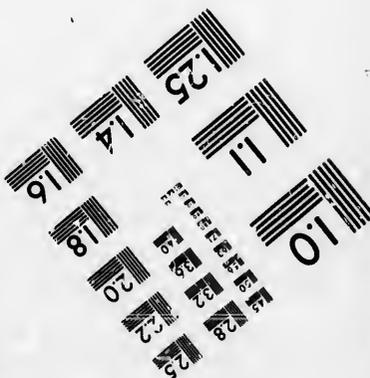
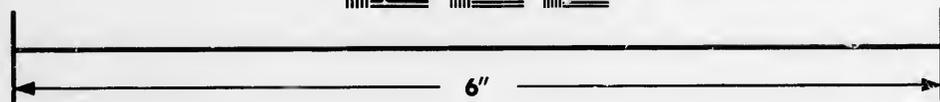
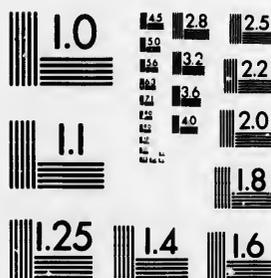


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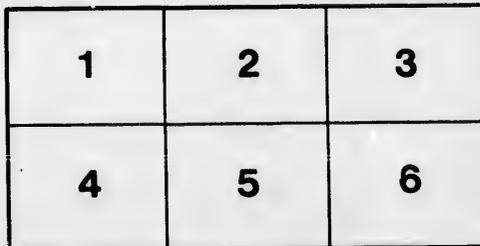
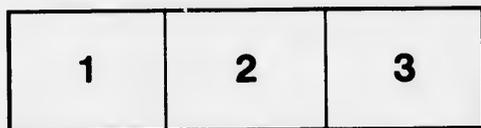
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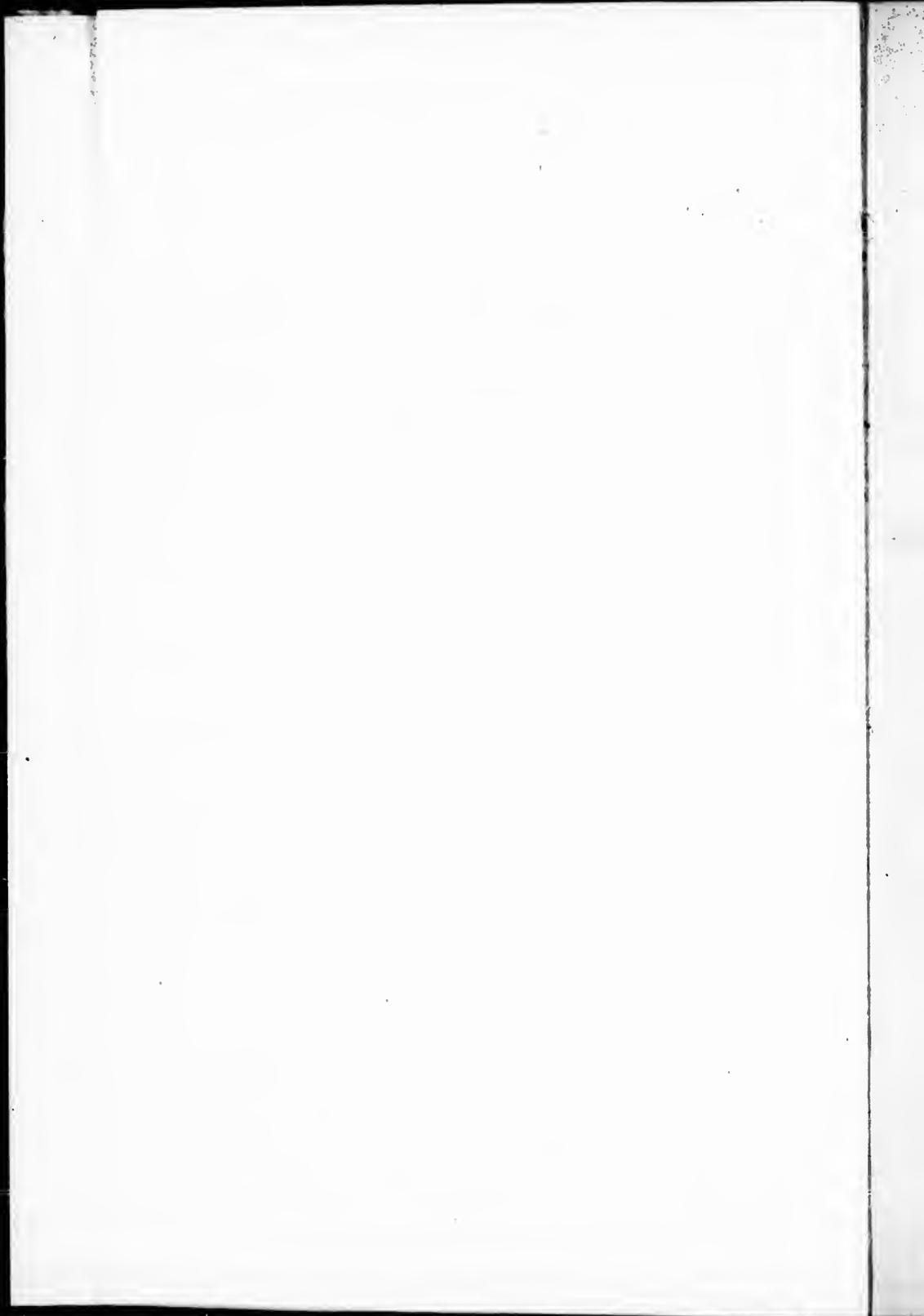
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CANADA

UNDER

SUCCESSIVE ADMINISTRATIONS.

"Let not my acts be without judgment nor against it."—*Jeremy Taylor.*

"We found her (America) a sound, an active, a vigorous member of the empire. I hope—under wise management—she will again become so; but one of our capital present misfortunes is her discontent and disobedience. It would be a dismal event if this foundation of security, and indeed of all our public strength, should, in reality, become our weakness, and if all the powers of this empire, which ought to fall with a compacted weight on the head of our enemies, should be dissipated and protracted by a jealous vigilance, and by hostile attempts upon one another."—*Burke.*

From the Portfolio for September, 1844.

LONDON:

JAMES MAYNARD, PANTON STREET, HAYMARKET.

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CANADA,

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PART I.

CONTRAST BETWEEN THE DOCTRINES AND PARTIES IN 1778
AND 1836—RECALL OF SIR J. COLBORNE—APPOINTMENT
OF SIR FRANCIS HEAD—LORD DURHAM—HIS REPORT—
MR. P. THOMPSON—SIR C. BAGOT.

