the time for action had come—meaning to take up arms.

Warrants for the capture of a large number of leaders in that movement changed the aspect of the situation. By the 15th of November, Mr. Papineau, with Messrs. O'Callaghan and Viger, crossed the St. Lawrence from Montreal to Longueuil or thereabouts, *en route* to the United States, *via* River Richelieu. Others were taking the same direction. It was a flight. None of them thought of going to war, as it has been often said. They had no means to fight with. No military organization existed in the five or six counties of the Richelieu River enrolled under their political banner. Firearms were very scarce, and most of them hardly fit for service in a region such as that, where no forests existed and consequently no occasion for a hunter to use a fowling piece.

Thomas Storrow Brown was born at St. Andrew's, N.B., of a family of rather good standing, emigrated from Massachusetts in 1776, and was a merchant in Montreal, a clever speaker, a contributor to the *New York Express* and to the *Vindicator* of Montreal. As a captain of the *Sons of Liberty* he had been badly beaten by the members of the *Doric Club*, and

was going out doors for the first time after that adventure when he heard of a warrant issued against him. On that day, 16th of November, he took his way in the direction of River Richelieu and noticed a troop of cavalry patrolling to protect the fugitives. Soon after, he met Messrs. Papineau, O'Callaghan, etc., with whom he went to St. Denis, the residence of Dr. Wolfred Nelson. Their arrival created a sensation. Some one said: "Our chiefs are off to the States." Others answered: "Let them do as they please; we shall fight here anyway." The poor fellows did not imagine what a fight meant. They had gathered only fifty obsolete flint lock guns, all that were within reach, and half of these were useless for want of repairs. But Nelson was a strong character. He inflamed them with his spirit. Resistance became the pass-word. Brown was sent to St. Charles, nine miles further on the same shore, to establish a camp and fortify it. A new fit of enthusiasm roused the population. All the tools and clubs of the country were requisitioned. Throngs of excited people came around, talked for a while and then dispersed, only to come back again to procure some kind of weapon. Brown wrote a lively description of their animated action and their absolute want of organization. Finally, on the 23rd November, Colonel Gore, coming from Sorel, attacked the village of St. Denis, but he was deceived by the military talents of Dr. Nelson and retired after a sharp contest. Brown, at St. Charles, retired before Lieut.-Colonel Whetherall and went to St. Denis. The chiefs assembled again. They dismissed their men on the 27th and when Gore came back on the 2nd of December, they left for the United States. Two days later martial law was proclaimed in the district of Montreal.

Dr. O'Callaghan writing from Albany, on the 17th July, 1852, said: "If you are to blame the movement, blame then those who plotted and contrived it, and who are to be held in history responsible for it. We, my friend, were the victims, not the conspirators; and were I on my death-bed, I could declare before Heaven that I had no more idea of a movement of resistance, when I left Montreal and went to the Richelieu River (16th Nov.) with Mr. Papineau, than I have now of being Bishop of Quebec. And I also know that Mr. Papineau and I secreted ourselves for some time in a farmer's house, in the parish of St. Marc, lest our presence might alarm that

country and be made a pretext for rashness. . . . I saw as clearly as I now see that the country was not prepared."

We shall close this by quoting a few lines from a lecture delivered by Mr. Papineau in 1867 before the *Institut Canadien* of Montreal: "The insurrection movement, which as far as principle is concerned was legitimate, but which, since it failed, was imprudent from a practical point of view, had not been approved of by the more influential members of Parliament; rather were they against it. But, they who sought the destruction of the public men of Lower Canada, who wanted to realize the union of the two provinces, who wished to have the executive master and regulator of both the revenue and the legislation—these gave it an under-hand impetus. They succeeded in precipitating the crisis, with a view to their own interests. They, too, were mistaken, as was the Parliament that supported them. It cost that Parliament more than it would have liked to grant, both in the concession of liberties long refused, and in money, for the benefit (in both Canadas) of minorities that enjoyed its support, but not its esteem. All that was evident, in the movement of that period, is well known; all that was kept secret, will be known later on. In the United States as well as in our provinces, eminent citizens, tried and sincere patriots possessed the proofs and the means of making known the men and the political events of that period better than they are understood to-day."

