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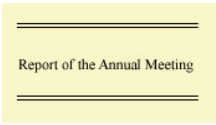

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THE RECEPTION OF THE DURHAM REPORT IN CANADA

By William Smith

The first question that crops up in this inquiry is, what did Canadians expect to find in this report? Lord Durham spent five months of summer and autumn in this country. What inference could be drawn from his proceedings or his utterances? What was there in them to excite hope or fear?

When he left Quebec in the *Inconstant* on November 1, 1838, storm clouds were lowering. He wondered whether it was befitting that he should leave at such a time, and whether his departure might not be interpreted as flight: Sir John Colborne assured him that the situation called for the heavy hand of a man of war, and that the best service Durham could render was to hasten home, and acquaint the Government with the situation in Canada.

Durham had an explanation satisfactory to himself for the renewal of the insurrectionary activities. The disallowance of his ordinance disposing of the political prisoners, had so depressed the loyal and elated the disloyal that no outburst would have astonished him. This conviction received much countenance from the British inhabitants of Lower Canada and from all but the official classes in Upper Canada.

Addresses poured in from all parts of the two provinces imploring him to overlook the affront that had been put upon him, and to stay and carry through the measures he had in contemplation. For the British part of Lower Canada, or at least their leaders, knew Durhams plans. As early as the beginning of July, he had a scheme for the government of British North America, which he laid before the several lieutenant governors and the leaders of the ultra British party in Montreal. The basis of the scheme was the confederation of all the provinces. For this the British leaders had no great predilection, probably from its apparent impracticability. But they were very anxious for the union of Upper and Lower Canada, which Durham declared to be "a pet Montreal project, beginning and ending in Montreal selfishness."

But the merchants and professional classes were a practical folk. If Durham could get through his plan for confederation, and a system of government built upon it, they would have wished him godspeed, and let it go at that. But there were things which Durham had promised in which they were greatly concerned. His plans included a jury law, a bankrupt law, municipal institutions, general education, registry offices for the recording of all sales and mortgages, and the commutation of Feudal Tenure on equitable terms. If they could have all these boons, they were not primarily interested by whom or by what system the laws would be administered. As they agreed at a great meeting in Quebec, these things were all of the most vital importance and would effect a complete renovation of the country by giving an impetus to industry in every branch.

But there was a significant exception to the general chorus of entreaty addressed to Durham. No French Canadian of any political consequence added his voice to it. While Durham was savouring those appeals, which were a testimony to his importance and, even indispensability, the French Canadian press were pouring out protests, indignant and bitter, against

what they termed his betrayal of their confidence. In his proclamation on assuming the government he begged all classes to consider him as a friend, and assured them of his determination to act with the strictest impartiality. On the strength of this assurance he had been welcomed. *Le Canadien,* the most representative of the French Canadian newspapers published in 1838, supported Durham steadily for the first four months of his government. His opening proclamation was received with gratitude as fulfilling all the hopes of the French Canadians. His dismissal of Colborne's Council was, to *Le Canadien,* of good omen as a sign that he intended to take the reins into his own hands. Nor had the journal failed to point out to Durham the way in which danger lay. One of the ultra-British newspapers had been insisting that the only means by which peace could be found was in the complete Anglification of the French Canadians, and the extirpation of their laws and customs. This typical thesis gave *Le Canadien* a chance of setting forth for the benefit of Lord Durham, if he cared to read it, the French Canadian view of the position of the people of that race in Lower Canada, and of the destiny towards which their hopes were directed. The mood of the writer was as far as possible removed from the self-abasement which Durham counted upon as essential to his plans. The article was in terms void of offence, but, nevertheless was a firm expression of the French Canadian mind. To them Anglification was anathema. The proposal to replace their language, laws and customs by those of the English people meant death to the French Canadians as a race. It would be a violation of the pledges of the British Government, on the faith of which they had lived their lives for half a century or more. Following the common opinion of the time, that the colonial status was a temporary one, the writer expressed the aspiration that, after some generations, as they gained strength and capacity under the protecting wing of Great Britain, they would emerge into a Canadian nation, their growth within little more than sixty years, from a people of sixty thousand to a prosperous and vigorous people of half a million, gave full warrant for their persuasion that within no great period this aspiration would be fulfilled.

There were some of Durham's proceedings or omissions, which were calculated to awaken the suspicions of the French Canadians. No person could fail to notice that it was to the ultra-British merchants of Montreal that he gave his confidence, and that it was their good will that he courted. No French Canadian was encouraged to approach him, in the way of confidence. They kept silence, however, until an event took place which removed every shadow of doubt as to his attitude towards them, and made further silence pusillanimous.

