

support of Lord Durham, by Her Majesty's Ministers, had been evinced. The very Act of Amnesty passed by the Governor-General, and which at the time gave so much offence, from its lenity, to the British population in Canada, was in a great degree the fruit of the temporizing policy of those Ministers. If any one should entertain a doubt on this subject, let him peruse the instructions which were sent out, first to Sir John Colborne, and subsequently to Sir George Arthur. Couched in a spirit of indecision and weakness as they were, yet carrying with them an imperative mandate of fulfilment, what Governor or Governors could, in following them up, fail to be visited by the marked dissatisfaction and discontent of that portion of the loyal population of the country which had most suffered, and necessarily deprecated a course of clemency as ill-timed as it was undesired. And if such instructions had been given to the noble Earl's predecessors, have we not reason to assume that the same advice, if not absolute commands, were conveyed to him, and that the result had been that Act of Amnesty which in the outset was impugned by the loyal population, not because of its severity and injustice, but by reason of its seemingly undue mercy, yet which in itself, coupled with the Act of the banishment of certain traitors who, if tried, would assuredly have been acquitted, was the only step likely to restore tranquillity to the Province?

Considering the vast importance attached to the mission of Lord Durham, and all the sanguine results that were anticipated from his acceptance of the office, it might have been expected that a Ministry, really desirous of essentially benefitting a country distracted by the evils of rebellion, would have conferred on their envoy an *ad libitum* power, to amend or rescind old laws, and to frame new, as the exigencies of so pressing a period (with the true nature of which they could not, by reason of distance, be properly acquainted) might require. Instead of this, however, an act was passed which narrowed the Governor-General's sphere of action, even more than would have been the case had it never existed; for one of its leading provisions was, that it should not contravene the established law of the land. I repeat that, had no such restrictive act been passed, Lord Durham might, and would, have felt himself authorized, under the general tenor of his special instructions, to have deviated from the usual observances in a country where, in point of fact, and by the very circumstance of a rebellion and civil war, all established laws had for the moment ceased to be in healthy operation. The very impossibility of judging of the measures *inter se* adopted in the country, should have rendered all parties not only cautious in its preservation, and particularly the Ministry, but both ample and *ad libitum* in the power conferred on their delegate should not be misunderstood either in the province or at home. To go laws and usages, is simple and proper enough, but in the subject to all manner of anarchy and confusion, a ruler would be highly culpable in not travelling beyond the strict interpretation of these laws, if satisfied that his neglecting to do so, would entail upon society all those evils which it is the province of the law to avert.

When Lord Durham visited Canada, the country was precisely in the condition I have just described. The law, or rather that which was done under the name of law, was so utterly a perversion of justice, that his Lordship was induced, in his anxiety to restore peace to the province, to depart from the observance of mere forms, and to adopt such measures as under the discretionary power vested in him, he conceived himself authorized to use. True, the trial by jury was law—strict, orthodox, sound law—but Lord Durham had penetration enough to perceive—and a very remarkable trial had shortly afterwards borne out the correctness of his impression—that the rebel leaders would, if subjected to the ordeal, be acquitted, even though the violation of that which is most sacred in law—an oath—by a jury composed of their own immediate countrymen; in which event there was every reason to apprehend that impunity and immunity from punishment would again prove a means of plunging the country into discontent and civil war. Hence the amnesty, with its provisions and exceptions, than which a more efficacious, and, at the same time, a more humane measure, could not have been framed.

And how was the intelligence of this measure received by the Imperial Ministry? Did they condemn Lord Durham for what he had done? Did they pretend that he had exceeded his instructions, and did they state boldly in their several places in Parliament that, having thus acted, Lord Durham was not a man whom they could safely entrust with their confidence, or with discretionary powers, and that they therefore should immediately send out letters of recall? Did they fearlessly and conscientiously state this? No! They were glad enough to concur in the wisdom and expediency of these measures, as long as they were unassailed, but the moment Lord Brougham began to wield his sledge-hammer—to open the torrent of his vituperative eloquence, backed as he was by a host of place-hunters, Lord Melbourne and his colleagues, unable to stem the tide of their clamor, and trembling for their seats, which nothing short of an abandonment of Lord Durham's interests could enable them to retain, basely joined in the unmerited condemnation. Had they been men of high feeling and unbending integrity, they would have gone at once to Her Majesty, and pointing out the inconvenience to which they were subjected by the vote in the House

of Lords, have justified the act of their absent delegate on the ground of iron necessity, and avowed their readiness to stand or fall with him. Had this been done, a royal proclamation, or a bill in parliament, might have successfully met all the difficulties of the question.