IN the causes that in 1778 led to the insurrection of the United Colonies, there was on their part no pre-meditated design. In England there was no thought—far less any desire, to promote dismemberment.

Whoever will place himself back, and view with a mind unprejudiced by the results, the heroic courage and daring that were requisite in that fragment of a population, to dare and achieve so mighty an enterprise, must rest satisfied that something better and nobler inspired and sustained the injured in that struggle than visionary projects as to form of government or accidents of sovereignty. The colonists took up arms against usurpation; their aim was right, their strength the law.

On the other hand, there were in England some who demanded justice for the colonies; there were others, and they were the strong and the ruling party, who sought to coerce them. Where justice was required—it was justice to our fellow-citizens; and where coercion was planned, it was, according to the views of those who urged it, to make them more fully citizens and subjects. At that

time to have conceived on the part of England, or of any Englishman, the idea of separation, would have been to push hypothesis into the region of romance. In fact, the question pending in America was so completely an internal one, that it was debated on either side as affecting the government at home; and this is testified by the Minister of the day in most remarkable words. Against Lord North the charge had been made—the vulgar charge of recent times—that the measures against the colonies were prosecuted to increase the prerogative of the Crown, and extend its power, that Minister replied—

“Had that been their object, they had thrown away and rejected the opportunity. It was not the prerogative of the Crown, but the claim of Parliament, that America had resisted. It was, therefore, to preserve the supremacy of Parliament, and to maintain its just rights and privileges, that they had engaged in the war, and forborne the offer of advancing one branch of the Legislature to the dominion of America, independent of the other two.”*

It was not the prerogative of the Crown, but the crimes of Parliament, that America had resisted. It was therefore to preserve, or to advance the unjust pretensions of Parliament that they had engaged in the war. The remarkable words, “The offer of advancing one branch of the Legislature to the dominion of America, independent of the other two,” shew that the violence used against America, had for its object the destruction of the prerogative of the British Crown.

There had yet been no instance of severment from the British sovereignty, no instance of tyranny forced to humiliating surrender, or of revolt attaining to honourable success. When this lamentable event occurred a great fall

* Speech on the Address, 27th Nov. 1781.

in our state was evidenced, and a new and a false basis laid for future acts and judgment. Now new dangers were to be guarded against, increased vigilance was requisite—new laches for negligence, new snares for presumption—while to meet them there was less wisdom, patriotism and vigilance. All things were thrown out of joint by the first error, and subsequently there was adjustment without rectification. When the colonists were loyal, we treated them not as citizens—it therefore followed that when they were rebellious, we treated them only as foes.* When they had achieved an independent existence, we treated them not as strangers, and we offered in our falsely reawakened sympathies the hand of fellow-citizenship when they had become alien. We took

* “Indeed, the whole period of the American war is fruitful in instances of dispensation with laws;—practised at least and connived at, but not openly acknowledged. Every prisoner of war, made by our troops, before American independency was established by the treaty of 1782, was, in the eye of the law, a felon; whom, not to bring to justice was a heinous offence, second only in character to his own. Yet not one American rebel, as such, was brought to justice, nor, save in the field, was the life of one forfeited. Cartels were regularly exchanged; flags mutually respected; passports reciprocally given; the rights of lawful belligerents, on both sides, acknowledged and enforced; and all this, without one Act of Parliament. How came it then, that Ministers were not impeached for so criminal a neglect of duty? for criminal and neglectful must their conduct have appeared, to those who were sincere in the assertion of the supremacy of Parliament, over the constitution, and over the Law. Yet no man impeached them. During the Nine Years’ War, no man questioned, in their case, the lawfulness of transactions, which, were the actors private men, would have confessedly deserved, and drawn down, animadversion and heavy chastisement.”—*Portfolio*, Vol. II. p. 292-3.

as the avowed declaration of our policy towards them as a stranger state, to make them forget that "they had ceased to be separated from the subjects of the British Crown."* Extravagant and profuse, after being niggardly and avaricious, we granted them every thing that could facilitate future demands, and shewed to them every disposition that could invite to unjust pretensions.

Supposing that our colonists had associated themselves with France, as the colonists of France had done with England, and that Washington had stood in relation to the Government of Paris, as Quebec stood to that of England, with what care should we not have defined our frontier—with what alertness should we not have watched our Indian allies, securing their rights, and freeing their intercourse—how carefully have prevented the entrance of French population into our possessions, or the contagion of their thoughts amongst our subjects; and were they less dangerous because they were Republicans and not Loyalists, and because they spoke the English and not the French tongue?

On the declaration of the Independence of the United Colonies, the loyalists, and between whom and those who constituted the Independent States, the most marked line of separation was drawn, and the most hostile feelings engendered, emigrated, and were settled in New Brunswick and Nova Scotia. Their enemies were treated by us with equal favour. The men who had fought against us during the whole of the revolutionary war, and their children in whom had been instilled the most unconquerable hatred for us,—were freely admitted into the fertile soil of Upper Canada—American citizens were settled in the centre of our still remaining best possessions. Such recklessness, but for the continuation of such like

* Lord Townsend.

acts, during more than half a century, must have been set down to the account of some transient and incomprehensible hallucination.

The effect appeared in the war with America of 1812. England was at that time unable to afford any military support to her Colonies, and depended entirely upon the fidelity of her subjects of French origin; and while the militia and volunteers of Lower Canada were triumphantly engaged in arresting the encroachments and discomfitting the forces of the United States, Upper Canada was endangered by the treachery and machinations of its settled American population, and it was only by the most decided measures and severest example, that the consequences were arrested. On the termination of the war an alien bill was introduced into the province of Upper Canada, the object being to enforce upon the settlers the oath of allegiance, and the resistance that was manifested, shewed its necessity. It was at the hazard of a rebellion that it was carried into operation. A large stream of emigration, now directing itself from England, soon overbalanced the previous preponderance of American feeling, and though the new colonists were imbued with a spirit peculiarly loyal, still those who left the shores of England in the course of the present century, were very different men from those who had colonized the Southern States two centuries before; and from the amalgamation of British faction and American republicanism, resulted the idea, the doctrine, the project, the hope, of independence, or annexation to the United States. There was formed a determined purpose of taking advantage of all occasions of agitation—a looking to public wrongs and calamities as the food and the nourishment of their treasonable purposes. Of this we have seen the practical operation. Rebellion broke out in Upper Ca-

nada,* with the avowed purpose, not of redressing wrongs, or of asserting rights, but of dismembering the empire.

With such materials to work upon, and such leaven fomenting in this disturbed mass, what would be the effect of encouragement offered to it from foreign powers? Suppose that the representative of a European Government should pronounce and publish such words as these.