A public meeting was held in Montreal on October 1 to express regret at Durham's determination to retire, and Durham seized the occasion to set forth the aims, towards which his efforts were directed. He did not attend himself, but delegated his task to Adam Thom, editor of the Montreal *Herald.* Thom was, as Durham had ample means of knowing, the most detested of the group of ultra-British, anti-French publicists in Montreal. He was a Scotsman, a distinguished graduate of the University of Aberdeen, who came to Montreal some six years before, and at once entered newspaper work. As editor of the *Herald,* he devoted his great abilities to maintaining the extreme ultra-British pretentions, and the aggressiveness of his championship soon won for him a notoriety, which seems in no way to have disturbed him. Durham appointed him to a commission to inquire into the state of the municipal and local institutions of the province, and

thus lost the services of a respectable and influential French Canadian who, as Charles Buller says, declined to be associated with one who was regarded as an enemy of his race.

The selection of such a man as the exponent of Durham's plans and aims was bad enough. But when Thom's speech showed that Durham's ideas scarcely differed in any respect from Thom's articles in the *Herald*, the indignation of the French Canadian knew no bounds.

Le Canadien expressed the resentment of the French Canadians against both the speaker and the speech. The speech "breathes hatred, prejudice and contempt for everything that bears the French name in this country. No individual, no class, no section of the French Canadian population is excepted from the proscription; all are traitors and rebels; those who welcomed the troops last autumn with the utmost eagerness, along with those who fought them; those who deplored and disavowed the insurrection, with those who rejoiced at it and lent it their aid."

The indignation excited by Thom's speech was in no degree lessened by the famous proclamation which was issued eight days later. It is very curious, the several exclusive points of view from which this proclamation was regarded by the several parties concerned. The Government at Home regarded it as "calculated to impair the reverence due to the Royal authority in the colony, to derogate from the character of the Imperial legislature, to excite amongst the disaffected hopes of impunity, and to enhance the difficulties with which his successor will have to contend."

Among those in both provinces whose hopes rested on Durham, the only point upon which their eyes seemed to rest was his announcement that the proceedings in Parliament indicated an intention to thwart all his measures, and that it was vain for him to look for success under the circumstances.

The French Canadians allowed their eyes to glide without much interest along the many lines of the apologia until their attention was arrested by a sentence. "My aim was to elevate the Province of Lower Canada to a thoroughly British character." With a quickened interest, they read through the rest of the document. There were no further expressions of his intentions towards them. But they had enough. With Thom's speech as commentary, there could be no doubt as to Durham's remedy for the existing ills. Anglification became the keyword of all their griefs. Article upon article, with that word as text, ran over the whole gamut of their discontents. *Le Canadien*, by way of farewell to Durham, declared that if there were any serious rising among the French Canadians, it would be due solely to the "deplorable Proclamation of Anglification." La Fontaine, in an appeal to the Prime Minister of Great Britain on behalf of the rebels who were facing the death penalty, affirmed that they were the victims of a noble indignation aroused by Durham's published resolution to destroy all that French Canadians, as well as all other peoples, hold most dear, their customs, their language and their laws. Even the act for which they were all genuinely grateful—the general amnesty—lost its bloom, when they learned from one of Durham's published despatches, that it had been decided upon, after consultation with the ultra-British leaders in Montreal.

Such then were the impressions, or materials for impressions, which Durham left behind him when he embarked on the *Inconstant* on November 1, 1838.

The famous report was issued on January 31, 1839, but it did not reach this side of the Atlantic until April. It did, however, reach the hands of a Canadian a few days after its publication. Lord Glenelg sent a copy to Chief Justice Robinson who was in England on sick leave, and invited his comments. That eminent upholder of things as they were subjected the report to a criticism, which was unsparing and merciless. He conceded to the report the merit of able writing, but happened to add that in a document affecting such great interests that was a secondary consideration. He was, also, willing to allow that as regards Lower Canada, with which his acquaintance was imperfect, there was much sound reasoning clearly expressed.

When he came to the part relating to Upper Canada, he was embarrassed. If, he said, he were to say unreservedly what he thought of the statements and of the inferences founded upon them, he would scarcely expect his Lordship to believe him sincere.

The question which kept troubling the Chief Justice was, how had Durham got his supposed facts. Durham was only five days in Upper Canada altogether. One of these was spent in York, and the remainder at Niagara Falls. A large part of this very short period must have been occupied in ceremony, and in the compliments and congratulations attendant upon such an occasion. Many of the statements were so palpably inaccurate, that their refutation would be found in the documents of the Colonial Office.