CHAPTER VI.

On the day following that of the departure of Lord Durham from Quebec—November 2nd—I embarked in the steamer *Charlevoix*, on my return to Montreal. A very heavy snow-storm succeeding the almost glass-like calm of the preceding day, had fallen during the night, and the aspect of the country was fully in keeping with the gloom thrown over the minds of those who seemed to look upon Lord Durham's departure as the signal for some new and threatening disaster. Towards the close of the afternoon, however, the weather again cleared up, and, on the following day, the sun once more shone in all the softened splendor of an Indian-summer; while the waters, except where ploughed up by the paddles of a steamboat—the oars of a *batteau*—or the paddle of a canoe, were smooth as the unbroken surface of a dazzling mirror. The *Charlevoix* being a small boat, took, what is called, the narrow channel, and I remarked that wherever she stopped the Captain, who had been for some time suspected of secreting rebels and transporting them from one point to another, always conversed in a low tone, and with seeming mystery, with the groups that surrounded them as he stepped on shore. This was the case, particularly at Berthier, the inhabitants of which were avowedly disaffected, and at the village of Boucherville, which we reached about seven o'clock in the evening. Here the Captain (Chenier) held a very animated conversation on his own deck with several persons who (it being then dark) had come on board to visit him. Although this was conducted in so low a tone that I could not overhear what was said, my suspicion was strongly excited by the circumstance of their hurriedly retiring, when on my making some slight noise with my feet, they discovered that they were not alone. Subsequently, and as the boat was under way, one of the proprietors, who had embarked at Boucherville, entered into conversation in French with me on the subject of the late disturbances, justifying, in the course of his argument, which he rather hotly maintained, the murder of Chartrand. He affirmed, in the name of the French population, that the acquittal of Nicolas, and the brothers Pinsonnault* (which had recently taken place) was only a matter of duty with the jury, inasmuch as, on two previous occasions, French Canadians had been killed almost without provocation by Englishmen, who, on trial, were acquitted; and, in fine, the whole tenor of his language went to shew that such had been the exasperation created in the minds of his countrymen by these and He, himself, I subsequently understood, had been confined in the gaol of Montreal, and, as will be seen presently, was deeply implicated in another outbreak which, even at the moment of his conversation with me, was on the brink of explosion, if not actually commenced.

On our arrival at Montreal, about nine o'clock, everything was confusion and alarm, in consequence of intelligence which had been received that an immediate rising, not only in the country, but in that city, was to be apprehended. The active chief police magistrate, Mr. Leclerc, to whom the merit of early discovery of the plot is due, boarded the *Charlevoix* the moment she touched the wharf, and anxiously inquired if Sir John Colborne was on board. His disappointment was great on finding that he was not, and he then informed me that numbers of affidavits had been taken before him, setting forth that that very night, or on the following day, the outbreak would take place. This accounted for the mysterious conferences I had witnessed on my way up, and I thought myself lucky to have escaped the fate of those who had been captured in the Sir Robert Peel. The *Charlevoix* was instantly seized and detained.

Notwithstanding the intense anxiety which naturally prevailed in Montreal, where the depositions stated the chief rising was to take place, the night of Saturday passed away without incident; possibly knowing that the authorities and military were on the alert, the rebel leaders were afraid to move, or because they had intended to make their attack on the following day, when the troops should be in church, and only in their side-arms.

The Sunday morning was one of the most dull and sombre that I remember ever to have witnessed. The atmosphere was slow, thick, and obscured; and yet it could scarcely be said to be fog that prevailed, for it was unlike anything of the kind I had ever witnessed. There was no curling vapor rising from the ground, and wreathing itself in fantastic folds around whatever it embraced, but the chill atmosphere was, up to a certain altitude, clear, though dark, and that sort of light was emitted which is usual on a starry night in the absence of the moon. It seemed as if a heavy black curtain, excluding the sun's rays, had extended over the city, and there hung stationary in middle air.

Fatigued from my want of proper accommodation in the *Charlevoix*, I had felt no very great inclination to allow the prevailing alarm of an insurrection during the night to disturb my slumbers.

* These men had been used for the murder of C. J. P. J.