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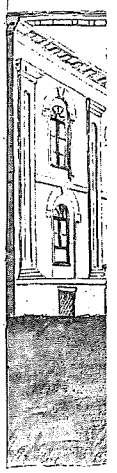
THE ROAD TO REBELLION



A

THE COMPACTS AND REFORMERS

Although the Constitutional Act was intended to meet the demands of the English minority in Quebec without disturbing the overwhelming French majority, the Act contained within it the seeds of discontent. The colonial government had executive authority placed in the Governor, assisted by the Executive and Legislative Councils. In both Upper and Lower Canada the provisions of the Act gave rise to oligarchic rule; very soon, the Councils came to be controlled by small governing cliques — the Family Compact* in Upper Canada and the Chateau Clique† in Lower Canada. A minority of powerful, well-entrenched commercial interests predominated over the agrarian population.

The Compacts, whose memberships were relatively small, had virtual control over all phases of life in the colonies. Members of the Compacts held large tracts of land for speculation, owned the banks and financial institutions and dominated commerce and transportation. They used their position in the Executive Councils to formulate government policy for their own benefit, to add to their land holdings by awarding public lands to themselves and to control patronage—all appointments to public office. Through the judges, appointees of the Executive Councils, the Compacts controlled the judiciary and the administration of justice. The Compacts used the Legislative Councils to curb the activity of the Legislative Assemblies. Since no measure could become law without the consent of the Legislative Councils, the Compacts could thwart any attempt by the Legislative Assemblies to limit the privileges of the oligarchies.

THE FAMILY COMPACT[162]

[a]*Lord Durham in his* REPORT:

. . . . Successive Governors . . . submitted . . . or . . . yielded to this well-organized party [Family Compact] the real conduct of affairs. The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party: by grant or purchase, they have acquired nearly the whole of the waste lands of the Province; they are all-powerful in the chartered banks. . . .

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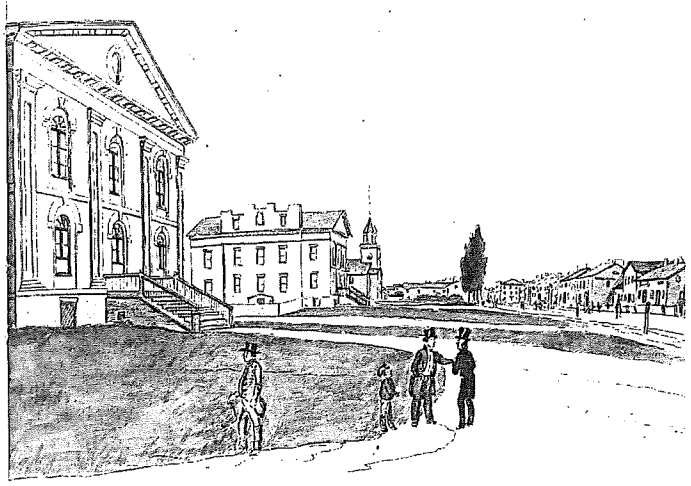
[b]*William Lyon Mackenzie, from the United States, in a letter to a friend shortly after the Rebellion of 1837:*

. . . . I had long seen the country in the hands of a few shrewd, crafty, covetous men under whose management one of the most lovely and desirable sections of America remained a comparative desert. . . .

The influence of the Compacts extended to the religious and educational life in the Canadas. The Church of England was either part of the Compacts or their active supporter. Control of the Clergy Reserves not only gave the Anglican Church additional financial support but also made it an ally of the government. This status established the Church of England as the dominant Protestant denomination in the Canadas. In Upper Canada, Archdeacon John Strachan, the spokesman of Anglicanism and member of the Legislative Council, advanced Anglican-controlled education at all levels. In Lower Canada, the Institute for the Advancement of Learning, an Anglican institution, for a time controlled education.

* They were usually Loyalists or of Loyalist descent, members of the Church of England and citizens of wealth and privilege.

† The Legislative Council in Lower Canada often included some French-Canadian seigneurs and upper clergy, but for the most part, members of this council were drawn from the Loyalist Chateau Clique or Scotch Party.



Court House and Jail, York, Upper Canada, 1829

The Compacts repeatedly avowed their loyalty to the Crown. They did not hesitate to accuse all who opposed them of disloyalty and republicanism. Such appeals to loyalty gained them the support of Loyalist elements, civil servants and retired army officers.

THE FAMILY COMPACT[163]

Sir Francis Bond Head in a dispatch to the Colonial Office, 1837:

It appears, then, from Lord Durham's own shewing, that this "FAMILY COMPACT" . . . is nothing more nor less than that "social fabric" which characterizes every civilized community in the world. It is that social fabric, or rather fortress, within which the British yeoman, farmer, and manufacturer is enabled to repel the extortionate demands of his labourers; and to preserve from pillage and robbery the harvest of his industry after he has reaped it!

"The bench," "the magistrates," "the clergy," "the law," "the landed proprietors," . . . and "the supporters of the Established Church," form just as much *"a family compact"* in England as they do in Upper Canada, and just as much in Germany as they do in England. . . .

The *"family compact"* of Upper Canada is composed of those members of its society who, either by their abilities and character have been honoured by the confidence of the executive government, or who, by their industry and intelligence, have amassed wealth. The party, I own, is comparatively a small one; but to put the multitude at the top and the few at the bottom is a radical reversion of the pyramid of society which every reflecting man must foresee can end only by its downfall.

Soon after the Constitutional Act was implemented, criticism was voiced against certain provisions of the Act and desires for reform were expressed. But during the War of 1812, while the Canadas were engaged in resistance against the American invaders, demands for reform were set aside. After the war, agitation for reform was resumed. All those who actively disapproved of existing conditions joined a loosely formed movement for reform.

The reformers wanted improved conditions for the pioneer farmers. They advocated land grants that would be more easily obtainable by the average settler, better roads to connect the scattered settlements and more schools to educate the young. They intended to achieve such improvements through government legislation. However, this proved difficult, since measures passed by the Legislative Assemblies, where the reformers had adequate representation and at times were in the majority, could be blocked by the Legislative Councils.

BOND HEAD'S OPINION OF THE REFORMERS[164]

To Lord Glenelg, the Colonial Secretary, June 22nd, 1836:

As the Republicans in the Canadas generally mask their designs by professions of attachment to the mother country, I think it important to record this admission [Mackenzie's letter to Joseph Hume of Dec. 1835] on the part of McKenzie of the traitorous object which the Reformers in this province have in view.

From a dispatch to the Colonial Office, 1837:

. . . . The idle, the profligate, and the unprincipled, see that democracy in the United States is rapidly hurrying to anarchy, and they well know, or rather they reckon, that anarchy, or in other words, *plunder,* is the shortest method of obtaining wealth.

The reform movement evolved into a struggle against the entrenched oligarchies which had the power to stifle the will of the Assemblies. In Upper Canada, the movement attracted the Methodists, under the leadership of Egerton Ryerson, and other Protestant groups who resented religious domination by the Church of England. In Lower Canada, the reform movement, although it had some English-speaking adherents who sought constitutional reforms, championed French-Canadian nationalism — which expressed itself in the attempt to preserve a rural way of life against the more progressive English-dominated commercial

community. In Lower Canada the movement for reform became a struggle by the French-Canadian-controlled Legislative Assembly to gain supremacy over the obstructionist English-dominated Legislative Council.

DURHAM — ON THE POLITICAL STRUGGLE IN LOWER CANADA[165]

. . . it apears upon a careful review of the political struggle between those who have termed themselves of the loyal party and the popular party . . . each class [is] assuming false designations and fighting under false colours — the British professing exclusive loyalty to the Crown of England, and the Canadians pretending to the character of Reformers. Nay, I am inclined to think . . . that the British (always excluding the body of officials) are really desirous of a more responsible Government, while the Canadians would prefer the present form of Government, or even one of less democratic character. . . .

B

THE REFORM MOVEMENT IN LOWER CANADA

Basically, the struggle for reform became a conflict between the wishes of the people which found expression in the Assemblies, and the privileged oligarchies which controlled the Councils. But in Lower Canada the struggle for reform had racial* undertones as the French-controlled Legislative Assembly was pitted against the British-controlled Councils.

CONDITIONS IN LOWER CANADA, *1804*[166]

Observations of Lord Selkirk during his travels in British North America:

. . . They [the French Canadians] have never been reconciled to the British institutions that have been introduced among them. . . .

The English at Quebec and Montreal cry out . . . & are surprised at the natural & universally experienced dislike of a conquered people to their conquerors & to every thing which puts them in mind of their subjection. . . . The English Govt. certainly seems never to have acted with any system as to Canada—the only chance of reconciling the people would have been either to use every effort to change them entirely in language & institutions & make them forget that they were not English — or keeping them as French to give a Government adapted to them as such, & keep every thing English out of sight — neither of these plans has been followed, & the policy of Govt. has been a kind of vibration between them. . . .

Early signs of the reform movement in Lower Canada appeared in 1805. In order to raise additional revenue for public works, the government, supported by the merchants, proposed a tax on land which would hit the small farmers. Instead, the majority in the Assembly increased tariffs on imports and instituted a sales tax. Thus the burden would fall mainly on the predominantly English commercial class. The business interests claimed that the French Canadians were using their majority in the Assembly to assert their domination over the English minority. Thus a racial character was injected into a routine government matter. This racial rift was aggravated with the founding of *Le Canadien,* in 1806, by Pierre Bedard. This newspaper advocated French-Canadian nationalism — the preservation of French institutions and rights. *Le Canadien* became the organ of the reform movement in Lower Canada.