The permanent "patriotic committee" of Montreal sent an address to the labour association of London, a political and revolutionary club, in the hope of gaining the sympathy of the English agitators. Some of the Montreal hot-headed folks went further—they wrote to the American Congress asking for free trade between the two countries as a means to separate Canada from Great Britain. The county of Two Mountains joined in the movement which, until then had been confined to Montreal and River Richelieu. At St. Eustache Dr. Chénier, a Canadian, and Amury Girod, a Swiss emigrant, took possession of some rifles and one cannon deposited in the Indian village near the lake and entrenched themselves in the convent with their followers. They were entreated by many citizens to desist and would have dispersed, had not the news from River Richelieu brought an additional stimulus to their already inflamed imagination. The troops

arrived on the 14th December. Chénier, with about two hundred and fifty men, seized the church and offered a most courageous resistance which lasted nearly three hours and terminated with an awful slaughter. Chénier was killed. Girod, who had left before the battle, put an end to his life in a field. The villages of St. Eustache and St. Benoit were burnt. The Catholic clergy again raised their voice in all the province to convince their flocks of the unchristian and illegal position some of them had assumed in that conflict of political sentiment. This, certainly, had a good effect; so had the peaceful attitude of all the rest of the province, for, after considering what is related above, we may add that only three spots on the map were marked by the stain of insurrection, and not the whole country as is sometimes stated. The same may be said of Upper Canada.

Mr. Martin Van Buren, president of the United States, issued a proclamation, on the 5th of January, 1838, forbidding any citizen of the Republic to aid the Canadian insurgents, as they had already done in Upper Canada, where the cry for independence was current amongst the Mackenzie partisans. Nevertheless, three or four raids similar to those of 1837 were repeated in that province during the year 1838.

Mr. Roebuck published an article in London, on the 4th of January, 1838, containing the following lines: "Do you deny that it was the aim of the provincial assembly to gain full and complete control over every branch of their revenues? If you do not deny this, do you deem such end improper? If you deem such end not improper, do you quarrel with the means which the assembly have employed to attain it? . . . The moment the civil expenses were to be defrayed by the Canadians themselves, scrutiny into the accounts necessarily followed. Will you believe it, this inspection of accounts was refused to the assembly. Will the enemies of Canada deny this? They dare not."

The constitution of Lower Canada was suspended by the Imperial government on the 10th February, 1838. On the 2nd March next six hundred "patriots" surrendered in Vermont to General Wool of the United States army. On the 12th of April, Lount and Matthews were executed in Toronto. On the 27th of May, Lord Durham arrived at Quebec to replace Lord Gosford, who had left on the 20th of February last and went to

Washington to confer with the authorities. From the States, he proceeded to England.

Lord Melbourne and the Whigs were in power since April, 1835, and remained there till September, 1841, when Sir Robert Peel, with the Tories, replaced them. "Melbourne had no wish to intrust Durham with the management of foreign affairs. He had had ample experience of the intractability of his temper during the period of the reform bill. Any embassy he liked he should have and welcome, but not a department in which he had had no experience and would not submit to be controlled. He was perhaps the last man to whom Palmerston (foreign secretary) would give way in the office he had occupied for four years."\*

The coronation of Queen Victoria, 28th of June, 1838, furnished Lord Durham an opportunity to grant pardon to a large number of prisoners. This was done in the form of an ordinance of a special council created by himself. Amongst the exceptions were Dr. Wolfred Nelson and others sent to Bermuda, death being the penalty for returning. Louis-Joseph Papi-neau, Dr. Edmund B. O'Callaghan, George-Etienne Cartier and thirteen others, who had fled to the United States, were to receive the death penalty if they returned of their own accord. The Imperial government disallowed this ordinance.

There was a loud outcry in England against Lord Durham for having banished the prisoners. This made him so angry that he resigned his position and returned to England.

On the 4th of November, 1838, Mr. Francis Hincks started the *Toronto Examiner*, having for its motto: "Responsible Government and the Voluntary Principle." The term "responsible government" was newly coined under the somewhat vague idea that the executive council would, under such regime, be bound to show their bookkeeping to the legislative assembly. The same plan had been introduced lately in New Brunswick, but their assembly repudiated the claim "that the executive council should at all times be subject to removal at the instance of the popular branch," although, that very year, they declared "that the executive council should be composed of persons possessing the confidence of the country at large." They were

\*W. M. Torrens: *Memoirs of Viscount Melbourne*, 1890, p. 260.

troubled by the difficulty of dividing the responsibility between the colonial office and the provincial assembly.\*

Sir John Colborne assumed the administration on 1st November and continued the martial law proclaimed in the district of Montreal twelve months before. The departure of Lord Durham seemed to have encouraged the "patriots" who had fled to the United States. They got the assistance of a group of individuals, hostile to England, who were only too glad of an opportunity to make a raid and do some mischief, but cared not if the Canadians suffered for it. Their first act (3rd November) was to attack the steamer *Henry Brougham*, on the Beauharnois Canal, which they destroyed and seized the passengers; then they went to the village and captured the Ellice family, whose position was one of eminence in the region. Mr. Edward Ellice, a nephew of Lord Durham, had been instrumental in organizing the "English party." The following day a gang of armed men entered the village of Caughnawaga, but the Indians repulsed them. Nelson was at Laprairie with two thousand followers ready to march on Chambly and St. John's. Sir John sent out six or seven thousand regulars with eight field-batteries to chase them away, and they crossed the frontier at Odelltown. The troubles continued for a while yet in Upper Canada.