Robinson can think of no person who could have made so many astounding mis-statements, and wonders whether they may not be the utterances of some obscure political lecturer discoursing in the presence of one or more of the Durham mission at the table of an inn, or possibly the lucubrations of the boniface himself. He suggested a reference to Lord Colborne and other gentlemen in England who were acquainted with Upper Canada for confirmation of his assurance that Durham had given a false and disfiguring portrait of the province. Had Durham followed his instructions, and set on foot an investigation "open, formal, satisfactory and just" his self-respect would have forbade his putting his name to such a report.

When Robinson came to the recommendations of the Report, he must have read them with considerable surprise. Durham had submitted his scheme of government to Robinson while in Canada, and Robinson's criticisms of some of its features evidently had weight with Durham. The plan contemplated the elimination of the Legislative Councils altogether, and the nomination of the members of the General Assembly by the local Houses of Assembly. In September, he let Robinson know that he had dropped these ideas; and added that his new scheme proposed that each province should have two members in the Imperial Parliament. His objections to the union of the two provinces were well known. He concluded his letter by an assurance that he was not pressing any of the points to which Robinson had raised objections.

Robinson began his examination of the recommendations by a complaint of his inability to understand precisely what Durham's proposals were. Lord Melborne made the same complaint, and, indeed, one cannot but feel that while Durham excelled in his description of a situation, he was much less successful in defining a plan.

Thus in his original scheme for a federal government comprising all the provinces, he says, "the colonies which are contemplated as those

which should be placed under this arrangement in the first instance are Upper and Lower Canada, and subsequently at their option Nova Scotia, New Brunswick, Prince Edward's Island and Newfoundland." Now, if this means anything at all, it means that Upper and Lower Canada alone are to be united, and to remain alone until, if ever, the Maritime Provinces should elect to enter the union. Indeed, he was soon to know that neither Nova Scotia nor New Brunswick were prepared to enter into a union with the Canadas at this time. On August 16, Harvey notified him that, owing to the general indisposition throughout the province to association with Lower Canada, there was no likelihood of the province forming part in a scheme of confederation. A similar notice on behalf of Nova Scotia was conveyed to Durham by Lieutenant Governor Campbell. If Durham was quite sincere in the expression of his dislike of the union, which he communicated to Mayor Richardson within a month of his departure from Quebec, it is difficult to see on what basis his plan for uniting the provinces rested.

If Robinson turned the edge of his criticism on the proposition to unite the Canadas, he had the warm support of Durham himself up to the time the latter left Canada. If the French Canadians were of the inferior quality Durham represented them to be, and if the sentiment as between British and French Canadians was one of eternal animosity, how could tranquillity and progress be expected from the amalgamation of the two. If the aim of his plans be, as he proclaims, the creation of an essentially British province, what prospect was there of this being accomplished through the agency of a legislature, in which French and English, Catholic and Protestant, will be almost equally balanced? There could be nothing expected from such a union except years of bitter, obstinate, dangerous contention, attended with universal jealousy and distrust. Robinson gave it as his decided conviction that the legislative union, instead of being the means of extricating Lower Canada from her present difficulty, would but drag Upper Canada into it.

A recommendation in the Report that the Governor be given temporary power to suspend the writs of electoral districts in which he was of opinion that elections could not safely take place, moved Robinson to observe that however sincere the motives of the Governor in exercising this power, those motives could not escape being impugned. Furthermore, if the real object be to provide a temporary prop to the constitution by disqualifying a number of French Canadian constituencies, it would form an anxious consideration at what time that prop could safely be withdrawn, and it was a painful difficulty that the violent rebel, the active loyalist and the whole body of those who had quietly submitted to the laws should all suffer under a common disability.

Robinson makes merry with Durham's proposal for the improvement of the Legislative Councils. These were the rocks of stumbling for the Reformers in both provinces, and in Lower Canada, the resolution of the Assembly to have an elective Council was the occasion of the final breach between that body and the Governor. Durham's recommendation was that Parliament should revise the constitution of the Legislative Council in such a way as would enable it "by its tranquil and safe, but effective working to act as a useful check to the popular branch of the Legislature and prevent a repetition of those collisions which have already caused such dangerous irritation." Robinson remarks that if Parliament can make such

a discovery, it is difficult to say into what part of the Empire it might not be introduced with advantage. It is not a reasonable expectation that there could be resistance without friction, or that a rock should be able to withstand the rolling bellows without making a noise.