Soon political conflict arose over the position of judges in the Councils and in the Assembly. In 1806, the Assembly passed a bill which would ban judges from membership in the Legislative Assembly, but this measure was rejected by the Legislative Council. Again, in 1810, the Assembly passed a similar bill and also voted to bar one of its members, a judge, from the Assembly. Sir James Craig, the Governor, felt that the Assembly was exceeding its authority, and he dissolved it. *Le Canadien* criticised the Governor's action. The presses of the newspaper were seized and the printer jailed. In the election that followed, French-Canadian nationalism asserted itself — the group that had dominated the Assembly was re-elected with a greater majority. Now the lines were drawn; the struggle was between the Governor and his Councils and the Legislative Assembly.

* The word "racial" is used in the generally-accepted Canadian sense of "ethnic" or "national".

GOVERNOR CRAIG'S ATTITUDE TOWARDS THE FRENCH CANADIANS[167]

Part of a dispatch to the Colonial Office:

Quebec 1st May 1810

The first and most obvious remedy that presents itself, is to deprive them of the constitution, as they term it, that is of that representative part of the Government which was unquestionably prematurely given them — neither from habits, information or assimilation, with the Government of England, were they prepared for it. . . .

Short of the decisive step of taking away the House altogether . . . or . . . of reuniting the Provinces . . . the enactment of a qualification with respect to the Representatives seems to be indispensably necessary. It . . . appears to me an absurdity, that the Interests of certainly not an unimportant Colony, involving in them, those also of no inconsiderable portion of the Commercial concerns of the British Empire, should be in the hands of six petty shopkeepers, a Blacksmith, a Miller, and 15 ignorant peasants who form part of our present House, a Doctor or Apothecary, twelve Canadian Avocats, and Notaries, and four, so far respectable people that at least they do not keep shops, together with ten English members compleat the List: there is not one person coming under the description of a Canadian Gentleman among them.

In Lower Canada the reform movement was inextricably tied to Joseph Louis Papineau, who gave it meaning and direction. After the end of the War of 1812, when the conflict between reformers and the oligarchy resumed after the respite of the war years, Papineau was the dominant figure in the movement for reform. He came from a well-to-do family and was himself a seigneur. Well educated, trained in the legal profession and versed in British constitutional law, Papineau was a dedicated French-Canadian nationalist and an eloquent speaker. In 1808, at the age of twenty-six, he was first elected to the Assembly, and was its Speaker almost continuously from 1815 to 1837. He worked closely with John Neilson, the leader of the small group of English reformers in Lower Canada, until 1834, when they disagreed on major policy. Papineau also kept in touch with the reform movement in Upper Canada.

Papineau was aware of the entrenched oligarchy which rode roughshod over the Assembly. Nevertheless, he decided to use the Assembly, as weak and as ineffective as it was, to press demands for reform. He employed the power of the purse — the traditional authority vested in British Legislative Assemblies — to assert the supremacy of the Assembly. Certain revenues, of course, such as customs duties, provided for in the Quebec Revenue Act of 1774, were at the disposal of the Governor. Yet the Governor depended on additional funds from the Assembly to meet the full cost of government. The Governor could command the spending of public funds without the Assembly's approval, but British tradition recognized the right of the Legislative Assembly to authorize the spending of public money. Papineau's goal was to control all revenue and expenditure, enabling the Legislative Assembly to be in a stronger position to control the Governor and his Councils.

A VIEW OF PAPINEAU[168]

Excerpts from a private letter written by T. F. Elliott, the Secretary to the Gosford Commission, to his friend Henry Taylor at the Colonial Office in London:

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 upon him and not perceive that he is by nature, as much as by station he has won for himself, the first of the French Canadian race.

In 1819, the Assembly refused to vote supply — funds for government expenditure — unless the Assembly was given full control over all revenue and expenditure. The Legislative Council, in turn, rejected the budget prepared by the Legislative Assembly. The Legislative Council then proposed to surrender control of all revenue to the Legislative Assembly, but only in return for a permanent civil list which would assure the salaries of the Governor and his appointed officials. The Assembly turned this down. This wrangle over voting supply continued year after year.

In 1820, Lord Dalhousie, the new Governor, attempted to obtain a permanent civil list for the lifetime of the king. The Assembly refused, since in making such provisions for the salaries of all

government officials the Assembly would surrender the little power it did possess for pressing its demands.

The financial stalemate deepened. The English commercial group closed ranks to resist the stubborn Assembly, which refused to vote money for the development of the St. Lawrence trading system. The French Canadians refused to vote public money because they believed that the already powerful English commercial interests would benefit most. French Canadians wanted political reforms in line with British institutions. They sought supremacy of the Legislative Assembly where they could use their majority to assure the French-Canadian way of life. The English wanted vast changes in the transportation facilities to strengthen their economic position against American competition.

In 1822, the English "party" in Lower Canada used its influence in London to press for a reunion of the Canadas. The English minority — 40,000 out of a population of 427,500 — demanded a union of Upper and Lower Canada as a means of revitalizing the St. Lawrence trading system. Furthermore, such a union would diminish the power the obstreperous French Canadians were wielding in the Lower-Canadian Legislative Assembly.

"THE ENGLISH PARTY" AND "FRENCH PARTY" IN LOWER CANADA[169]

From T. F. Elliott's letter to Henry Taylor:

Quebec, October 24, 1835.

. . . ["The English party"] is composed of almost all the Merchants, with an admixture of considerable Landholders, and of some of the younger and more intelligent Civil Officers. It possess much intelligence, much wealth and still more credit . . . and unity of purpose . . . they know better than any other people how to confer on political association. . . . Yet I do not like the English party. It is fully as ambitious of dominion as the French party, and in my opinion, prepared to seek it by more unscrupulous means . . . but depend upon it that if ever these heats in Lower Canada should go as far as to hazard the connection with the Mother Country, the English will be the foremost to cut the tie. They . . . are by far the best disposed to sympathize with Republican principles; and, I must add, the most capable to wield Republican Institutions. They are the most rancorous, for they remember the power they have lost, and hate their rivals as a sort of usurpers. . . . The "French party" . . . consists mainly of Advocates, Physicians and Farmers, the last very ignorant of politics and indifferent to them and ambitious of their Seats . . . 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.

. . . there appears to me to be a deeper motive calculated to bind the French party together, and to give general direction to their policy.

. . . . 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 . . . it is not to be doubted that some amongst them fear a lapse into insignificance.

The British House of Commons proposed a bill to bring about the union of Upper and Lower Canada, with one Legislative Assembly for the United Province. A proposed high property qualification would disenfranchise most French Canadians. Within fifteen years of the proposed union, English would be the sole language in government. Also, pending the approval of a permanent civil list by the Assembly, all revenue would be controlled by the Crown. Although Catholics would continue to have the rights of their religion, some limitations were to be placed on the freedom of the Roman Catholic Church. Obviously, the proposed union aimed to smother French-Canadian nationalism.

A storm of protest arose in Lower Canada, and French-Canadian bitterness against the English minority increased. Anti-Unionists held public meetings in Montreal and committees were drawn up from all parties to resist the proposed union, to safeguard French-Canadian privileges, and to avert domination by the English commercial minority. Resentment and fear were expressed to the British government in a petition with 60,000 signatures. The proposed union also drew opposition from other quarters. Neilson and his group of English reformers collaborated with Papineau against the union. Others objected to the arbitrary action of the British Parliament which did not consult Canadians about the union. Some disliked the undemocratic nature of the restricted franchise. Even the Legislative Council feared the difficulties that such a union might arouse.

FRENCH-CANADIAN OBJECTIONS TO THE PROPOSED UNION OF 1822[170]

Joseph Papineau, in a letter to R. Wilmot, a British Member of Parliament, vehemently objects to insinuations made in certain British quarters about the French Canadians:

Montreal, 16th December 1822

. . . assertions that the opposition manifested in this Province on the part of the population . . .

is the effect of prejudices alone, alluding to their [French Canadian] supposed attachment to France and to French principles; calling them foreigners; (foreigners in their native land!) The Bill in question, say these friends of the Union, being so well calculated to Anglify the country, which is to be ultimately peopled by a British race.

The preposterous calumny against the Canadians of French origin, as to their supposed attachment to France, requires no other answer than what is derived from their uniform conduct during the wars, and the loyalty evinced by them on every occasion. They are not foreigners in this land of their birth; they claim rights as British subjects, in common with every other subject of His Majesty in these Colonies. These are their birth rights. . . .

By what they call Anglifying the country is meant the depriving the great majority of the people in this Province of all that is dear to men; their laws, usages, institutions and religion. An insignificant minority wish for a change, and are desirous of ruling against every principle of justice by destroying what they call the Canadian influence, that is to say, the influence of the majority. . . . Is it just or reasonable, or even sound policy, that she [Great Britain] should on this occasion, wound the feelings of a loyal population for the purpose of satisfying the prejudices of a few? . . .

In the face of this concerted opposition, the proposed union was dropped, and only the commercial provisions dealing with regulation of customs duties and trade between Upper and Lower Canada were embodied in the Canada Trade Act of 1822. But the episode accentuated French-Canadian resentment and fear of British designs. French Canadians were determined to safeguard their political strength in the Legislative Assembly. More than ever, they concentrated their efforts upon gaining supremacy for the Legislative Assembly.