“IT COULD NOT BE EXPECTED THAT CANADA WOULD REMAIN LONG UNDER THE *REPROACH* OF BEING THE ONLY PORTION OF THE WESTERN HEMISPHERE DEPENDENT ON A *FOREIGN* POWER.”

Suppose that clandestine communications were carried on with the disaffected in Canada, by members of the Senate of that same foreign power, directing them—

“*To imitate the conduct of the Americans in 1770.*”
Telling them—

“*To bear in mind the efforts of the Americans at that period, and their results.*”

Could the effect be other than the most disastrous and alarming, smiting the Parent State with contempt, while in the province unsettling all men's minds, if not bringing immediate revolt, and presenting at once the encouragement to treason of direct invitation, and that invitation held out by the apparently inevitable consequence of war between England and the power that dared thus to threaten her with dismemberment?

* “I confess, that whatever apprehensions I have had with regard to Lower Canada, I fear much more disastrous consequences from what has occurred in the Upper Province. There are a great number of discontented spirits there; first, the settlers from the United States, who keep up a connection with it, and whose views are always directed to a connection with it.”—*Lord Wharncliffe, on the Second Reading of the Canada Bill.*

The words we have quoted did not proceed from any foreign government, they proceeded from England! They proceeded from the very department charged with the administration of the Colonies, and from the most influential individual in that department, the Under Secretary of State. From the government of England emanated doctrines that it would constitute a traitor, if a subject, to avow, and maxims which would render the foreign state that proclaimed them, an enemy. The treason and the enemy was therefore within ourselves, which not only we had no power of punishing, but did not even comprehend.

Thus is completed the contrast between ourselves and ourselves,—1771 and 1836.

This is not a conspiracy endured after it has been successful—this is a bolstering of it up after it has been put down—after the full villany of its purposes has been revealed, and the utter baselessness of its power. It is a blow struck at the preponderant party in its triumph; therefore here is no weakness, no possible mistake. There can be no clearer case of a determined will—working its way against all facts, all results, all consequences, to a purpose—the purpose of separation—that is, treason and rebellion. The acts then of the Government were the full realization of the words of the Under Secretary, nay, they were more—the Under Secretary only asserted a falsehood—the Government undertook by deeds to make that falsehood true. The Under Secretary only misrepresented the dispositions of the Canadians, when he said that they would not remain true to the British Crown, and that they held it to be shameful to be subject to this foreign domination—the English Government undertook to *change* the dispositions of the Canadians, by making its domination too alien and too shameful to be endured.

And while the English Government prompts rebellion, it comes forward to remove all danger from inefficient experiments. All parties—Lord J. Russell—Lord Aberdeen—Sir R. Peel—Lord Stanley—Lord Palmerston—speak of dismemberment as the natural course of things; portions of an Empire, because they are called Colonies, may at pleasure revolt, and this is only emancipation, and the encouragement given to revolt is thus only loyal service. It is only those who know what the feelings of a colonist are, what their affection for England, what their dread of abandonment, what their measure of protection and allegiance, that can understand the sickening of heart, that the words of profligates such as these can inflict on honest men. The colonist has either to accept England's wisdom, or to understand her folly. In either case the result is the same—he must hold it to be wise, if swayed by her judgment, and necessary if conscious of her madness, to trample upon his faith and loyalty. He must consider of the terms to make with the United States. We have heard with our ears colonist after colonist, of the highest names, and of the most respected character, after coming to England, and understanding what she was, declare that they saw no course open to them, save timely separation; yet these men would have perilled their lives and sacrificed their fortunes for England in a question of right and honour. But are they to see their fields ravaged, and their homes become smoking ashes in the cause of a country that has done what has been done in Canada within the last eight years, and for which the history of human baseness finds no parallel—as the utmost extent of human ingenuity can find no solution?

When examining any doubtful act of an individual, we turn to his conduct in other transactions, to ascertain his character, and so of nations. The conduct of

England in Canada is incomprehensible—facts substantiate conclusions which so revolt our nature, that we are inclined to throw the evidence away, or to shut our eyes to it. Let us look elsewhere, to see if any thing similar has been by her committed. What have we done in Central Asia? What have we done in Spain? Can there be more atrocious crimes than those we have committed in both these countries, or more lamentable results? They too severally were incomprehensible. They have crushed the reasoning faculties of the nation, as in the case of Canada, by conclusions too appalling to accept, and evidence too damning to reject. Look again at our intercourse with France. There has been, as it now appears, a plot to separate England and France. This again is incomprehensible by itself; but all these separately incredible and incomprehensible, become collectively, not only credible but intelligible. Speaking of the windings and turnings of Sir R. Walpole, Bolingbroke says, “If all our negotiations, *till* the clue is found that holds them together, appears to be unaccountable, inconsistent, and a series of blunders; there can be no question, if, when we view them in another light, the concatenation appears, and they are all manifestly directed to one end, there can be no question, I say, but we are then come at the truth.”

Since we have seen that the Cabinet has it in its power to engage in schemes without the assent or the knowledge of the Parliament or the nation, so may the Cabinet itself be equally worked upon by the leaders of separate departments—indeed it is habitual to speak of the Government of England as a Government of Departments. Formerly these departments were separate, and responsible as such, now they are conjoint in responsibility, but departmental in action. As the power of the nation can be used without its reason having been exerted, so may the

Departments of the Executive act without a common concurrence in the Cabinet, and yet the Cabinet will be brought, in its collective capacity, to be responsible for, or rather to screen from responsibility the actors who have deceived it, and the acts it has not sanctioned. We have seen on other fields the departments of the Government at direct variance, as for instance in Persia the Foreign Office was acting in one way, the Indian Government in another; they were sending opposite instructions to the same representative, the one to do a thing, and the other not to do the same thing: our representative had to reveal that he was acting under the instructions of one and not of the other department; for instance, Mr. Ellis in Persia, in resisting Russia had to account for his doing so, by his having been a member of the Board of Control, and therefore acquainted with the sentiments entertained by that department of the British Government; but his remonstrance was futile, seeing, by his own statement, that the chief department, the Foreign Office, did not concur with the Board of Control.

Having thus ascertained from anterior acts, and more especially from an exposed and concluded transaction, the manner in which public business can be carried on in England, let us return to Canada.