Severity with Sir John Colborne was not an uncommon thing. Officials were dismissed, justices of the peace suspended, also Judges Panet, Bédard and Vallières. Courts martial were constituted to decide the fate of numerous prisoners in gaol. Forty-nine were condemned to transportation and eighty-nine to death, of whom twelve perished on the scaffold: Cardinal and Duquette, 23rd of December; De Coigne, Robert, Hamelin, two brothers Sanguinet, 18th of January, 1839; Hindeland, Narbonne, Nicolas, Donais, De Lorimier, 15th of February.

In the course of the winter, the special council of Quebec had one hundred and fifty-one prisoners condemned to be transported to the penal colonies of Australia. They left on the 26th of September, 1839. Mr. Papineau said that 500 prisoners were condemned to death; that twelve were executed in Lower Canada, and more than twenty in Upper Canada.†

\*Clement: *History of Canada*, p. 225.

†*Revue du Progrès*, Paris, May, 1839.



Those who fled to the United States still continued their incursions on Canadian soil, giving themselves up to depredation and pillage, which caused much alarm in the neighbourhood of Lake Champlain. They even attacked Windsor, though without success. Dreading the consequences of such provocation, the Washington authorities at last put a strong guard on their frontiers and confided its direction to Generals Scott and Worth, thus stopping any more attempts of this kind to disturb the peace between the two countries.

After the union with Upper Canada the refugees to the United States obtained permission to return to their homes, thanks to the efficacious intervention of the party which had separated from Papineau in 1833-1837, but Papineau, Nelson, O'Callaghan and Brown were declared guilty of high treason and had to remain abroad.

A final amnesty having been proclaimed Mr. Papineau (he had lived in France) returned to Canada in 1844 and was elected by the county of St. Maurice for the third Parliament, 1848-1851, but he could form no party because he declined to accept the principles advocated by Lafontaine and Baldwin.

Under the signature of Mr. Papineau, we find, in the *Revue du Progrès*, Paris, May, 1839, the singular assertion that England did not keep the Canadas "for the purpose of trade and colonization, but with a view to prepare a base for an attack upon the United States." No historian will endorse such a fanciful supposition, since we all know that the British authorities have never manifested any desire to molest our neighbours and have always been very careful to make no military display here that could be looked upon as suspicious.

"At the time of the second rising, there was no possible danger for the government, as it had been on its guard and was strengthened by the presence of several regiments that had come to the country since the first armed struggle. All the regular courts of the country had free exercise of their prerogatives. No person could be legally taken from under the jurisdiction of his rightful judges without the party who countenanced the deed being considered as in open revolt against the laws to which they owed obedience. Many of those who were murdered, not having been taken when

under arms, might have been detained by means of a suspension of the *Habeas Corpus Act*, to be tried criminally, later on, by judge and jury. To bring the proportion of victims to the level of that in France under Robespierre, seventeen accusations were all that were required; there were eighty-nine condemnations, all of them illegal, more vindictive and more atrocious than those which the Committee of Public Safety had ordered. You may rely upon it, the one (Sir John Colborne) who signed the order to establish these courts martial, who signed the seventeen immediately executed death-warrants, had steeped his hands, even more than ever did that accursed committee, in innocent blood. His name will forever remain allied to those of the most detestable criminals of 1793. And they who urged him to such an iniquitous determination are members of the same crew. The aristocracy received him under the title of Lord Seaton; in Canada he was called Lord Satan.”\*

Lord John Russell was of opinion that it was inconsistent with the colonial relationship that the officials of the provinces of Canada should be made responsible to the provincial assemblies. As secretary for the colonies he was endorsed by the ministry, inasmuch as the same wrong impression existed all through the United Kingdom. It was an European political *credo* which was believed by the crowd as well as by the upper classes. Mr. Papineau, in France, found it deeply rooted in the heart of his hearers, and his contention for a larger measure of liberty than we had was considered as too ambitious, nay, absurd.

“The inhabitants of Lower Canada,” says Lord Durham, “were unhappily initiated into self-government at exactly the wrong end, and those who were not even trusted with the management of a parish were enabled by their vote (in the councils) to influence the destinies of the State.”

It is with pleasure we quote here the brief, though complete résumé written by the Hon. Joseph Howe after reading the lengthy report of Lord Durham upon the state of the colonies. He puts these words in the mouth of His Lordship: —

\*L. J. Papineau, speech delivered before the Institut Canadien de Montréal, the 17th December, 1867.