No sooner had the turmoil over the proposed union subsided when a scandal rocked Lower Canada. In 1823, the treasury was found to be short £100,000. The Assembly held the British Government and its representative — the Governor — responsible. Papineau violently attacked Dalhousie and transformed the quarrel into one between the Governor and the Assembly. By 1827, with the Assembly repeatedly refusing to vote supply, Dalhousie dissolved the Assembly. In the election of that year, Dalhousie was very active in an effort to obtain a favourable majority that would pass a permanent civil list. It was a bitter election campaign in which both sides resorted to acrimonious denunciations. Papineau's party won an overwhelming victory. The new Assembly chose Papineau as Speaker. But Papineau was unacceptable to Dalhousie, who prorogued the Assembly two days after it met.

PAPINEAU'S COMPLAINTS[171]

In letters to his friend and collaborator, John Neilson, Papineau expressed his views on the injustice and discrimination French Canadians lived under in Lower Canada:

The injustice done to my country revolts me, and so perturbs my mind that I am not always in a condition to take counsel of an enlightened patriotism, but rather inclined to give away to anger and hatred of our oppressors.

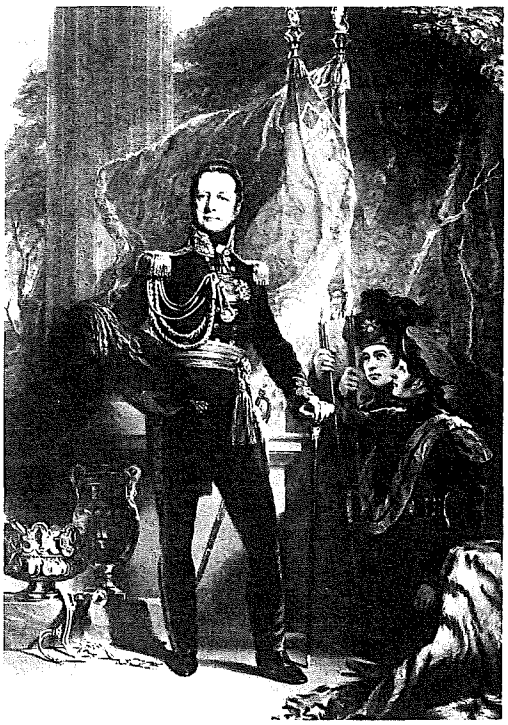
It is odious to see every office and position closed against our people when the laws do not exclude them; to see them contributing nine-tenths of the revenue and receiving but one-tenth, and to feel that the possession of influence in this country is a passport to persecution.

The British government was anxious over the events that were unfolding in Lower Canada. In 1828, a Committee of the British House of Commons investigated Canadian affairs and made several recommendations. It suggested that all judges except the Chief Justice be barred from the Councils, and that all revenues and expenditures be under the control of the Assembly, in return for a permanent civil list. In a move to conciliate the French Canadians, membership in the Councils would be widened to include more French Canadians. Dalhousie was transferred to India; his successor, Sir James Kempt, accepted Papineau as Speaker of the Assembly. Still, the Assembly refused to grant a permanent civil list.

The British government was in a conciliatory mood. In 1831, Papineau and Neilson were offered seats on the Executive Council, but they refused. The same year, the British government transferred most of the revenue to the Assembly, but the Assembly still refused to grant a permanent civil list and demanded control over all revenue. Furthermore, the reformers wanted an elected Legislative Council, modelled after the American Senate. Such a trend toward an American-style democracy was contrary to the British government's view of colonial administration.

During the election of 1832, troops fired on a crowd in Montreal, and three French Canadians were killed. This "Montreal Massacre" heightened resentment against the English and Papineau used

Louis Joseph Papineau



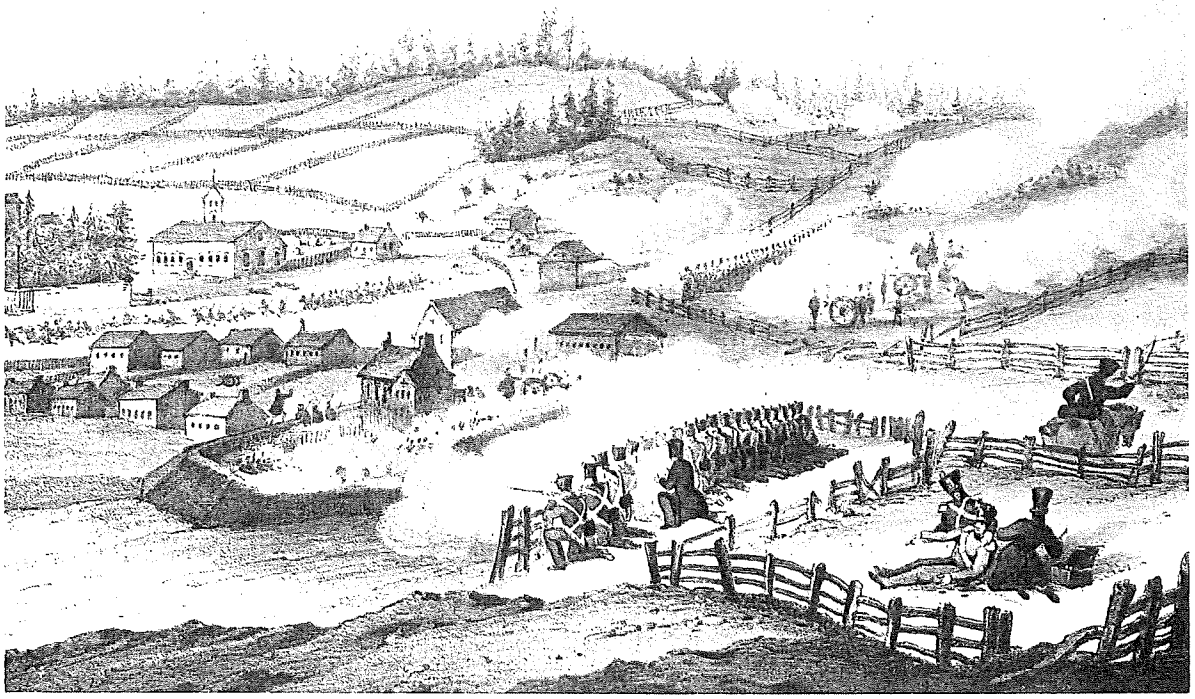
George, Earl of Dalhousie

this incident to arouse the sympathy of many French Canadians who had hitherto stood on the side-lines of the reform movement. An outbreak of cholera in 1833 among newly-arrived British immigrants was seized upon by certain French-Canadian nationalists to oppose further British immigration into the colony. An appeal was sent to the British government to cancel the charter of the British American Land Company which had acquired land in the Eastern Townships for British immigrants.

In 1834, the Assembly adopted the Ninety-two Resolutions which were drawn up under Papineau's guidance. They included a lengthy list of grievances and extensive criticism of the English oligarchy imposed upon the French-Canadian majority. There were also demands for the control of all revenue by the Assembly, an elected Legislative Council, a "responsible" Executive Council and the same rights and privileges for the Legislative Assembly as the British House of Commons enjoyed. The Resolutions had an undertone of admiration for American institutions and veiled threats of force to gain reforms. Papineau's radicalism and the republican tone of the Ninety-two Resolutions frightened the moderate reformers, such as Neilson, and increased the clergy's opposition to the reform movement. But in the elections of 1834, Papineau and his followers won a sweeping victory. The opponents of the Resolutions, including Neilson, were defeated.

In 1835, Lord Aylmer was replaced by Lord Gosford as Governor of Lower Canada. Gosford was instructed to seek harmony between the executive and the Assembly. He was also to head a commission which would advise the British government on a course of action for Lower Canada. But the reformers mistrusted Gosford and his commission. The report of the commission confirmed French-Canadian fears; Gosford made no concessions regarding an elected Legislative Council and reaffirmed the British government's stand on a permanent civil list in exchange for all revenue. The Assembly turned down the proposals and voted supply for only six months, and later refused to vote any. The Assembly, for the first time, demanded that the Executive Council be made responsible to the Assembly — that is, responsible government for Lower Canada. Papineau's radical followers formed the *Patriotes* to fight the British government's designs for Lower Canada. Boycott of British goods and talk of republicanism spread in the colony. In the face of this, the English minority drew closer together and organized the Constitutional Society to resist the demands of the reformers.

In 1837 the Colonial Office abandoned the policy of conciliation and Lord John Russell drew up the Ten Resolutions for Lower Canada. Among other things, the Resolutions rejected the demands for an elected Legislative Council and again offered the Assembly control of all revenue



Attack on St. Charles, 25th November 1837

in return for a permanent civil list. At the same time, Lord Russell authorized the Governor, if necessary, to make provisions for supply without the authorization of the Assembly — an outright challenge to the reformers. Papineau and his radical followers saw no hope of gaining reforms by constitutional means. Only the use of force would convince Britain of French-Canadian determination. There was talk of revolt.

LORD JOHN RUSSELL'S TEN RESOLUTIONS, MARCH 6, 1837[172]

[a]*Russell's instructions to the Governor*:

8. That for defraying the arrears due on account . . . it is expedient, that . . . the Governor of the said province be empowered to issue from and out of any other part of his Majesty's revenues, in the hands of the Receiver-General of the said province, such further sums as shall be necessary to effect the payment of the before-mentioned sum of £142,160.14s.6d.

[b]*Papineau on the Russell Resolutions, in an address at St. Laurent on May 14th, 1837*:

The Russell resolutions are a foul stain; the people should not and will not submit to them; the people must transmit their just rights to their posterity, even though it cost them their property and their lives to do so.