The internal condition of Canada was interwoven with, and was absolutely dependent upon, our relations with the United States; these relations, in consequence of a pending diplomatic question, involving disputed rights, possessions, jurisdictions and property: the dispute entailed hostile decisions of the Legislatures of the adjoining provinces, armaments, expenditure of money, violations of territory, and invasions. Consequently the affairs of Canada were brought under the Foreign as well as the Colonial Department. Now the whole

of those border difficulties had been created by the Foreign Office. In 1831 the dispute had been closed by an award—that award was set aside by the Chief of the Foreign Department. Never was a case more completely established by direct and cumulative evidence. It was no accidental mismanagement. From the origin there is fraud and suppression. The Foreign Office thus successively continued the whole troubles of Canada, and found in the Colonial Office a docile instrument, whether merely by the doctrines of Colonial emancipation, or by other means it is needless to inquire.* The functionaries, however, to whom was delegated the vice-regal powers in the Colonies, were at the time this process commenced, all men of dignity and of honour; they were not sharers in these plots, they exerted themselves manfully to resist the evils whether springing from the provinces, or proceeding from England. They ventured even to denounce the home authorities; and it is on record that they have declared both external troubles, and internal disturbances, to have been alike produced by the members of the Cabinet in England.†

Who it was that was at the bottom of this plot, may be gathered from the following passage from the Times of the 11th Dec. 1838:—

* Lord Stanley, in reference to false statements respecting the Boundary difference, made while Colonial Minister, subsequently confessed that Lord Palmerston made his colleagues “tell lies for him.”

† All the Governors, and all the legislative bodies, have protested against the legislative measures suggested by the Government and the administrative steps of the Government. The border troubles, the American usurpations have been attributed by Sir John Harvey, Sir Howard Douglas, Sir Francis Head, and to these we may add Mr. Fox, to Lord Palmerston's acts, and to his “words in the House of Commons.”

“ The rebellion in Canada occupied on Sunday as much of the attention of our Paris contemporaries as on the preceding day. They contain, in addition to a mass of speculation and commentary on the subject, a paragraph which reminds us of an assurance we long since received, that Russia is not a quiescent spectator of the troubles in our Canadian colonies. The paragraph in question purports to be founded on letters from St. Petersburg, which state that —“ at the late celebration of the Emperor’s birth-day at New Archangel (the capital of the Russian colonies in North America), Admiral Count Kupreseman, the Commander-in-Chief of the Russian naval forces on that station, gave a splendid banquet, at the close of which *a collection was made for ‘the unfortunate Patriots of Canada.’* This collection which,” as *Le Commerce* observes, “ was in some sort official, and to which every body present, without exception, eagerly contributed, produced nearly 2,800*l.* (£112. sterling), and *was forwarded to its destination by Admiral Kupreseman himself.*”

A Russian official, far less a Commander-in-Chief, does not act, save by instruction. About the same time, Lord Durham publishing to the world what a Russian agent would have confined to a despatch, speaks of the loyalty of the Governors of Canada as being “ the most troublesome thing with which Government had to deal :” thus shewing the identity of the position of the diplomatic department of England with the Cabinet of St. Petersburg. Here is a conspiracy of the Foreign Office, the Colonial Department, the rebels in Canada, the Russian Cabinet, and the border sympathizers in the State of Maine, against Governors in Canada, the Legislative Assemblies, and the great body of the population ; and in this contest in which were involved all that could be dear to Englishmen, England was a spectator only, and an indifferent one—not even a spectator, but a mere trifling listener to and retailer of the news of the day.

The letter of the Member of Middlesex to the chief of the Canadian rebels, respecting the "baneful domination of the mother country," was the first public intimation to our North American fellow-citizens, of the existence of such atrocious characters in the British nation. It fell like a stunning blow. It was harvest-time, the people quitted their fields, and hastened to Toronto to give vent to their abhorrence and indignation. The plans of the rebellious were discomfited by the sudden exposure, and they were repressed by the fear of the effect in England of the publication that had been made. But both parties were soon undeceived; Mr. Hume was neither sent to the Tower, nor trodden down in the streets—his representative trust was not even withdrawn—the meaning of his words was vanished in England, for England was composed of such traitors as he. The Governor, Sir John Colborne, became the confidant of the grief and the indignation of the loyal colonists. It was he that was punished, and his disgrace was taken as the clear indication that the English Government had thrown its weight into the scale of rebellion, and had used its power to break down obedience. Through each township as he passed, the population flocked by thousands to present to him addresses of condolence, viewing his recall as another manifestation of that project of the English Government, that seemed too insane to be believed, and yet too well substantiated to be doubted. The appointment of Sir F. Head was received as the complement to the recall of Sir J. Colborne, and so it was intended to be. His first act shewed what his instructions were, and what was expected from him. He appointed as his council the chief rebels, namely Dr. John Rolph and Mr. Robert Baldwin. Mackenzie addressed the electors of the Second Riding of Toronto, as follows:—

“ I am highly gratified to learn from some of you, that there is an intention in several of your townships to cheer and encourage his Excellency, in the good work in which he is so sincerely and arduously engaged, by addresses expressive of that sincere attachment which I know you all feel to the person and Government of our benevolent Monarch, and with an hearty and affectionate welcome to that Lieutenant Governor, who has so wisely exercised the royal prerogative amongst us, in the manner the best calculated to promote our happiness and prosperity. In the person of Sir Francis Head, a messenger of joy and gladness has at length come amongst us. Cheer and encourage him then, brother Reformers, by your warm and most affectionate gratulations.”

Sir F. Head, however, began to think for himself. He was startled at finding that he and the Earl of Gosford had received *different sets of instructions*. He dismissed his council, and appealed to the people of the province, and signally was exposed the utter nullity of the faction that the Home Government had raised into office, either in the belief that they were powerful, or with the knowledge that they were not. A House was returned, in which there was an overwhelming majority in favour of the Lieutenant-Governor. The republican members did not exceed nine; and that party were almost universally driven from the hustings with ignominy wherever they dared to appear. Sir F. Head thus speaks himself:—

“ I had the honour to succeed Sir John Colborne, and, though it would of course give me pleasure to be enabled to assert the contrary, it is my duty to admit that it was as much as I could do to contend with Mr. Bidwell and his republican adherents. Driven at last by the stoppage of the supplies to appeal to the loyalty and good sense of the people, the province supported me, or rather constitutional principles, in a manner unexampled in colonial history.”

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vernor perfectly triumphant in the province, it was not to be concealed that his struggle lay not there, but *with the Government at home*. This was known to the adverse party, and in the midst of the troubles which, from other causes, came upon Lower Canada, they, too, for their special purposes, unfurled the flag of rebellion. At that time every British soldier was absent, and little was the energy or decision of the loyal population to be relied upon after the chill and doubt thus spread amongst them. The people, however, again responded to the appeal of their Governor; the invasion from without was repelled, and the rebellion within crushed. Thus, on the field of battle, or on the recently more estimated field of registration, had the people of Upper Canada equally established their claim to respect, to confidence and favour from the Crown of England and its Ministers. They had shewn that so far from hatching plots, or entertaining desires which could in any shape have justified the determination to throw them off, they were ardently attached to the mother state, and dutiful to their Sovereign. By severe trials and great difficulties their loyalty had been proved as well as their strength; and so far from requiring a force to overawe or even to defend them, they could themselves supply force in the weakness of the Government alike against external and internal danger. Of this body of men, the great majority possessed every claim upon England; yet the Government's neglect, disapprobation, or punishment, awaited every man that had taken a part in its service; and its patronage was for the small knot of rebels and traitors* who had armed to overthrow it.