To two subjects, which as a high Tory touched him deeply, he gave the full force of his mind—responsible government and the disposal of the Clergy Reserves. He felt, in common with his whole party, great bitterness towards the reversal which took place in colonial policy with the advent of the Grey Ministry in 1830, and here declared that political agitation and party contention had increased in proportion as the Imperial Government, with the kindest and best motives, had shown a disposition to relax its control, and to waive its rights. He reminds the Colonial Secretary that the Canadas were without the influence of an aristocracy or a great landed interest, and that the integrity of the institution of the provinces rested upon the presumed good sense and good feeling of an uneducated multitude. Durham in terms more forcible than just had declared that the Assemblies, in the discharge of their duties, had displayed a degree of selfishness (if not corruption), a prodigality, a negligence, and a recklessness beyond what would be thought credible. If this were so, is it not fortunate that they have not had higher and greater interests at their mercy. Glancing back over the political history of Upper Canada since the beginning of the century, and noting the men who have achieved prominence and notoriety, and would in ordinary course have occupied positions of leadership, he points out the first minister in 1806, would probably have been Judge Thorpe, a political agitator, who endeavoured to awaken discontent by harangues from the bench. In 1812, the man who stood foremost in the Assembly was Joseph Wilcocks, who during the War of 1812, while a member of the Assembly, deserted to the enemy, and was shot in the ranks of an invading army. Robinson appeals to the line of opinions of former Secretaries of State on the degree of responsibility which should lie in Assemblies in relation to the officers of the Crown, and urges that these be considered in connection with the opinion of Lord Durham. A colonial government constituted in strict adherence to the suggestion of the Report would be an anomaly in the British Empire, and in comparison with it the Government of the United States would be strongly conservative.

In discussing the question of the Clergy Reserves and Durham's recommendation that the clause relating to them in the Constitutional Act be repealed, Robinson holds closely, for purposes of comparison, Durham's account of the state of religion and education in Lower Canada. Durham presents a description deplorable, and to Robinson almost incredible, of the gross ignorance of the French Canadian peasantry, and on the other hand is eloquent in his praise of the Roman Catholic clergy, and earnest in his injunctions that their endowment should be preserved to them.

Robinson, with greater knowledge, fully endorsed Durham's expressions on both points. He observed however, no word of commendation for the labours of the Protestant clergy; furthermore, he wondered whether the Roman Catholic clergy, of whom much had been said, had not failed in one particular, to which Durham had drawn attention in another connection. How had it come about that the French Canadians had remained in the deplorable state of ignorance which Durham had assigned as the real cause of the evils that afflicted the province? If Durham had looked about

him in either the Lower or the Upper province, he would have seen numbers of Protestant ministers of various persuasions who, ill-provided as they were, and, moreover, burdened with the care of families, did not think that they had discharged their full duty by dispensing the offices of their religion. Besides attending to these and to every other duty of pastoral care and charity, they were found unostentatiously but actively labouring in Sunday schools, and by other means, to disseminate among the young such instruction as was necessary to fit them for life. Of these labours not an approving word is to be found in the Report. While the duty of guarding inviolate the endowment which a foreign prince had the piety to provide for a Roman Catholic clergy is repeatedly enforced, it is recommended that a provision which a British Sovereign made for the support of Protestant worship should be totally and unconditionally surrendered.

Robinson's position, his long experience in Upper Canadian politics, and his great ability make him the most outstanding of Durham's critics. It may therefore be worth while to review his observations. He is astounded at the amount of misinformation which had found its way into the Report, and which forms the base of his conclusions, and attributes it to idle gossip with which some of Durham's assistants were entertained at the dinner table. He did not know, nor could it be known until Durham's correspondence was disclosed, that Durham had been in receipt of a mass of information which he was quite justified in regarding as trustworthy. In the Proclamation he issued immediately after landing in Quebec, he invited "the most free and unreserved communications" from all who chose to write to him, and received a large number of letters from persons, public and obscure, in both Upper and Lower Canada. Among his correspondents in Upper Canada were the two Baldwins, father and son, George H. Markland, a former member of the Executive Council, William Hamilton Merritt, Jacob Keefer of Thorold, and James Buchanan, Consul General at New York. There were a number of others, who, if of importance at the time, are now forgotten, but who gave their views with a sincerity that must have carried weight.

From nearly all there was criticism, and sometimes condemnation, of the Legislative Council as the obstructive force in the legislative system. Most of the writers were members of the Church of England, who expressed full approbation of the efforts of the other denominations to share in the revenues from the Clergy Reserves, or who advocated the devotion of the funds to general educational purposes. W. W. Baldwin in a lengthy letter gave a *résumé* of the various ills from which the people suffered, or thought they suffered, which from the standpoint of the national contentment, is the same thing. Robert Baldwin made a powerful plea for such a form of government as experience had shown to be adopted to the genius of the English race. The granting of such a form of government was the only means of achieving the end. Durham, as well as himself, had so much at heart the confirming as a permanence of the tie which held Canada to the motherland.