[c]*Address of Assembly of Lower Canada, August 26, 1837*:

It is our duty, therefore, to tell the Mother Country, that if she carries the spirit of these resolutions into effect in the Government of British America, and of this Province in particular, her supremacy therein will no longer depend upon the feelings of affection, of duty and of mutual interest which would best secure it, but on physical and material force.

It is, therefore, our ardent wish that the resolutions adopted by the two Houses of Parliament may be rescinded, as attacking the rights and liberties of this Province, as being of a nature to perpetuate bad Government, corruption and abuse of power therein, and as rendering more just and legitimate the disaffection and opposition of the people. . . .

The Assembly was prorogued on August 26, 1837. Mass meetings, fiery speeches, outbursts in the press — all indicated a revolutionary spirit. *Les Fils de la Liberté* (a group similar to the Sons of Freedom of the Boston Tea Party during the American Revolution) at a rally at St. Charles on October 23 passed resolutions which, in their radicalism, went beyond Papineau's demands for reform. It seems that the movement passed into the hands of the extremists, and Papineau, even had he wanted to, could not stem the revolutionary tide. In Montreal, members of the English Constitutionalists (Doric Club) clashed with the French-

Canadian *Fils*. The situation deteriorated into a racial struggle between two extremist groups. The English, violently anti-French, wished to keep Lower Canada English; the French Canadians, imbued with nationalism, wanted to preserve their culture and way of life.

In the meantime, because of the gravity of the situation, almost all the troops from Upper Canada were dispatched to Lower Canada. Gosford, anxious to avoid open rebellion, suppressed the Constitutional Society and decided to arrest the leaders of *Les Fils*. To avoid trouble, Papineau and some of his associates left Montreal. The authorities, interpreting their departure as an attempt to stir revolt in the countryside, issued warrants for their arrest. Armed *Patriotes* obstructed the troops who were sent to carry out the warrants. This led to a clash and bloodshed at St. Denis on November 23. Papineau fled to the United States. Two days later, resistance at St. Charles was broken. In December at St. Eustache, north of Montreal, a determined rebel stand was mercilessly crushed by soldiers and English militia. The rebellion was over.

PAPINEAU'S OBSERVATION ON THE REBELLION[173]

In 1839, Papineau made the following observation in his history of the insurrection:

I defy the government to contradict me when I assert that none of us had ever organized, desired, or even anticipated armed resistance . . . not that an insurrection would not have been legitimate, but we had resolved not to resort to it as yet.

The rebellion failed for several reasons. It lacked widespread support because the withdrawal of the moderates split the reform movement. Furthermore, the clergy openly cautioned the population about resorting to rebellion. Gosford had the army ready but the rebellion was ill-prepared. Papineau's flight after the first engagement at St. Denis left the rebels leaderless in a valiant stand against superior forces.

AFTERMATH OF THE REBELLION IN LOWER CANADA[174]

Stewart Derbishire, a London barrister who had turned journalist, though not connected with the Durham mission, sent Durham a report of conditions in Lower Canada. Below is an excerpt from a conversation Derbishire had with Denis Viger, Papineau's cousin:

Quebec, May 24, 1838

. . . He [Viger] told me that the spirit of persecution & lawless vengeance had run so high against all of the french party who had been conspicuous in politics that he had not ventured to leave his house for several month. I had noticed that the plate bearing his name had been taken down from the street door. He cautioned me to be discreet . . . as . . . the "Volunteers" . . . at present dragooned the City & exercised summary jurisdiction upon whomsoever they pleased to consider as enemies to the State. I did not need the caution; for I had already seen enough of these gentlemen to know that they permitted no man to hold an opinion different from theirs. He told me that the outrages, insults, and destruction of property by the "Volunteers" had left wounds in the minds of the Canadians that would never be healed.

. . . The Disorders complained of to me were the shooting of men as they stood in the door ways of their wooden dwellings long after all opposition had ceased; the firing of houses and barns by parties of Volunteers. . . . The most exaggerated statements of these matters are spread through the Country for the purpose of inflaming the minds of the *habitants*. . . . I . . . heard a Volunteer state at a public dinner table at Montreal that he had with his own hand fired fifteen [dwellings] . . . however . . . for weeks prior to the . . . military operations against the places above named, the "Patriots" had lived at free quarters in the houses of the Royalists, driving away the Owners, whose lives they sought, & appropriating their property of every description to the supply of bands which were gathering and arming as they alleged for the extirpation of the British race in Canada.

C

THE REFORM MOVEMENT IN UPPER CANADA

The reform movement in Upper Canada expressed itself in opposition to the privileges established and perpetuated within the framework of the Constitutional Act. Reformers wanted the same powers for the Legislative Assembly as the House of Commons enjoyed in Britain, an equitable land granting policy, local improvements and wider educational opportunities. These demands, assiduously pursued by the reformers and determinedly resisted by the entrenched Family Com-

pact, led to strife, impasse and eventual rebellion.

There were mute grumblings and isolated expressions of criticism of the oligarchy, but coherent and open criticism of the Family Compact may be attributed to Robert Gourlay. A Scottish immigrant employed as a land agent, Gourlay had hoped to obtain land grants for prospective British immigrants. But he was frustrated by the Executive Council which controlled land grants. This did not deter him, and he began agitation against the oligarchy.

In 1817, Gourlay circularized a questionnaire in the form of a letter in which he asked settlers what, in their opinion, retarded the development of their areas. This statistical study revealed a widely held view that the progress of the colony was hindered by the large tracts of land that lay idle as clergy and crown reserves.

HOW WASTELANDS HINDERED SETTLEMENT[175]

Lord Durham quotes the chief agent for emigrants in Upper Canada:

. . . These blocks of wild land place the actual settler in an almost hopeless condition; he can hardly expect, during his lifetime, to see his neighbourhood contain a population sufficiently dense to support mills, schools, post-offices, places of worship, markets, or shops; and without these, civilization retrogrades. Roads under such circumstances can neither be opened by the settlers, nor kept in proper repair, even if made by the Government. The inconvenience arising from want of roads is very great. . . . I met [in 1834] a settler from the township of Warwick . . . returning from the grist mill at Westminster, with flour and bran of thirteen bushels of wheat; he had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home until the following evening . . . he assured me that he had to unload wholly or in part several times, and, after driving his waggon through the swamps, to pick out a road through the woods where the swamps or gulleys were fordable, and to carry the bags on his back and replace them in the waggon . . . [from] Warwick to Westminster and back — a distance less than 90 miles. . . .

John Strachan, the Church of England minister at York and John Beverly Robinson, the Attorney-General — spokesmen of the Family Compact — regarded Gourlay's activities as incitement of discontent. Gourlay countered their accusation with an attack on Strachan. In 1818, Gourlay called a convention of township representatives at York, where the pioneer farmers could express their opinion and choose delegates to present their grievances directly to the British government. The Family Compact instituted an unsuccessful libel suit against Gourlay. But Gourlay was re-arrested and tried under an old law — the Alien Act of 1804. He was found guilty of seditious libel, and in 1819 was banished from Upper Canada. The Family Compact rid itself of Gourlay but, at the same time, revealed a fear of exposure and criticism. The Gourlay episode was a stark display of the Compact's power to stifle free expression of opinion in the colony.

JOHN STRACHAN ON ROBERT GOURLAY[176]

Extracts from letters by Strachan of December 1 and 8, 1818:

There has been here for a year past a M[r] Gourlay from Fifeshire trying to set us by the Ears. He has done a great deal of mischief in the Colony by seditious publications exciting discontent among the people. I saw through him at once & opposed him with my usual vigour upon which the Press groaned with his abuse of me. By this he destroyed much of his influence. . . . A character like M[r] Gourlay in a quiet Colony like this where there is little or no spirit of inquiry & very little knowledge may do much harm & notwithstanding the check he has rece[i]ved he has done harm by exciting uneasiness irritation & exciting unreasonable hopes. I tried to infuse some energy into the administration but it was too feeble till General [Peregrine] Maitland came out [as Lieutenant-Governor]. Things are now falling Back to their peaceful state and as we have in truth no grievances the people are beginning to discover that it is so. . . .

In regard to M[r] Gourlay he [Maitland] has taken that line of conduct which I had urged our feeble Administrator in vain to adopt and the man is sinking fast into Insignificance. He denounced him & his foolish Adherents in the Speech from the Throne. An Act* was passed declaring Conventions illegal. . . .

At times, the Family Compact used its control of the Assembly to expel members who were critical of the oligarchy. Yet the reform movement grew. As early as 1820, criticism of the government was voiced in the Assembly and proposals for reform advanced. In 1821, Barnabus Bidwell, an American who had taken the oath of allegiance, was disqualified from sitting in the Assembly

* AN ACT TO PREVENT CERTAIN MEETINGS IN THE PROVINCE OF UPPER CANADA, passed on November 27, 1818.

Rev. Dr. Egerton Ryerson

John Strachan, Bishop of Toronto

because he was considered an alien. Later, his son Marshall Spring Bidwell, a Reformer and member of the Assembly, was also expelled on the same grounds. These expulsions were serious since they raised two issues in the alien question: the political rights of the many American settlers in Upper Canada and the right to hold land and own titles to their land.

In the 1824 election the Reformers won a majority in the Assembly and chose Marshall Bidwell as Speaker. The Assembly passed a bill allowing Methodist ministers to solemnize marriages — a right hitherto exercised only by the Church of England. Strachan accused the Methodists of harbouring republican tendencies and he insisted on Anglican dominance. The bill was thrown out by the Legislative Council. Two years later, the Reformers unsuccessfully sought to secularize the clergy reserves and use the proceeds from the sale of land for public education. The Family Compact, through the Legislative Council, had blocked the will of the Assembly. In advancing the cause of religious equality, the Reformers gained the valuable support of the Methodists, the fastest growing Protestant denomination.