“Place the internal government of the colonies in the hands of the colonists themselves. They now make their own laws; let them execute them as well. If they make mistakes, they will find them out, and they will remedy them more quickly and thoroughly than can we in Great Britain. It needs no Acts of Parliament to effect this change. Simply tell each governor that he must govern by means of an executive council having the confidence of the people of the colony. Tell him, too, that he need count on no aid from home in any difference with the assembly which does not directly touch the interests of the Empire as a whole. In short, assure each colony that its government shall henceforth be carried on in conformity with the views of the majority in the assembly. All the grievances, of which we have heard so much, have arisen from the faulty system of government. Reform the system as I suggest, and these grievances will soon disappear.”

The union was, as the reader knows, an old favourite scheme with the anti-Canadian party, but Lord Durham seeing that Nova Scotia and New Brunswick were in the same predicament as the Canadas, thought first of recommending a confederation, giving each province an administration of their own with a central government at the head. He finally resorted to a plan of union of the two Canadas under one administration, and this was adopted by the cabinet, but unfortunately his recommendation for an actual self-government remained in the shade.

On account of this last part of his justly-called famous and brilliant report, the sensible statesman was more than coolly received in England. He made his last speech in the House of Lords on July 26th, 1839, in connection with the bill relating to Lower Canada and added a short defence of his own connection with Canadian affairs. He died on July 28th, 1840.

“An Act to reunite the provinces of Upper and Lower Canada, and for the government of Canada,” introduced by Lord John Russell in June, 1839, was, after discussion, postponed to the following year. Meantime the Hon. Charles Poulett Thompson was sent as governor to Canada, to obtain, it was said, the consent of the two provinces, and also to settle certain difficulties—after a certain fashion. He arrived on the 17th of October and met the special council, where three members only—Neilson, Cuthbert

and Quesnel—opposed the proposal of the union. This majority of a council appointed by the Crown was considered as the expression of the desire of the people. In Upper Canada, Mr. Thompson paraded around the figures of \$5,000,000 owed to Baring Brothers by that province, and which sum he was anxious to secure as son-in-law of the Barings. The assembly agreed to enter into partnership with a province free of debts and ready, they were told, to help them in the settlement of their own liabilities.

The tone of the official press was exceedingly vindictive and blood-thirsty. No secret was made of the fact that a new constitution was to be imposed upon the Canadian majority.

For his services in forwarding the union, the governor was made a peer, with the title of Lord Sydenham.

The Act passed the British Parliament on the 28th of July, 1840, but not without protest. Lord Gosford, in the House of Lords, declared it was most unfair to the Canadian majority, to whose loyalty he bore strong testimony. The following is an extract from a letter written by His Lordship on the 7th of December, 1845: "I have been an anxious observer of events in Canada. I confess I never looked forward to the steps that have been taken, however well intended, as calculated to promote the interests of what I so heartily wish to be, a happy portion of Her Majesty's Dominions. I always considered the union of the two provinces a dangerous experiment. Even suppose for sake of argument that it was desirable, could anything have been more ill-timed, more unjust and arbitrary than the means resorted to, to carry it into effect; more calculated in my humble opinion, to perpetuate feuds and animosities than to lead to the extinction of divisions, the removal of which could alone make her a united happy people? A domineering faction would be satisfied with nothing short of absolute power, and this ought to have been resisted and suppressed by a steady, uniform and undeviating regard for the interests of the great majority of the people. This is the view I invariably took, and I have seen nothing in any degree to change it."

The Act provided for a legislative council of not less than twenty members appointed by the Crown, and for a legislative assembly of forty-two from each former province, elected by the people. No person could be

elected unless he possessed a freehold of lands and tenements to the value of five hundred pounds sterling over and above all debts and mortgages. The English language alone was to be used in the legislative records. The population of Upper Canada was 465,000; that of Lower Canada 691,000. All taxes levied in Canada under Imperial Acts were to be appropriated by the provincial legislature, subject, however, to payment of a civil list of £75,000 per annum. The casual and territorial revenues of the Crown were surrendered to provincial control, with a provision that any Act dealing with Crown lands should receive approval of Her Majesty before coming into force. All revenues collected in the province were to go to a consolidated fund out of which were to be paid (1) the expenses of collection, (2) the interest on the public debts, (3) the moneys payable to the clergy of different denominations under the Act, (4) the civil list. The balance was to be appropriated as the provincial House should determine. No moneys were to be voted except upon message from the Crown, that is to say, upon the responsibility of the executive council. A proclamation of the 5th of February, 1841, declared the union of the two provinces.

Lord Sydenham had selected Kingston as the capital of Canada. The first general election was held in March, and the House met on the 14th of June, 1841. There were four distinct parties: The family compact, the moderate Conservatives or Tories, the moderate Reformers, and the extreme Reformers, these, led by Neilson, Lafontaine, Morin and Baldwin—the party destined to conquer, after a struggle of seven years.