With so much unassailable material, it was not difficult for Durham to construct his Report on Upper Canada. A situation gives rise to certain moving causes, the consequences from which were plain to a statesman of Durhams discernment. There might be faults in detail as those most friendly to Durham pointed out, but the common man recognized, as the whole colonial world has since declared, "its soul is right, he means right."

Robinson's views on responsible government were just the views of the arrogant, superior man whose upbringing had bred an instinct that led him to mistrust the common man, or the persons whom common people might choose as leaders. Divine right is a doctrine held by others besides kings. In intimating that the agitators who had aroused the people in 1806 and again in 1812 would have been the premiers of those days, Robinson was showing his incapacity to understand the people in relation to their circumstances. It was not that there were things in the public life that required amendment that was the serious trouble. It was rather the helplessness of the mass of the people in the face of public ills that constituted the real trouble. Nothing could be remedied so long as there was a class of people interested in keeping things as they were, and who withstood assaults from behind a system. Until the system was radically altered there could be no assurance that their views for the improvement in public conditions would have a chance of being tried. Those were the days when the wrecker was necessary. Until he had made the necessary breaches in the system, the builder could do nothing useful. But, as Robinson would see before a decade had passed, when the constructive period arrived the people turned to a new class of men. Instead of the wrecker Papineau the constructive La Fontaine was entrusted with the conduct of affairs. Mackenzie gave place to Baldwin. Tories like Draper, who had not lost their resiliency through prolonged resistance, were able to render as useful service when they took their authority from the representatives of the people, as when they were Governor's men. Indeed the whole political history of Canada is a refutation of the doctrines held by Robinson and his like. Once the responsibility for the administration of public affairs lay on the people, their instinct has always led them to look to the best men of the community as their leaders, and we may be thankful that there have always been good men available.

The conviction held by a high-minded man such as Robinson was, that the Clergy Reserves were indispensable to the maintenance of the Church of England, was another evidence of the rooted mistrust with which he regarded the mass of the people. He could not believe that the people would feel the necessity of religion so keenly that they would make sacrifices for the support of it. Devout churchman as he was, he had not faith enough in the spirtual magnetism of the church to believe that it could not only draw the people within its walls, but constrain them to support it. His insistence that the produce from the Reserves should be held for the Church of England was due to no antagonism to other Protestant bodies. When attacked by the Church organ for having granted a plot of land for a Methodist Church, he spoke warmly of the excellent work he saw done during his circuits in districts where Anglican clergymen had never been seen. He indulged the hope that members of other communions might by degrees affiliate themselves to the Church of England, and it was in that hope that he desired to see the Church in as strong and as an attractive position as possible. But idealists are tempted to disregard the rights of others whom they aim to bring within their schemes.

The three branches of the Legislature of Upper Canada—Governor, Legislative Council and Legislative Assembly—all had much to object to, in Durham's Report. The reports of the committees of the Council and Assembly were presented to the respective chambers and published. Sir George Arthur's remonstrances against some of Durham's strictures were addressed to the Colonial Secretary.

The report of the committee of the Assembly was drawn up by the Solicitor General, Christopher A. Hagerman, and the insolence of its tone would occasion no surprise to any person who read his speech in the Assembly, criticizing a celebrated despatch from the Colonial Secretary, Lord Goderich. In this despatch which was sent to Sir John Colborne on November 8, 1832, Goderich discussed a number of representations made to him by William Lyon Mackenzie on behalf of petitioners to the number of twenty thousand, and directed Colborne to lay his despatch before the legislature. The Government party were raised to frenzy by a perusal of it. Hagerman declared that the despatch represented only the opinions of Goderich himself, and that the King had not sanctioned it. Furthermore, he declared that he would vote for a motion to send the despatch back to Goderich accompanied by a strong expression of their disapprobation for having sent such a despatch to them.

He adopts the same tone in the discussion of the Report. Indeed he is inclined to absolve Durham from the authorship of the section relating to Upper Canada.

The committee's review began quite at the beginning. It was noted that there was a general feeling of disappointment and apprehension among the loyal inhabitants that a man of his known political principles was selected for the mission, and that those feelings were increased when the names of the chief officers of his suite were announced. Then followed a recital of the acts of Durham after his arrival, particularly the initial proclamation, which met with approval, though it was soon evident that, owing to some baneful influence or defect of judgment, he was going to disappoint the hopes he had raised. Indeed, they declared that "almost all his public acts were marked either by a disregard of the restraints of the law and the constitution, or the entire absence of that knowledge essential to guide and keep a public man within the limits of the powers confided to him." Among the acts specially animadverted upon, were the constitution of his council by men utterly unacquainted with the local affairs of the country; the encroachment upon the functions of the Lieutenant Governor of Upper Canada, in issuing a commission appointing certain gentlemen to enquire into the land granting department of Upper Canada; his "somewhat ludicrous exhibition" in offering a reward for the apprehension of the pirates, concerned in the destruction of the "Sir Robert Peel," though the act was perpetrated in United States waters; his interference with the course of justice in the disposal of prisoners captured at the Short Hills in Upper Canada; the ordinance enacting the exile of the political prisoners to Bermuda, and pronouncing the death penalty against them and the refugees in the United States, if they were found in Canada, without permission of the Governor General; and, finally, the Proclamation of October 9, issued in consequence of the disallowance of the ordinance mentioned.