In the election of 1828, Egerton Ryerson, the leader of the Methodists and editor of his church paper *The Christian Guardian*, aligned his followers with the reformers. He rallied opinion against the clergy reserves, for the rights of all Protestant denominations and against Anglican monopoly of higher education.* The election was important, not only because Methodist support gained the Reformers a majority in the Assembly, but also because it brought to the fore William Lyon Mackenzie, who was destined to play a prominent role in the reform movement in Upper Canada.

WILLIAM LYON MACKENZIE—HIS PERSONALITY[1,7,7]

[a]*After an interview with Mackenzie, in 1836, Bond Head gave the following opinion of him:*

Afraid to look me in the face, he [Mackenzie] sat, with his feet not reaching the ground, and with his countenance averted from me . . . with the eccentricity, the volubility, and indeed the appearance of a madman, the tiny creature [Mackenzie was just five feet tall] raved in all directions about grievances. . . .

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[b]*Goldwin Smith's opinion:*

. . . a wiry and peppery little Scotchman, hearty in his love of public right, still more in his hatred of public wrongdoers, clever, brave, and energetic, but, as tribunes of the people are apt to be, far from cool-headed, sure-footed in his conduct, temperate in his language, or steadfast in his personal connections. . . .

Mackenzie had come from Scotland in 1820, at the age of twenty-five. In 1824, he founded the *Colonial Advocate*, which soon became a force in

* The Anglicans received a charter and established King's College in 1827.

moulding public opinion against the privileges of the Family Compact. The *Colonial Advocate* became the organ for reform and Mackenzie gained the undying hatred of the Family Compact. In 1826, his printing shop was destroyed by a mob of Tories, as the supporters of the Family Compact were called. In the law-suit that followed, the court awarded him sufficient damages to purchase new presses. This act of hooliganism made him a prominent figure in the riding of York. Upon his election to the Assembly in 1828, he soon became the leading agitator for reform. As the spokesman of the common man and the frontier pioneer in Upper Canada, he continued his attack on the small but influential oligarchy.

Bidwell, as Speaker of the Assembly, still gave the Reformers leadership, and Robert Baldwin, later so effective a spokesman for reform, was now a young member in the Assembly. But it was Mackenzie, the agitator, writing his furious editorials and haranguing the Assembly with denunciations of the Family Compact, who forged the leadership of the reform movement.

The Reformers used their majority in the Assembly to pass legislation to secularize clergy reserves, remove judges from the legislature, give the Assembly complete control over revenue and reform the Legislative Council as a step towards responsible government. The Legislative Council rejected all these measures. In doing so, it showed the ineffectiveness of the Legislative Assembly.

W. L. MACKENZIE ON THE LEGISLATIVE COUNCIL[178]

The most extraordinary collection of sturdy beggars, parsons, priests, pensioners, army people, navy people, place-men, bank directors, and stock and land jobbers ever established to act as a paltry screen to a rotten government. They cost the country about £40,000 a year and the good laws by which it might benefit, they tomahawk. They don't like to be called a *nuisance*.

The death of King George IV in 1830 was the occasion for an election in Upper Canada. Mackenzie led the Reformers with a program which demanded an elected Legislative Council and an Executive Council responsible to the people. Sir John Colborne, the popular Governor, called the voters to show their loyalty to the Crown by electing an Assembly which would work in harmony with the Councils. The Governor's appeal for loyalty gained him a majority in the Assembly. The reform movement suffered a temporary setback and for the next four years the Family Compact had full control of the government.

W. L. MACKENZIE, ANSWERS CHARGE OF DISLOYALTY[179]

From a speech made in the summer of 1830:

. . . . The people of this Province neither desire to break up their ancient connection with Great Britain, nor are they anxious to become members of the North American confederation [U.S.A.]: All they want is a cheap, frugal, domestic government, to be exercised for their benefit and controlled by their own fixed land-marks; they seek a system by which to insure justice, protect property, establish domestic tranquility, and afford a reasonable prospect that civil and religious liberty will be perpetuated, and the safety and happiness of society effected.

The new Assembly supported the Governor and, in 1831, passed a permanent civil list in return for control of all revenue. Mackenzie attacked the government both inside the Assembly and in his newspaper. A hostile Assembly, by majority vote, expelled him in 1831, but he was re-elected by the voters of York. Altogether, he was expelled four times on the ground that he was unsuitable to hold his seat in the Assembly, and each time he was re-elected by his constituents. With each expulsion his popularity grew and he became the hero of the masses. When the town of York became the city of Toronto in 1834, Mackenzie was elected its first mayor.

Internal dissension between moderates and radicals divided the loosely-knit reform movement. By 1833, Ryerson withdrew the Methodist support because he disagreed with the radical course the reform movement had taken under Mackenzie's leadership. Mackenzie denounced Ryerson as having sold out to the Tories for a share in the clergy reserves. Other moderate reformers looked to the cautious Baldwin for leadership. Nevertheless, the Reformers in the 1834 election regained the majority in the Assembly.

W. L. MACKENZIE ON RYERSON[180]

From the COLONIAL ADVOCATE *of October 30, 1833:*

ANOTHER DESERTER!

The *Christian Guardian* under the management of our reverend neighbour, Egerton Ryerson, has gone over to the enemy, press, types, and all, and hoisted the colours of a cruel, vindictive Tory priesthood. . . . The Americans have their Arnold and Canadians have their Ryerson. . . . But he and his allies, the church and state gentry shall now have me on their rear. . . .

In 1835, a committee of the Legislative Assembly under Mackenzie's direction drew up the Seventh Report on Grievances and submitted it to the British government. The Report included complaints about the clergy reserves, the disposition of public lands, the privileges of the Church of England, the Canada Land Company, and the power of the banks. The Report demanded two basic constitutional reforms: an elective Legislative Council and an Executive Council responsible to the Legislative Assembly.

Mackenzie's' demand for an elected Legislative Council like the United States Senate smacked of American republicanism. Baldwin, politically more astute than Mackenzie, realized that the British government would not consent to such a surrender of its control over the colonial government. Instead of stressing an elected Legislative Council, Baldwin advocated an Executive Council responsible to the Legislative Assembly — the British Cabinet system. Baldwin wished to pursue reforms along the British, rather than the American, model.

In 1836 Sir Francis Bond Head replaced Colborne as Governor. Head was instructed (as was Gosford in Lower Canada) to free himself from the control of the Councils and to use his power and influence to attain harmony between the Assembly and the executive. The reformers, at first, were pleased with Head, who seemed sympathetic to them. Head even appointed Baldwin and Dr. John Rolph — two reformers — to the Executive Council. But this interlude of goodwill was short-lived. The Governor made several appointments to public office without seeking the advice of the Executive Council. The Councillors protested that it was the Governor's responsibility to consult them about the appointments. Head claimed that his responsibility was only to the Colonial Office. All the Executive Councillors, including the Tories, resigned. A new Executive Council was appointed, but the Assembly expressed lack of confidence in the new appointees and refused to vote supply. Head immediately dissolved the Assembly.

The election of 1836 was a fateful one for Upper Canada and, indeed, for the future of Canada. The Governor plunged into an energetic campaign that was marked by rowdyism and intimidation. He used all means to assure the election of an Assembly that would do his bidding. As in Colborne's time, loyalty to Britain became the issue. The electors, Head claimed, had to choose in favour either of maintaining the British ties and institutions, or of establishing republicanism and inviting absorption by the United States. He openly accused the reformers of republicanism and disloyalty to the Crown. Head's anti-American outcry drew support from Loyalist Tory elements, some recent British immigrants and Orangemen. Ryerson threw the support of the Methodists behind the Governor. Voting by open ballot favoured the Governor who used his power of patronage to intimidate the voters. The reformers suffered a crushing defeat.

THE *1836* ELECTION IN UPPER CANADA[181]

[a]*Bond Head's reply to an Address from Electors of Toronto, March, 1836:*

. . . can you do as much for yourselves as I can do for you? . . . It is my opinion that you cannot! It is my opinion that if you choose to dispute with me, and live on bad terms with the Mother Country, you will, to use a homely phrase, only quarrel with your "bread and butter."

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[b]*Mackenzie writing in the* CONSTITUTION: *August 1, 1836:*

Ye false Canadians! Tories! Pensioners! Churchmen! Spies! Informers! Brokers! Gamblers! Parasites, and Knaves of every caste and description, allow me to congratulate you! . . . You may plunder and rob with impunity — your feet are on the people's necks. . . .