* There is an exact counterpart to this eventful history, in Greece. The Nappist, or Capodistrian faction were discomfited, but encouraged and supported by autograph letters of the Czar, and twice forced back into power by—*England!*

The following passage from Colonel Bonnycastle will corroborate our statement, while it preserves somewhat of the spirit of these transactions :—

“ Nothing could exceed the patient forbearance of people called from their homes in the dead of a Canadian winter, to work at the construction of batteries, and be prepared hourly for invasion ; and, without intending the slightest disparagement to their brave leader, whose zeal, energy and tact kept this vast body together under the most unfavourable circumstances, had they been commanded, as they afterwards usually were, by officers of the regular army, the result must have been different ; for I am certain he will allow that nothing is more difficult than to be called upon, after a quarter of a century of the most profound peace, when the sword had literally been turned into a reaping-hook, to act at a moment of alarm and dismay, as a General in whose person is combined the adjutant and quarter-master, the artilleryman and the engineer, as well as the leader of wholly uninstructed thousands.

“ The policy of Sir Francis Head in removing the regular troops, and in throwing himself upon the patriotism and loyalty of the people was noble, and nobly was he responded to. No sooner had the ruffian Maekenzie (for it is useless to palter about words in reference to such an outcast) unfurled the Bidwell flag at Montgomery's tavern, and assumed Gallows-hill as his rendezvous, than 10,000 farmers and farm-labourers rushed to the capital to support the inhabitants in arms there. I actually believe there were, at one period of the outbreak, no fewer than 40,000 militia in the field throughout the upper province. The alacrity with which these brave men rushed to the defence of their country may be surmised from the fact, that at Kingston, when the first despatch was received by me from the seat of Government, it arrived at night. Before daybreak there was an organized guard for the town, and next day the forts and batteries were occupied, and in the course of a day or two more, many had actually to be sent back for want of accommodation for them in the barraeks and town. Loyal and brave men ! long may Sir Allan M'Nab enjoy the satisfaction of having led you in the career of glory and of honour. For my own part, being

separated from you, I can do no more to shew how I appreciate your excellence than dedicate this humble work to such of you as served with me; and I am persuaded that every British officer whose lot was in the course of duty mingled with yours, will record, whenever he may have an opportunity, a sense of your merits."

The internal rebellion was succeeded by invasions from the United States, by a declaration and commencement of war on the part of the State of Maine. All this was as yet insufficient seriously to compromise the peace, or to shake the loyalty of the province—the association of Messrs. Stephen, Joseph Hume, Admiral Kupreeman, Governor Fairfield, Lord Palmerston, Messrs. McKenzie, Bidwell, Morrison, Rolph, &c. now obtained the assistance of the paramount powers of disturbance which the British Parliament is proud to possess, and ever ready to exercise. From the moment that Parliament was thought of, the plan was clear. Concentration, that is, destruction of rights and functions, is the simple, manifest, infallible mode of ruining the sense and the tranquillity of nations; but this is the history, the very existence of Parliaments. What simpler method of convulsing the Canadas than uniting them—one race preponderated in the one, another in the other; one religion preponderated in the one, another in the other; differences between race therefore, existed not; differences between religion existed not—but unite these two provinces, and instantaneously must arise conflict of race and faith. Parliament, however, had to be prepared by the ordinary process of Commission and Report. A report was presented on the 3rd March, 1837, on the affairs of the Canadas, under the signatures of Gosford, Capps, and Grey. Knowing the object, which the Commissioners did not, we need not trouble ourselves with its contents, but that it was for the intended purpose was evidenced by the cry of alarm which it called forth from the Upper

Canadian Legislature in the form of an address to the King of England :—

“ Most Gracious Sovereign,

“ We, your Majesty’s most dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada in Provincial Parliament assembled, humbly beg leave to address your Majesty for the purpose of stating to your Majesty our apprehension that a mistaken view of the condition and interests of the people of Upper and Lower Canada *may prompt* some persons inconsiderately to press upon your Majesty’s Government the measure of uniting these provinces as a remedy for existing evils.

“ We are of opinion that such a change would expose us to the danger of consequences certainly inconvenient, and possibly most ruinous to the peace and welfare of this country, and destructive of its connexions with the parent state.

“ This province we believe to be quite as large as can be effectively and conveniently ruled by one executive government: united with Lower Canada it would form a territory of which the settled parts from east to west would cover an extent of eleven hundred miles, which, for nearly half the year, can only be traversed by land; the opposite territory of the United States, along the same extent of frontier, being divided into six states, having each an independent government.

“ The population which Upper Canada contains is almost without exception of British descent. They speak the same language, and have the same laws, and it is their pride that these laws are derived from their mother-country, and are unmixed with rules and customs of foreign origin.

“ Wholly and happily free from those causes of difficulty which are found so embarrassing in the adjoining province, we cannot but most earnestly hope that we shall be suffered to continue so; and that your Majesty’s paternal regard for your numerous and loyal subjects in this colony will not suffer a doubtful experiment to be hazarded, which may be attended with consequences most detri-

mental to their peace, and injurious to the best interests of themselves and their posterity.

(Signed)

“ JOHN B. ROBINSON, *Speaker, L.C.*

“ ARCHIBALD M'LEAN, *Speaker, H.A.*”

As a preliminary step to centralizing the representation of the provinces, they concentrated the executive powers by appointing one Governor-General for the whole of North America, which further gave them the advantage of superseding the obstacles which they had found in the intractableness of the separate Governors, while one pre-eminently fitted person might be found for this high office. Thus were the refractory superseded, no extended confidence required, and the chances of exposure, as well as of resistance, saved; while the increase of weight and authority given to this functionary would subsequently tell on the Report. To fill this office they had a man, as if purposely framed by the combination in his own person of every possible misqualification; besides being possessed of wealth and party influence, he was obnoxious at home. If it were asked what service Lord Durham was peculiarly fitted to perform, it might have been answered, to be the abject dupe of an artful despot, or the haughty tyrant of a docile people. For the one service Lord Durham was prepared by performing the other; he was transferred from the Neva to the St. Lawrence. He was surrounded by men of capacity; and they did not hesitate to give him, as prompters for his political schemes, nor he to accept as associates for his domestic circle, the most reckless adventurers, and the basest profligates. He understood, or at least performed, the task for which he was sent, brought the Crown into contempt, disgusted the loyal, encouraged the factious, became himself the author of acts proclaimed by the highest authorities illegal and criminal, excited rebellion, and—prepared materials for his Report.