This series of acts are noted by the committee as evidence of the "singularity, if not unsoundness, of his judgment."

The committee pass over that portion of the Report dealing with the affairs of Lower Canada with the remark that it was drawn up with much greater care and for greater accuracy than the portion relating to the Upper province.

Having created the atmosphere desired, they proceed to deal with the section of the Report that concerned Upper Canada. They begin by taking issue, in a tone not on the whole discourteous, to Durham's analysis of the

elements of which the Upper Canada population is composed. They object to the term "family compact" as applied collectively to the people prominent in public and social life; eulogize the people of that class; accept tolerantly the professions of loyalty made by the great mass of Reformers; and disbelieve that the political differences which have agitated the province are any more serious than the disagreements to be observed in every other community. They deal more pointedly with Durham's assertion that British immigrants suffer from a prejudice against them held by the native-born whether Tory or Reformer. That Durham should entertain such an idea is a mark of his credulity. As it happened there were on the committee three gentlemen, Colonel Prince, an Englishman, F. Rolls Hunter, a Scotsman, and J. A. H. Powell, an Irishman, all of whom gave a categorical denial to Durham's statement, and whose careers as set forth fully confirmed their denials. Looking over the occupants of the places of honour and emolument, the committee observe that the vice-chancellor, master of chancery, receiver-general, provincial secretary, solicitor-general, four out of five executive councillors, and twelve out of the twenty-nine legislative councillors appointed since Colborne came out as lieutenant governor, were all members of the class for whom Durham bespoke sympathy as suffering from native-born prejudice.

The next few pages were indited in a spirit of exultation. There were some palpable inaccuracies in the recital of facts—the circumstances connected with the appointment and resignation of Baldwin, Rolph and Dunn from the Executive Council, the treatment of Mr. Hepburn, and the law respecting the holding of land by American citizens—and the committee found much satisfaction in correcting his lordship.

Chiding Durham for his imprudence in referring, in a manner to excite dormant passions, to such questions as the Clergy Reserves, treatment of the Roman Catholics, and the complaints of Orangemen, which they declared to be not political but social subjects, the committee discuss at length and condemn freely his comparisons between the social condition in the adjoining United States and in Canada.

Throughout their report up to this point there was plenty of criticism and remonstrance, but the reading of Durham's statements and opinions on the insurrection and the treatment of the rebels aroused the committee to wrath. Durham's remark that it appeared too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it deliberately drawn into a trap, provoked the retort that if it were not for the official character in which Durham was clothed he might justly be made personally liable for the publication of the paragraph.

In this protest, small as his regard is for their report as a whole, the committee has the present writer's entire sympathy. There were certain facts required to be set down in any report on the political and social conditions of the province. A large mass of the people were heartily discontented with the existing Government. A small number of them were moved to the point of rebellion. The rebellion was suppressed by the people themselves, without the aid of a regular soldier. Surely that is, in essence, all that is needed in any description of the conditions in 1837 and 1838. The suggestion that the Government invited the rebellion has its sole foundation in the fact that when Colborne in his fears for the safety of Lower Canada requested Head to send what troops he could spare to that province, Head, in his confidence in the loyalty of the people

of Upper Canada, sent all the troops in Upper Canada to Colborne's assistance. Who was the better judge of the heart and mind of the people, Head or the rebel leader? They were continually moving among the people inciting them to disaffection, and surely the only conclusion can be, not that Head set a trap for rebels, but that their leaders miscalculated the extent of their influence.

The committee were indignant at Durham's statement respecting themselves and the Assembly they represented. He said in the Report that the circumstances under which they were elected were such as to render them peculiarly objects of suspicion and reproach to a number of their countrymen. There is not a shadow of doubt as to the truth of the statement. The dice were heavily loaded against the Opposition. Head had been waiting ever since the Assembly had refused to grant the supplies, for the opportune moment to go to the country, and when the time came, he entered the campaign with a cry which has never failed. From the earliest days of the province down to the election of 1911 and even later, the slogan "British Connection is in danger" has always aroused the great bulk of the population. Sir Francis Hincks, in a review a generation later of the politics of the late thirties and the forties, declared that it was the Methodists under the leadership of Egerton Ryerson who turned the balance towards Head, but there was no monopoly of loyalty in Upper Canada. The appeal to loyalty may be, and doubtless has been, used to carry through unworthy causes, but the cause would have to be convincingly bad for the appeal to be ineffective. The part of the Report dealing with electoral delinquencies would seem to be based on information rather exclusively one-sided, but Durham's purpose was to account for the prevailing dissatisfaction, whether the dissatisfaction were well-founded or not.