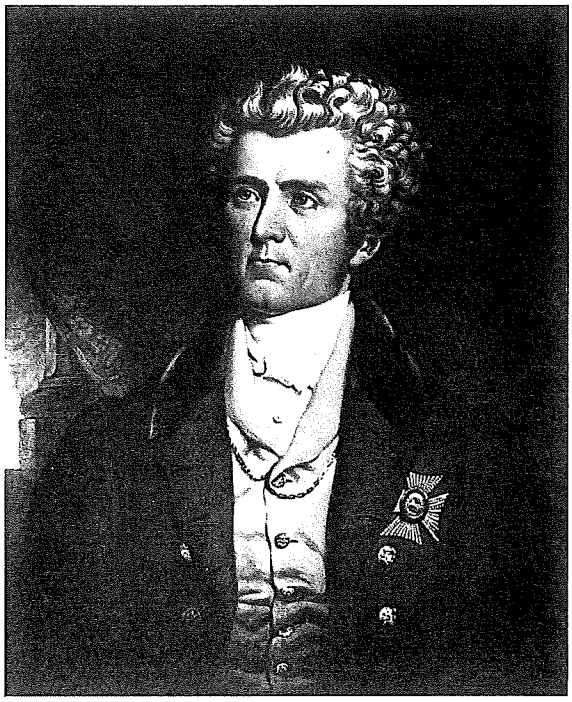
Head's victory, the economic depression in the colony and the outbreak of the uprising in Lower Canada spurred the radical reformers to rebellion. Mackenzie's plan was to capture the city hall and the arms stored there and to overthrow the government. On December 7, 1837, armed rebels marched from their headquarters at Montgomery's Tavern, in the northern outskirts of the city, towards the city hall. Loyal volunteer militia prevented the insurgents from reaching the city hall and the rebels retreated to Montgomery's Tavern, where a skirmish took place. Shots were fired; the rebels dispersed; and the rebellion was over.

MACKENZIE'S HANDBILL FOR REBELLION, NOVEMBER 27, 1837[182]

BRAVE CANADIANS! God has put into the bold and honest hearts of our brethren in Lower Canada to revolt—not against "lawful" but against "unlawful authority". . . .

CANADIANS! Do you love freedom? . . . Do you hate oppression? . . . Do you wish perpetual peace and a government founded upon the eternal heaven-born principles of the Lord Jesus Christ — a government bound to enforce the law to do to

William Lyon Mackenzie



Sir Francis Bond Head

each other as you would be done by? Then buckle on your armor, and put down the villains who oppress and enslave our country. . . . One short hour will deliver our country from the oppressors; and freedom in religion, peace, and tranquility, equal laws, and an improved country will be the prize. . . .

Up then, brave Canadians! Get ready your rifles, and make short work of it . . . now's the day and the hour! Woe be to those who oppose us, for "In God is our trust."

In Upper Canada, the loyal militia sought revenge through cruel suppression of known and suspected rebels. Two rebels were hanged and many were jailed; those who could, fled to the United States. Mackenzie himself had crossed the border and organized a government in exile on Navy Island near Buffalo. He hoped to gain support and to carry on the rebellion from the United States. Even here he was not secure. The Upper Canadian militia burned his ship, the *Caroline,* in American waters. This violation of American sovereignty created ill-feeling between the United States and Great Britain. But at the same time the diplomacy of Lord Durham and United States President Van Buren settled the incident and ended Mackenzie's hopes for continuing the rebellion from American soil.

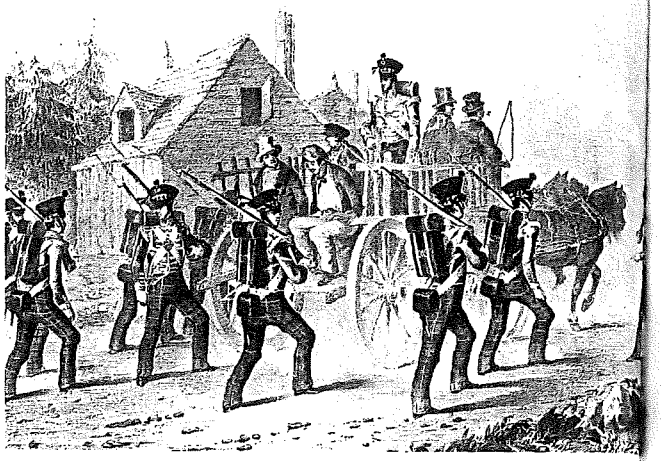
The rebellion in Upper Canada was no better led nor more widely supported than the one in Lower Canada. Both rebellions failed, but the desire and need for reforms continued. The rebellions made the British government aware of the discontent which drove loyal British subjects to insurrection. The British government recognized the need to remove the cause of discontent. The appointment of Lord Durham to search for solutions to the problems paved the way to eventual colonial self-government in all of the British North American colonies.

MACKENZIE'S OBSERVATIONS AFTER THE REBELLION[183]

A letter to a friend written in the United States shortly after the Rebellion:

. . . . At nine-and-twenty I might have united with them [Family Compact], but chose rather to join the oppressed, nor have I ever regretted that choice, or wavered from the object of my early pursuit. So far as I or any other professed reformer was concerned in inviting citizens of this Union to interfere in Canadian affairs, there was culpable error. So far as any of us, at any time, may have supposed that the cause of freedom would be advanced by adding the Canadas to this Confederation [U.S.A.], we were under the merest delusion.

The Seventy-First Highland Light Infantry Conducting Prisoners, c. 1837



His regrets for Past Actions. A Letter to Earl Grey, Feb. 3, 1849:

A course of careful observation, during the last eleven years, has fully satisfied me that, had the violent movements in which I and many others were engaged on both sides of the Niagara proved successful, that success would have deeply injured the people of Canada, whom I then believed I was serving at great risks. . . . No punishment that power could inflict, or nature sustain, would have equalled the regrets I have felt on account of much that I did, said, wrote, and published; but the past cannot be recalled. . . .

D

THE REFORM MOVEMENT IN THE MARITIMES

In the Maritimes, the struggle for reform never was as bitter as in the Canadas. The problems of clergy reserves and the racial issue which plagued the Canadas were absent in the Atlantic colonies. Nor could a Maritime Governor inject the loyalty issue in his struggle with the reformers, most of whom were of Loyalist descent. Unlike in the Canadas, the Assemblies of the Maritime colonies readily agreed to a permanent civil list, often without receiving full control over revenue. Another distinctive feature was the Legislative Councils, which also served as the Executive Councils. The reformers demanded and obtained the separation of the Councils — New Brunswick, in 1832; Nova Scotia, in 1837; and Prince Edward Island, in 1839. Most significant, the British Colonial Office paid heed to the moderate demands of the Maritime colonial Assemblies. This may, to some extent, account for the peaceful attainment of reforms in the Maritime colonies.

In Nova Scotia, as in the Canadas, an oligarchy controlled every aspect of life in the colony. The wealthy merchants in Halifax, retired army and naval officers and government officials sat in the Assembly and were appointed to the Councils. The Church of England — part of the oligarchy — controlled religion and education. Thus, the backwood farmers and coastal fishermen had been ruled from Halifax by a firmly-entrenched oligarchy ever since 1758, when Nova Scotia was granted representative government.

Joseph Howe was closely associated with the reform movement in Nova Scotia. He began his public life in 1828, as editor of the *Nova Scotian*. Like William Lyon Mackenzie in Upper Canada, Howe, in his newspaper, attacked and exposed the undue privileges of the oligarchy. An article in which he accused the Halifax magistrates — appointees of the oligarchy — of corruption became the centre of a celebrated libel suit in 1835. The oligarchy hoped to silence its most outspoken critic. But Howe conducted his own defence and won an acquittal. His victory not only marked an important decision for freedom of the press but also made Howe a popular figure. The following year he was elected to the Assembly and he soon assumed the leadership of the reform movement in Nova Scotia.

EXCERPTS FROM JOSEPH HOWE'S SIX AND ONE-QUARTER HOURS ADDRESS TO THE JURY IN HIS LIBEL TRIAL[184]

March 1, 1835:

. . . . Will you permit the sacred fire of liberty, brought by your fathers from the venerable temples of Britain, to be quenched and trodden out on the simple altars they have raised? . . . I conjure you to judge me by the principles of English law, and to leave an unshackled press as a legacy to your children. . . .

. . . . Nor is there a living thing beneath my roof that would not aid me in this struggle; the wife who sits by my fireside; the children who play around my hearth; the orphan boys in my office, whom it is my pride and pleasure to instruct from day to day in the obligations they owe to their profession and their country, would never suffer the press to be wounded through my side. We would wear the coarsest raiment; we would eat

15

RESPONSIBLE GOVERNMENT: ITS MEANING AND ACHIEVEMENT

A

LORD DURHAM'S REPORT

The rebellions of 1837 forced the British government to take a serious look at conditions in the Canadian colonies. Vigorous criticism of its colonial policy had made the party in power fearful of political defeat. Under great pressure, the British Prime Minister, Lord Melbourne, appointed a commission with sweeping authority to investigate the causes of the rebellions and to make recommendations. The man chosen to head this commission was one of England's most notable political figures — John George Lambton, Earl of Durham.

Lord Durham was admirably qualified for the challenging assignment. He was an aristocrat, married to the daughter of a former Prime Minister, Lord Grey. Throughout more than twenty years in politics he had earned the reputation as a reformer with a first-class, if somewhat unpredictable, mind. Durham's belief in democracy went far beyond that of most of his contemporaries and his conviction that the Empire could be preserved through greater freedom of its parts was similarly unusual. His appointment as Governor-General and Lord High Commissioner of British North America was assurance that far-reaching recommendations would be made for the troubled Canadian colonies.

As part of his preparation for the mission to Canada, Durham enlisted several talented aides. Charles Buller, a brilliant, young, reform-minded M.P., was named chief secretary. Gibbon Wakefield joined the mission as an expert on economics, particularly concerning the colonies, and as an advocate of planned emigration for Britain's surplus population. Thomas Turton was chosen to act as adviser on legal and constitutional matters. The appointments of Wakefield and Turton turned out to be unwise politically; Wakefield's prison term for abduction of an heiress years before had not been forgotten; Turton's reputation had been stained fifteen years earlier by a divorce scandal. Both men thus provided ammunition for enemies of Durham and of the unstable British government.