He was not recalled of course, but he had not courage to stay to complete his work, and filling up by cowardice the measure of his infamy, he absconded—absconded on the eve of a second rebellion—absconded after the news had reached him of its having broken out—absconded from the consequences of a rebellion, which he had himself created. Every step is of so monstrous a character, so unlike any thing that has ever been heard of in this or in any other country, that we are glad to seize and present the details of the successive events as represented by others, or as set down and published at the time of their occurrence; and therefore we quote from the *Quarterly Review* the description of his demeanour on his return to England:—

“ On his arrival at his residence, his Lordship haughtily forbore personal communication with her Majesty’s Ministers—his noble consort resigned her appointment in the Queen’s household—and these notes of war having been sounded, his Lordship appeared to expect Parliament would immediately be convened to receive him. Many concurred in this opinion; indeed, such was the excitement in the mother country, as well as in the colonies, that the Queen’s proclamation, appointing the meeting of Parliament at the usual period, was treated by the newspapers as an affected calmness on the part of the Cabinet, strangely contrasted with the fearful tempest which raged within.

“ Now, if at this awful moment any man had dared to prophesy that on the meeting of Parliament a single day would be permitted to elapse without her Majesty’s Ministers arraigning Lord Durham for the serious consequences of the insults which from the Castle of Quebec he had, under her Majesty’s great seal, offered to the Queen’s authority, to the authority of Parliament, and to themselves, would even their enemies have credited so extraordinary a prediction? Would any one but a maniac have ventured to foretell that Parliament, taking its regular holidays at Easter and Whitsuntide, would remain in session seven months without a single member

demanding of Lord Durham by what authority he had re-appeared among them—by what authority he had abandoned his post in the hour of danger, and in virtue of what clause of his commission he had presumed to appeal to “the people” of the Canadas against a solemn act of the Imperial Parliament?

“When Lord Durham, on the very first day of the session, with unexampled recklessness obtruding himself upon notice, interrupted the grave consideration of the Queen’s address by claiming the previous attention of the House to his own personal case; when on following nights his Lordship again and again reiterated the same demand for precedence, with what breathless attention would the House of Peers have listened, with what feelings would Lord Durham have shrunk for ever into retirement, had the veteran leader of the House—that soldier of our empire who has ever yet faced with triumph the enemies of his Sovereign—risen from his seat but calmly to exclaim—

“Quousque tandem abutère, Catilina, patientiâ nostrâ?”

But neither by her Majesty’s Ministers, nor by their opponents, nor by either house of the Imperial Parliament, was Lord Durham thus arraigned or conjured: on the contrary, in the face of all parties, and in flagrant violation of public pride and public principle, a deed (the adoption of his report), was imagined and perpetrated by her Majesty’s Ministers, which we venture to assert stands unparalleled in the history of the world.”

The *Quarterly Review* did not know that Lord Durham had been sent to insurrectionize the Colonies, and that the measure apparently adopted from him by the Government to their own disgrace, was the measure to prepare for which he had been sent out. It was the triumph of the Government that the *Quarterly Review* should abuse them for accepting the Report from Lord Durham; and if the *Quarterly Review* is astounded at “the soldier of our Empire;” “the opponents of the Government;” and “either House of the Imperial Parliament;” acquiescing in doings so base and con-

temptible, the *Quarterly Review* has obtained the means of estimating the real worth of that "soldier of our Empire," and of those "opponents of the Government," and of either "House of the Imperial Parliament."

Now comes the celebrated Report, comprising the object shadowed forth by the three Commissioners; and now there was a case to go to Parliament. Such a project was altogether in a Parliamentary sense; it presented the double temptation of overthrowing that which was constituted, and destroying local legislatures. The House of Commons was too happy to have such a task given to it. The only question was, as in the union of Scotland and of Ireland, how to have a decent pretext to obtain the concurrence of the legislatures who were to be annihilated. This delicate commission was to be entrusted to a new Governor-General, and again to be admired was the tact and judgment in his selection. They found a vain presumptuous man—if not as rash, as unscrupulous, as his predecessor—if not as ostensibly, more desperately, a Russian agent—obnoxious by opinion, character, and association—almost to the extent of Lord Durham—to the Colonies—and far more so to those who had commercial transactions with them. For the first time in the history of England, addresses to the Crown and petitions to the Parliament, were presented against the appointment of a Governor. He, like his predecessor, understood and performed the task assigned to him, and carried the union through the local legislatures by the exercise of fraud, deceit, and violence, hitherto unparalleled in the parliamentary history of the provinces.

One of the means used to pass the Union Bill, is of such a character that we must dwell on it for a moment. It was a *threat!* Not a threat to one or more individuals to withdraw patronage—but a threat directed against the

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community—a threat of practical measures against the colony to overawe the Legislature into the surrender of its rights and functions! What could be the coercion thus threatened? It would puzzle an Englishman to discover it. No additional tribute could be demanded: no embargo could be laid upon their vessels. There could be no quartering troops upon the villages or the cities. There could be no blockading their coasts; no stationing of a corporal's guard in the House of Assembly. What other species of coercion could have been imagined, for none of these could have been threatened? What he threatened was not coercion, but *abandonment*—abandonment of a colony reproached for disaffection, and disfranchised for rebellion! What more glorious tribute could have been paid to the loyalty of Canada; what more signal brand upon the traitor himself? "The troops shall be withdrawn." Such were his words, not published in the Gazette: No—but whispered in the ear. We quote the following evidence to the fact from the Report of the House of Assembly, where the charge was made, and where it was substantiated by the explanation offered on the part of the Governor:—

"*The Hon. W. Elmsley*,—Here, in his place, did he tax her Majesty's Ministers as the great moving cause of the late rebellion, and its train of blighting and withering consequences. By their short-sighted policy were the seeds of rebellion sown, and by their encouragement had they germinated. It had leaked out, he had heard, what the intentions of her Majesty's Government were, if this union question was not carried; and he had understood that on our assent or dissent depended the continuance of protection. It had been reported, that, if the union were opposed, *the forces would be withdrawn*. Yes, honourable gentlemen would be surprised, but he had heard out of doors, that a member of the other branch of the Legislature had been told in a conversation with the Governor-General on the subject of this union, 'that if the resolu-

tions of the union were not passed, *the troops would be withdrawn.*

“*The Hon. Mr. Sullivan*—rose for the purpose of correcting a mistake the honourable member had fallen into. He was happy to inform honourable gentlemen, and he did so from authority, that no such threat had ever been expressed or intended. His Excellency the Governor-General had only put a case thus, that ‘if the people of England, hearing always of our discontent, and of our applications for assistance, and if they also heard of our rejection of the *only remedy* that seemed open for our relief, might they not say, *why should we any longer trouble ourselves with a people who will not hear reason?*’”