The Legislative Council were equally hostile to the Report, though the manner in which the objections were expressed were less open to criticism. They endorsed the report of the Assembly, and devoted themselves to a detailed examination of the proposal to introduce responsible government into the province. The points made against the proposal were necessarily theoretical, and would be worth examination, were it not that the whole argument was so completely nullified by the logic of events soon to follow.

The outcry of the Assembly and Legislative Council does not touch us greatly. If Durham did occasionally bruise them beyond what strict justice required, who shall say that they themselves always acted justly? or that the harsh words of the Report were not necessary to arouse them from their torpid complacency? There is nothing that so completely precludes self-examination as the consciousness of righteousness that besets decent men. The unqualified condemnation administered by Durham, while provoking indignation, could scarcely fail to open their eyes, and compel them to see that there were other points of view from which the several public questions should be considered.

With the Lieutenant Governor it was different. Sir George Arthur was an upright man of large administrative experience before he came to Upper Canada. Moreover, his instructions enjoined him to follow in the footsteps of his predecessor Sir Francis Head. A strange injunction, it would seem, remembering that Head had been recalled for a flat refusal to obey the instructions of the Colonial Secretary. But Head had achieved an outstanding success which, at that critical time, overshadowed all smaller mat-

ters. Under his leadership, the rebellion in Upper Canada had proved a fiasco, dead and buried, while in Lower Canada the smoking embers forbade a relaxation of the tension. While the insubordinate Head was, therefore, impossible, his policy in the circumstances was the model. Arthur also accepted as consonant with his own views the resolutions adopted by the British Parliament on the initiative of the Whig statesman, Lord John Russell, as to the inapplicability of responsible government in colonial dependencies.

When he reached Toronto, Arthur had the opportunity of learning the views of Head. On Head's suggestion, he established close relation with the loyal constitutional party, and, as Durham had certainly done with the ultra-British at Montreal, he probably set rather too great a store by their approval. In reviewing the penalties inflicted on the rebels, he says that "the result of this proceeding was that the constitutional party though at the time much disappointed, was eventually satisfied," which does not differ from the statement in Durham's Report of his action in expatriating the group to Bermuda, that it met with the entire approbation of "the heads of what is called the British party."

Arthur deplored, reasonably, the effect of Durham's observations on the treatment of the rebels. He was wounded by the reflection on his own conduct, but more concerned at the tendency the observations would have in heartening the rebels, and discouraging the loyal party, whose sufferings and sacrifices merited a different recognition.

Having described the reaction of the several official parties towards the Report, it remains only to notice the manner of its reception by the mass of the people. Arthur reported to the Colonial Secretary that it produced an almost instantaneous sensation. On the one hand, Sir Francis Head was burnt in effigy; on the other, a Reform candidate for a vacancy in the county of York was unmercifully beaten by a party of Volunteers.

These effervescences soon subsided, however, and the sober sense of the province asserted itself. A leading was given to the prevailing sentiment of reform within the Empire by a speech in the House of Assembly. When the report of the committee on the Durham Report was submitted to the Assembly, it found a strong critic and opponent in William Hamilton Merritt. Merritt was an experienced member of the Assembly. He described himself as a no partyman. His course had been Conservative and he was a member of the Church of England.

By way of amendment to the report of the committee, he offered a resolution to the effect that the various public evils that afflicted the province—the collisions between the different branches of the legislature, the depression in the value of property, the suspension of public works, and the widespread dissatisfaction which prevailed—all lead to the conviction of the failure of the existing system of government, and that Lord Durham pointed out the true remedy, viz., the introduction into every part of the provincial administration that principle of responsibility which forms a leading feature of the government of Great Britain. This resolution was defeated in a reactionary Assembly, but, sustained as it was by a strong and effective argument, it provided the keynote for a campaign which swept the province. Arthur reported that in public interest "Church Domination" and "Clergy Reserves" were being pushed into the background as subjects for agitation by "Responsible Government." He was astonished to see the Orange leaders enthusiastic for it. Meetings in sev-

eral parts of the province with addresses by persons who by no perverse ingenuity could be set down as disloyal, moved whole hearted resolutions in favour of what had come to be regarded as the grand panacea. The reports of the strength of the feeling for the new policy which reached England embarrassed Lord John Russell, the Colonial Secretary. Not agreeing with that part of Durham's recommendations, he directed Thomson coming out as Governor General to give no encouragement to the demands that might be made upon him for responsible government as practised in England.