Durham's arrival in Canada was, nevertheless, auspicious. On May 29, 1838, the new Governor and his retinue paraded in grand fashion through the streets of Quebec to the official residence, the Castle of St. Louis. The initial enthusiasm aroused in the capital increased with Durham's first official acts. He declared intentions of wholesale reform and replaced the Chateau Clique with a council composed mainly of his own staff members. An envoy was sent to Washington, where the United States government agreed to co-operate in restraining raids into Canada by Americans sympathetic to the unsuccessful rebels of 1837-38. Commissions were set up to inquire into such particular matters as crown lands, education, laws and municipal government.

During most of his tenure Durham remained in Quebec City where, in addition to performing administrative duties, he studied representations from many people on the causes of discontent and on possible remedies. Many of his impressions about general conditions came from reports of his assistants and from his brief tour in July to Montreal and Upper Canada as far as Niagara.

LORD DURHAM'S VIEW OF LOWER CANADA[188]

In a dispatch to Glenelg, the Colonial Secretary, Durham gave his assessment of the situation in Lower Canada. The dispatch bore the mark "Secret & Confidential", dated at "Castle of St. Lewis, Aug. 9, 1838":

ANIMOSITY BETWEEN THE FRENCH AND ENGLISH

This hatred of races is not publicly avowed on either side. On the contrary, both sides profess to

be moved by any other feelings than such as belong to difference of origin; but the fact is . . . the great bulk of the Canadians and the great bulk of the British appear ranged against each other . . . the mutual dislike of the two classes extends beyond politics, into social life, where, with some trifling exceptions again, all intercourse is confined to persons of the same origin. Grown-up persons of a different origin seldom or never meet in private society; and even the children, when they quarrel, divide themselves into French and English like their parents . . . high and low, rich and poor, on both sides . . . though they use different language to express themselves, yet exhibit the very same feeling of national jealousy and hatred. . . .

FRENCH CANADIANS STRUGGLE FOR SELF-PRESERVATION

. . . . Notwithstanding the division of Canada into two provinces, for the purpose of isolating the French, the British already predominate in French Canada, not numerically of course, but by means of their superior energy and wealth, and of their natural relationship to the powers of Government.

It was long before the Canadians perceived that their nationality was in the course of being over-ridden by a British nationality . . . I have no hesitation in asserting that of late years they have used the Representative System for the single purpose of maintaining their nationality against the progressive intrusion of the British race. They have found the British progressing upon them at every turn, in the possession of land, in commerce, in the retail trade, in all kinds of industrious enterprise, in religion, in the whole administration of government, and though they are a stagnant people, easily satisfied and disinclined to exertion, they have naturally resisted an invasion which was so offensive to their national pride.

ANNEXATIONIST SENTIMENT AMONG THE ENGLISH (IN LOWER CANADA)

. . . Their [British inhabitants in Lower Canada] main object . . . has been to remove the obstacles which the ignorance, the apathy, and the ancient prejudices of the Canadians opposed to the progress of British industry and enterprize; to substitute, in short, for Canadian institutions, laws and practices, others of a British character . . . Deeply offended at every measure or decision of the Imperial Government which thwarted their own British or Anti-Canadian views, they are also wanting in . . . respect for the supreme authority. . . . With less antipathy, no doubt, & more caution, but also with far more self-reliance, they are as little loyal as the Canadians. . . . I am assured that the leaders and their followers, one and all,

Lord Durham

are in the habit of declaring that, rather than be again subject to the French (meaning rather than see another majority of Canadians in the Assembly) they should much prefer a union with the United States; & that if they are deserted by the British Govt. (I use their own expression) they shall find a way to take care of themselves. . . . And this is not all: for the sentiments expressed are enforced by deliberate arguments, such as, — that the Americans, if they had possession of this country, would quickly dispose of Canadian supremacy . . . institutions of America, being favourable at all events to industrious enterprize are well-suited to a People of British descent . . . & would be infinitely preferable to Canadian feudalism. . . .

That such views are currently expressed amongst the British party, there can be no doubt; and I am the more disposed to believe them sincerely entertained. . . .

On the surface, Durham was armed with virtually dictatorial powers for his assignment in British North America. Yet throughout his five months in the colonies, he operated under the shadow of attack from London. There the political enemies of the British government, prepared to use every device to embarrass the Cabinet, harped on the reputations of Wakefield and Turton. It was Durham's handling of a potentially explosive issue — the fate of men imprisoned for taking part in the rebellion — that led to the sudden termination of his mission.

The difficulties of the situation seemed to demand a special solution. The rebels, one hundred and sixty one in number, could not be kept in jail indefinitely without some proceedings by the government. The goodwill of French Canadians might be won by a liberal decision, and the attitudes of hostile Americans might be softened also. Yet some show of British authority was essential, and the English of Lower Canada expected no less. Durham became convinced that regular British judicial procedure was futile in a province where juries would probably be either sympathetic French Canadians or vengeful English. He hoped to meet all possible objections with his ordinance of June 28, whereby he granted an amnesty to all but the eight most serious offenders. These were persuaded to admit their treasonous behaviour and accept banishment to Bermuda under penalty of trial and possible execution should they return to Canada.

In spite of being generally accepted in Canada, Durham's action led to an uproar in the British Parliament. The legality of the banishment was so vigorously attacked that the government decided, in the interests of self-preservation, to disallow the ordinance. Durham took the decision as a blow against his authority and a censure of his whole mission. Canadians by and large condemned the British government for playing politics at a time when the whole future of British North America was at stake. The Governor, whose *Report* would help prepare the way for colonial self-government, resigned and returned to England on November 1, 1838.

A VIEW ON LORD DURHAM[189]

Because of severe criticism of his actions in the House of Lords, Durham decided to resign. Charles Buller, a member of Durham's staff in Canada, wrote a confidential letter to John Stuart Mill. In the following extract Buller gives an intimate glimpse of Durham:

Most Private

Quebec, Saturd^{y}, Oct^{r} 13th, 1838

. . . You have I suppose learnt that Ld. Durham has publicly expressed his intention of resigning. . . . The private ones [reasons] I will now tell you. But you are to shew this to no earthly soul except my Father & Mother. . . . For I would not have any one else know that I find any faults in one for whom I have so sincere a regard as Lord Durham.

The truth is that Ld. D's health & character utterly unfit him for such a service as the one he is now on. He would do it better than any other of our public men, because he is thoroughly honest, & has larger & better views than any of them. But he is so anxious and so nervous that he literally cannot bear the burden of *distant responsibility*. . . . In his place I as Governor Gen would not have resigned. . . .

I, in his place would have gone on just as he did before — legislated boldly. . . . But he would not have gone on boldly. He has plenty of boldness: — boldness of an admirable kind. But he has no *constancy*. How can a man whose whole frame is bedevilled by liver & rheumatism be steady & firm?

The Durham Report, prepared under Durham's direction with the assistance of his leading advisers, was submitted to the Colonial Secretary on January 31, 1839 — approximately two months after Durham's return to England. The Report achieved two main purposes: analysis of conditions in British North America, and proposals for extinguishing the bases for discontent. The first part, consisting of four sections, discussed Lower Canada at great length, Upper Canada more briefly, the Eastern provinces and Newfoundland, disposal of public lands, and emigration. Finally, Durham put forth his ideas for reform.

Among the many problems observed, Lord Durham stressed two critical ones. The lack of harmony between the Councils and the Legislative Assemblies underlay the Canadian rebellions and explained the tension evident in the other colonies. Furthermore, the political strife in Lower Canada was a product of the unprogressive nature of the French Canadians.

OBSERVATIONS ON LOWER CANADA IN THE REPORT[190]

. . . . I expected to find a contest between a government and a people: I found two nations warring in the bosom of a single state: I found a struggle, not of principles, but of races. . . .

. . . . The French majority asserted the most democratic doctrines of the rights of a numerical majority. The English minority . . . allied itself with all those of the colonial institutions which enabled the few to resist the will of the many. . . .

. . . . The entire wholesale, and a large portion of the retail trade of the Province, with the most profitable and flourishing farms, are now in the hands of this numerical minority [English] of the population. . . . The great mass of the Canadian population, who cannot read or write . . . were obviously inferior to the English settlers. . . .

. . . . Never again will the present generation of French Canadians yield to a loyal submission to a British Government; never again will the English population tolerate the authority of a House of

Assembly, in which the French shall possess or even approximate a majority.

. . . . The error . . . is the vain endeavour to preserve a French Canadian nationality in the midst of Anglo-American colonies and states.

The union of Upper and Lower Canada, a policy considered as early as 1822, was proposed for the special purpose of assimilating, or "Anglicizing," the French Canadians. A united Legislative Assembly with representation by population (Rep. by Pop.) would give English Canadians a clear majority that would be increased by planned emigration from Great Britain. Of comparable importance, union was basic to the success of Lord Durham's most significant recommendation — Responsible Government.

DURHAM'S SUGGESTION FOR A UNION OF THE CANADAS[191]

. . . . I believe that no permanent or efficient remedy can be devised for the disorders of Lower Canada, except a fusion of the Government in that of one or more of the surrounding Provinces. . . .

. . . and I have little doubt that the French, when once placed, by the legitimate course of events and the working of natural causes, in a minority, would abandon their vain hopes of nationality. . . .