We have seen in Canada exactly what happened in Ireland. Pitt desired the suppression of the Parliament of Ireland because it had defied his supremacy. Rebellion was fomented to prepare the Union Bill. But weigh the contrast between Canada and Ireland. The threat in Ireland was to send troops, in Canada it is to withdraw them! All this time all the poisons instilled were at work, the provinces were agitated to their centre with the atrocious report of Lord Durham, and yet there was no revolt. The statements of these things were poured in on England, and yet there was no redress, no relaxation in her delirious course. We quote the following from the contemporary press :—

“Besides the testimony of the provincial press, we have before us many letters from persons in Canada, some connected with the Government and Legislature, others not so circumstanced, but feeling and possessing a deep interest in the colony, stating in the strongest language the incalculable injury which Lord Durham’s Report is doing in the hands of the more notorious enemies of the Crown.

“One gentleman (a Canadian) says :—

“‘Lord Durham’s name is used as a cloak for the most treasonable desigus; indeed, anything may now be attempted under the pretext

of sustaining the plans proposed in the "Report." The progress of the party who rally under the Durham flag is becoming alarming, and, unless the British Government screws up its courage to the point of immediately, firmly, and broadly denouncing the mischievous doctrines of the report, you may rely on it, ere long, we shall become as a colony ungovernable. There is much that tickles the fancy of ambitious men in the idea of introducing the English plan of a government by the majority of the popular branch of the Legislature. It has been well explained in the *April Quarterly* how irreconcilable this principle is with a state of colonial subordination, and you may rely on it, that if the British Government should give way in the least to this notion, and admit of any experiments of this novel and hazardous character, the charm of British connexion will be done away in the eyes of that great loyal body, which, through evil report and good report, has hitherto sustained the Royal cause in Canada. I can assure you that among that class I have found it discussed, and not many minutes since it was a subject of conversation with me, whether the time might not be near when the men of property in this country should have to decide between a hopeless and destructive struggle for a Government by which they would not be supported, and a proposition of terms with the republican nation at our doors. They seem to think it would be more prudent to take the lead in what may be an inevitable change, than to immolate themselves and families in the cause of a Government which may secretly wish to get rid of them, and, under any circumstances, they feel that they could have no prospect of quiet under the Durham system of colonial government. A very intelligent and loyal individual (a Canadian), whose faith in England has hitherto resisted every shock, has told me that he now feels his situation to be one of great peril," &c.

A single man guilty of such acts, would be judged incapable of managing his affairs, and would be placed in confinement for his own security and that of others. Is the case less grave, or more safe, when the insanity has spread to twenty-six millions? and it is not a single nation that is thus perilled, but an age.

At the very moment of writing these lines we have perused the report of the transactions of the French in the Island of Hayti. The French Consul there has addressed a communication to the Junta of the Spanish portion of the island, urging upon them the necessity of accepting the protectorate of France. On its rejection, it was re-urged with *threats*. These two constitutional Governments are ready with their threats; the one threatens to abandon her own subjects, the other to coerce the subjects of other Powers. But this is not the only simile of dissimilitude, for "after all this it turned out that the treaty of protection produced by the French Consul was *a project which had not obtained the sanction of his Government.*" Thus the two nations called free are bearded, misled, beleaguered, and befooled, by their agents and servants, consuls, Cabinet Ministers, or Under Secretaries.

Poulett Thompson died, and the field was again left open; at the same time this nest of conspirators was expelled from Downing-street, and a new set of men came into power. They, however, reverse none of the measures against which they protested in opposition, and sent out as Governor-General, a man again, as if carefully selected, to effect their predecessors' purposes. The part of evil energy had been performed, now the part remained for pusillanimity.*

Sir C. Bagot, like his predecessor, died overwhelmed with the toil and anguish of his situation, and left to his successor a distracted colony, and a council of traitors.

Pressed now by difficulties, the Government did look

* On the accession of the present Ministry the Ambassador of Russia immediately applied to the Government to recommend earnestly, in the name of his master, Sir C. Bagot. He did not, of course, recommend him for the Government of Canada, but for the embassy at St. Petersburg, and of course, the Government shewed its independence by not appointing him to—St. Petersburg.

about for a proper man to send to meet them. The only fortunate event in the series of these lamentable transactions was the selection of Sir C. Metcalfe; but the die had already been cast, and he had to meet the Parliament of UNITED CANADA!

The union of the provinces is the great question, and we must shew how it was estimated in our provinces, and by the chief authorities of the Government itself. It was based on the report of the Earl of Durham, drawn up by Messrs. Buller, Turton, Anson, and Wakefield; this measure is thus spoken of by the latter:—

“ Though neglected grievances had ripened, in all our North American provinces, into general discontent; and though, in two of them, ill-managed and tardy concessions had even forced the discontent into premature rebellion; yet for the other provinces the concessions had been made in time; in Canada, the miniature civil war which broke out, had been successfully put down; the danger, for the moment imminent, of a war with the United States, had been averted; and last, and best, the Union of the two Canadas had restored them a free Constitution, their House of Assembly had tried its powers, *the Executive had placed itself in harmony with the public voice*, and the colony, so long the most troublesome (!) of our dependencies, *for the first time* boasted a provincial Government as strong as it was possible for popularity to make it. *The experiment had been made, and was successful.*”

It is a proof of not ordinary ingenuity to condense so many falsehoods in so few lines. Instead of *restoring* a Constitution, the Union *annulled* two:—instead of the Executive being in harmony with the public voice, the elections after the Unions were carried by open violence, and most disgusting fraud:—instead of the colony being the most troublesome, except on the Durham view, that loyalty was troublesome, never was there a colony that evinced so many and such fervent demonstra-

tions of attachment to the parent State—never was there a colony that received its “surplus population” with more avidity—that purchased its manufactured goods and stuffs with more alacrity—that made more sacrifices to sustain its endearing affinity—or felt more proud and honoured in the mutual relationship. The *first time* it boasted a provincial Government as strong as it was possible! Why the provincial Government had been always strong in Upper Canada, and might have been so in Lower Canada, but it was reserved for Mr. Thompson, Sir Charles Bagot, and Sir Charles Metcalfe, to discover that it was *as weak as it was possible*, and that this *experiment*, said by the author of Lord Durham’s report to have been so *successful*, has been indeed successful, as it was both wished, anticipated, and designed,—to rend asunder.