In Lower Canada, there was little expression of public opinion on the Report. The leading English journals of Montreal gave it a warm welcome. Rather surprisingly, *Le Canadien,* while resenting the ill-treatment of its own people, was in favour of responsible government and was prepared to co-operate with their neighbours in a united effort to make the plan a success.

The Quebec *Gazette,* on the contrary, denounced both the material of the Report and the plan of government offered as a remedy. Responsible government was a bugbear with Neilson, the editor and proprietor of this journal. For some months after he realized that the system would be put into effect, the Quebec *Gazette* gathered into one column all its news from the United States that had anything to do with political private scandal or crimes, and headed it "Responsible Government." This is the stranger from the fact that, until Papineau showed unmistakable signs of a determination to carry Lower Canada out of the Empire, Neilson was his closest associate, sharing with that redoubtable chief the glory and the ignominy so freely showered on the leaders of the opposition to the Government. Nor was there any change in the sentiments which inspired his original course. As soon as the rebellion was effectually suppressed, and plans for the future of the province had to be discussed, he ranged himself again on the side of the French Canadians, and was the most irreconcilable opponent of the union which was forced upon them.

His views of the Report might have been summed up in the famous epigram, "It contains much that is new and true. But what is true is not new and what is new is not true." There were many abuses in the conduct of the Government, but there was little occasion for "the highly coloured picture which he has given of them." They could all be found set out in the Ninety-two Resolutions, and with much the same colouring. But he noted some things which did not seem to have fallen under Durham's observation. "In no country in the world have the mass of mankind been more free in the exercise of their industry, more secure in the enjoyment of its fruits, or have a less portion of it taken away for the uses of Government than in the North American provinces; a tax-gatherer is unknown to us; our doors out of the towns were never locked or bolted at night, and we have no paupers; moral and religious instruction is generally well provided for the people; no man is forced to pay anything for the support of a church to which he does not belong, and almost every one owns the land he cultivates."

Neilson was as disconcerting as Candide in his habit of bringing his interlocutor back to the facts. The difference between Pangloss and Durham was that the end of the long arguments of the former was that this was the best of all possible worlds, while Durham's conclusion was that it was the worst of all possible worlds. To both Candide and Neilson the essential thing was to use your eyes and let the facts correct your theories.

This was not the first occasion on which Neilson felt compelled to apply a douche of common sense to a fevered imagination. In 1824, the French Canadians had worked themselves into a fearful depression over the proposal to unite the two provinces. Neilson was in full sympathy with their opposition to the plan, and indeed had accompanied Papineau to England to present the case against the union. Denis B. Viger, one of Neilson's most intimate personal and political friends, was bewailing to him the terrible prospect, which Viger painted in the blackest colours. Neilson chided him gently, reminding him that while Canada had not all her rights, her people enjoyed more freedom than those in France where rivers of blood had been shed. Those having nothing to do with politics were as well here as in the freest and best governed country. Let the people keep their morals, and taste for hard work, and let them get knowledge, and all would come right. Patience would overcome every difficulty.

Neilson denied flatly the assertion of the irreconcilable hatred between the two races, even in the midst of the excitements caused by the late events, and equally denied that distinctions connected with national origin had been at the bottom of their difficulties. The facts were that persons of French origin were the chief actors, in the late rebellion, and it was undeniable that they had the general sympathy of people of the same origin. But not one half of the male population in the disturbed counties fit to bear arms took part in the rebellion, and many of those who did were forced into the service. Out of the thirty-nine counties, only eight were actually disturbed, and in none of the others were the British inhabitants molested in any way. On the point of racial hostility, he convicts Durham from his own Report. Durham observed that among the oldest official families there was the best of feeling towards the French Canadians, and Neilson states that these families were, of all the English, those who had been longest in the country and who had suffered most from the perversities of the Assembly. Could there be, he asks, stronger proof that the contest was not of races, than that, under the most unfavourable circumstances, those of the English inhabitants who had had the most intercourse with the French population had the most kindly feeling towards them.

The only utterances of a character that could be described as representative of the feeling of the French Canadians towards the Report are to be found in an address to the Throne protesting against the proposed union. In that they express their grief at "the erroneous and injurious aspersions on the character of the inhabitants generally, and more particularly at those parts of the report which represent the inhabitants sprung from different national origins, as animated by the unchristian spirit of irreconcilable hatred to each other and irretrievable enmity to Her Majesty's Government."