. . . a Parliamentary Commission should be appointed, for the purpose of forming the electoral divisions, and determining the number of members to be returned on the principle of giving representation, as near as may be, in proportion to population. I am averse to every plan that has been proposed for giving an equal number of members to the two Provinces, in order to attain the temporary end of out-numbering the French, because I think the same object will be obtained without any violation of the principles of representation, and without any such appearance of injustice in the scheme as would set public opinion, both in England and America, strongly against it; and because, when emigration shall have increased the English population in the Upper Province, the adoption of such a principle would operate to defeat the very purpose it is intended to serve. . . .

The smooth functioning of government in Canada required, in Durham's view, that the management of people's affairs be given to an Executive Council having the elected Assembly's confidence. To eliminate, as much as possible, the dangers of conflict between the colonial government and the British government, Durham advised a division of power between the two. Imperial authority should continue in such matters as the colonial constitution, foreign relations and disposal of crown lands.

DURHAM SUGGESTS RESPONSIBLE GOVERNMENT[192]

. . . . It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the existing political disorders. It needs but to follow out consistently the principles of the British constitution. . . .

. . . . Every purpose of popular control might be combined with every advantage of vesting the immediate choice of advisers in the Crown, were the Colonial Governor to be instructed to secure the co-operation of the Assembly in his policy, by entrusting its administration to such men as could command a majority. . . . This would induce responsibility for every act of the Government, and, as a natural consequence, it would necessitate the substitution of a system of administration, by means of competent heads of departments, for the present rude machinery of an executive council. . . .

The Canadian government should handle the internal government of the Colony — such things as the construction of roads and canals and education. The Governor was to select Executive Councillors who had majority support in the Assembly. He should administer the colony according to the advice of the Executive Council, regardless of his own view or the views of the British government.

DURHAM'S SUGGESTION FOR SEPARATION OF POWERS[193]

. . . . I admit that the system which I propose would in fact, place the internal government of the colony in the hands of the colonists themselves; and that we should thus leave to them the execution of the laws, of which we have long entrusted the making solely to them. . . . I know not in what respect it can be desirable that we should interfere with their internal legislation in matters which do not affect their relations with the mother country. The matters, which so concern us, are very few. The constitution of the form of government, — the regulation of foreign relation, and of trade with the mother country, the other British Colonies, and foreign nations, — and the disposal of the public lands, are the only points on which the mother country requires control. . . .

The scope of the Report is illustrated by Durham's suggestions on a variety of topics, all related in one way or another to his basic objectives and recommendations. In return for a civil list, the Assembly would gain control of revenues. Municipalities would serve to prevent too great a concentration of political power and arouse citizens to a more active part in the management of public affairs. A widespread system of public education was needed generally; specifically, it would encourage the French Canadians to learn English. Durham recommended security of tenure and income to assure the independence of judges, and a supreme court for all British North America. An intercolonial railway from Halifax to Quebec would encourage trade and communication between colonies, and ultimately a union between Canada and the Atlantic provinces.

The Durham Report is open to criticism on many grounds. Lord Durham had been in Canada for five months, hardly long enough for the kind of investigation he had in mind, especially when much of his time was devoted to administration and interrupted by dealings with the government in London. The portion on Upper Canada reflected the bias of the reformers, who had influenced Charles Buller's accounts, on which Durham based his conclusions.

More seriously, Durham's assessment of the French-Canadian way of life was unfair. Imbued with the spirit of material progress common to his English-speaking contemporaries, he could not see merit in a society content with living as it had for generations. Durham also overestimated the importance of the racial factor as a cause of discontent in Lower Canada. Within a decade, the alliance of Robert Baldwin and Louis Lafontaine had been instrumental in the winning of responsible government. This result was made possible by racial co-operation rather than by Anglicization. Nor could he see the futility of the Anglicization he was recommending. French-Canadian society had deep roots, and any forceful policy to change it would only strengthen the French-Canadian desire for cultural survival.

BALDWIN'S PLEA FOR RESPONSIBLE GOVERNMENT[194]

From a letter to Lord Durham:

Toronto 23 August, 1838

. . . . I would ask Your Lordship, would the people of England endure any system of Executive Government over which they had less influence than that which at present exists? Your Lordship knows they would not. — Can you then expect the people of these colonies with their English feelings & English sympathies to be satisfied with less — If you do Your Lordship will assuredly be disappointed — They can see a reason why their relations with foreign countries should be placed in other hands; but none why their domestic concerns should not be managed upon similar principles as those applied in the administration of the Imperial Government . . . you must give those in whom the people have confidence an interest in preserving the *system* of your Government, and maintaining the connection with the Mother Country, and then you will hear no more of grievances because real ones will be redressed imaginary ones will be forgotten — But short of this all your efforts to produce harmony and all your exertions to preserve that connection will I am satisfied be wholly unavailing —

DURHAM ON THE FRENCH CANADIANS[195]

. . . . I entertain no doubts as to the national character which must be given to Lower Canada; it must be that of the British Empire . . . and to trust its government to none but a decidedly English Legislature.

. . . . It is to elevate them [French Canadians] from that inferiority that I desire to give to the Canadians our English character. I desire it for the sake of the educated classes. . . . I desire the amalgamation still more for the sake of the humbler classes . . . [who] are doomed, in some measure, to occupy an inferior position, and to be dependent on the English for employment. . . .

. . . . A people so circumstanced must alter their mode of life. . . . Were the French Canadians to be guarded from the influx of any other population, their condition in a few years would be similar to that of the poorest of the Irish peasantry.

There can hardly be conceived a nationality more destitute of all that can invigorate and elevate a people, than that which is exhibited by the descendants of the French in Lower Canada, owing to their retaining their peculiar language and manners. They are a people with no history, and no literature. . . .

The greatness of the Report lies in Durham's realization that British North America was emerging from its stage of colonial dependence. His recognition of the value of free institutions in the colonies enabled him to devise a method of preserving ties between colony and mother country. His solution pointed the way to evolution from Empire to Commonwealth.

VIEWS ON DURHAM'S REPORT[196]

Joseph Howe's opinion, taken from the NOVA-SCOTIAN, *April 11, 1839:*

We have risen from the perusal of this admirable exposition of the state of the British Colonies in North America, with a higher estimate of the powers of the noble Lord and . . . anticipation of the ultimate termination of Colonial misrule than we have ever ventured to form. We did not believe that there was a nobleman in Britain, who had the ability and the firmness to grapple with the great question committed to Lord Durham's care, in a spirit so searching, and yet so frank; nor a man who, in one short summer, could collect and digest so much information, and drawn from it such a volume of instruction. . . . The remedy for the local executives, which prevails or has prevailed in all the Colonies, has two prime recommendations, being perfectly *simple* and eminently *British.* It is to let the *majority* and not the *minority* govern, and compel every Governor to select his advisers from those who *enjoy the confidence of the people,* and can *command a majority in the popular branch.*

A French-Canadian opinion, expressed by F. X. Garneau in his HISTORY OF CANADA:

. . . in London, Quebec, and Montreal, it was plain . . . that Lower-Canadian interests were about to be sacrificed . . . intimating that he [Durham] wished to impress on Lower Canada an entirely British stamp; to accord to its people a free constitution with responsible government . . . had no comfort in it for the French-Canadians; for whom fine words about "liberty" and "a more noble and vast nationality," foreshadowed the coming annihilation.

B

THE MEANING OF RESPONSIBLE GOVERNMENT

The "tea-pot" rebellions of 1837, in addition to destroying radicalism as a force in Canadian politics for some time, had established the fact that the people of the British North American colonies were largely loyal to the crown. British North America, unlike the Thirteen Colonies, was destined to find a solution to its political problems through responsible government within the context of the British Empire.* The struggle for responsible government proved to be a ten-year contest between the Governor of the United Province, acting upon the advice of the Colonial Office, and the Reformers bent upon establishing the supremacy of the elected Legislative Assembly over the appointed Legislative and Executive Councils. When the contest had ended, the problem of colonial government had found a solution, and autocratic rule of the oligarchies had given way to rule by the people of Canada through their elected Assembly. Just as the American Revolution marked the end of the First British Empire, the Canadian solution — responsible government — signaled the transformation of the Second British Empire into the modern Commonwealth.

In his famous Report, Durham had defined responsible government as "the entrusting the management of public affairs to persons who have the confidence of the representative body." This would mean that decisions on policy and care of administration would be left to those who had the support of the elected representatives of the people. Apart from certain restrictions on self-government specified in the Report, Lord Durham probably meant that Canada should have the full Cabinet system enjoyed by Great Britain. But whatever his meaning, the implementation of the principles of cabinet government became the goal of the Reformers. The Reformers were as much intent upon winning responsible government as the British government was intent upon witholding it.

TWO VIEWS ON RESPONSIBLE GOVERNMENT[197]

[a]*Goldwin Smith, writing in 1891:*

. . . . By responsible government they [Reformers] meant that the government should be carried on, not by an executive nominated by the governor and independent of the vote of parliament, but, as in England, by a cabinet dependent for its tenure of office on the vote of the Commons. They meant, in short, that supreme power should be transferred from the Crown to the representatives of the people. It was nothing less than a revolution for which they called under a mild and constitutional name.

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[b]*Charles Poulett Thomson (Sydenham), in a letter to a friend, December 12, 1839:*

I am not a bit afraid of the responsible government cry, I have already done much to put it down

* It must be pointed out that the "responsible-government solution" to the problem of colonial government was not available to the people of the Thirteen Colonies. Moreover, the British Colonial Office of the eighteenth century seemed to have lacked the services of such an ardent advocate of colonial self-government as Canada found in Lord Durham.