Lord Durham’s report was thus dealt with by Sir F. Head, in as far as its allegations affected himself—

“With respect to Lord Durham’s report to the Queen, that my Executive Council ‘seem to have taken office almost on the express condition of being mere cyphers,’ I beg leave most solemnly to declare that such a condition was neither expressed nor understood.

“With respect to the allegation affecting my own character—namely, that ‘the elections were carried by the unscrupulous exercise of the influence of the Government,’ I beg leave calmly, but unequivocally, to deny it.

“It would not be difficult to proceed with the whole of Lord Durham’s report on Upper Canada as I have commenced, but, as I have no desire unnecessarily to hurt his Lordship, I have sufficiently shown its inaccuracy to vindicate my own character from its attacks,” &c.

Sir George Arthur referred the report to the House of Assembly of Upper Canada; he thus refers to the report of the Committee of that House—

“They regard the Earl of Durham’s scheme for the future government of Canada as essentially *the same as that which was*

advocated by Mr. Bidwell, Dr. Rolph, and Mr. M'Kenzie, and to which the great majority of the people of this province expressed their unequivocal dissent: that in fact it was on this point that the elections to the present House of Assembly turned."

Again, Sir George Arthur, in his published despatch to the Marquis of Normanby, No. 107, dated Toronto, 13th May, 1839, after complaining against certain allegations in Lord Durham's report, has stated—

"His Lordship has evidently regarded the party whose practical loyalty has been so warmly eulogised by Her Majesty's Government to be politically *the most culpable*, and the unsuccessful faction to be *the injured party*."

"Of the Earl of Durham's report in other respects I will only state that on many important points he has been much misinformed."

In two subsequent despatches addressed to Lord Normanby on the 2nd July and 21st August, 1839, Sir George Arthur has stated:—

"There is a considerable section of persons who are disloyal to the core: *reform* is on their lips, but *separation* is in their hearts: these people, having for the last two or three years made 'responsible government' their watchword, are now extravagantly elated *because the Earl of Durham has recommended that measure*."

Again,

"Far more to be lamented than any of the circumstances to which I have referred are the effects of Lord Durham's report."

"The bait of 'responsible government' has been eagerly taken, and its poison is working most mischievously. It was Mr. M'Kenzie's scheme for getting rid of what Mr. Hume called 'the baneful dominion of the mother-country;' and never was any better devised to bring about such an end speedily."

Here follow further observations, the publication of which Government have deemed it proper to suppress. The Committee of the House of Assembly conclude their report with the following observations—

“ If, in the course of their remarks they have been betrayed into too strong an expression of reproach or indignant refutation, they trust that it will not be ascribed to a wanton indifference to that courtesy and respectful deference that should mark the proceedings of a public body towards those of high rank and station, and, on the other hand, they trust that they will not be denied the credit of having forborne to apply animadversions of far greater severity than they have used to many parts of a report which they can truly affirm, and which they believe they have clearly proved, to be most unjust and unfounded, and which are calculated to have a most mischievous influence on the future destinies of these colonies.”

A report from the Legislative Council of Upper Canada states—

“ After an attentive and disinterested consideration of this subject, your committee are led to the conclusion, that the adoption of the plan proposed by the Earl of Durham must lead to the overthrow of the great colonial empire of England.

“ Your committee regret that his Lordship should have confided the task of collecting information to a person who, be he whom he may, has evidently entered on his task with the desire to exalt the opponents of the colonial Government in the estimation of the High Commissioner, and to throw discredit on the statements of the supporters of British influence and British connection.”

Chief Justice Robinson, the Speaker of the Upper House, and for twenty-seven years a servant of the Crown, in his published communication to the Secretary of State for the Colonies, has stated :—

“ Another object desirable to be accomplished for promoting the security and welfare of Canada is the counteracting, by whatever measure may seem most effectual, the injurious tendency of the report which was presented to her Majesty by Lord Durham during the last session of Parliament.

“ In thus referring to Lord Durham, I would unwillingly fail to speak of him with the respect due to his rank and the station which he lately filled.

“ All was done that could be done in this country, by persons

connected with the colony, for lessening the force of a blow unintentionally aimed (I trust) at the tranquillity of a distant possession, which, for the common good of all its inhabitants, wanted nothing so much as the restoration of internal peace. The late Lieutenant-Governor of Upper Canada showed, in the clearest manner, how strangely inaccurate the statements were which related to his public measures; the merchants of London connected with the colonies felt themselves called upon to wait in a body on her Majesty's Government, with a public expression of their conviction that that part of the report which respected Upper Canada was founded in error, and was likely to be productive of injurious consequences; and, as an inhabitant of Upper Canada, I did not hesitate to state officially to her Majesty's Secretary of State, immediately upon its appearance, that I was ready, in any place and at any time, to show that it was utterly unsafe to be relied upon as the foundation of Parliamentary proceedings. *I knew then, and I know now, that the means of refuting the most important statements and conclusions contained in it must exist in the office of the Colonial Department, and could not require even a reference to the colony.*"

Chief Justice Robinson was ordered to return to Canada, and not trouble himself about Colonial matters.

The grand jury of the Newcastle district (which contains two counties, forming one of the most valuable sections of Upper Canada), unanimately adopted a presentment, of which the following is an extract:—

"District of Newcastle to wit.—The jurors of our Lady the Queen, upon their oaths present, that a printed book or pamphlet, entitled *Report on the Affairs of British North America, from the Earl of Durham, her Majesty's High Commissioner, &c.*, has been brought under their notice, and the jurors aforesaid, upon their oaths aforesaid, further present, that they have carefully examined the said book or pamphlet; and the jurors aforesaid, upon their oaths aforesaid, further present, that the said book or pamphlet is calculated to excite public contempt and odium against the Government and Magistracy of this province; and the jurors aforesaid, upon their oaths aforesaid, further present, that the said book

or pamphlet is also calculated most injuriously to mislead the members of the Imperial Parliament and the British public, by creating in their minds erroneous and false opinions relative to the state and condition of this province, and with respect to the wants, feelings, sentiments, and wishes of a very large majority of the inhabitants thereof; to disseminate and perpetuate, in this province, principles of democracy wholly incompatible with monarchical institutions; to loosen the bonds of affection which unite us to our gracious Sovereign, to the British empire, and to the venerated constitution of our ancestors; to resuscitate and foment that factious discontent and disorder which produced deplorable and disastrous consequences, but which, though not extinguished, had in a great measure subsided; and generally to endanger the peace, happiness, and prosperity of this province, against the peace of our said Sovereign Lady the Queen, her Crown, and dignity.

“Grand Jury Room, May 15, 1839.”

Whilst the Union Bill was under discussion, Sir F. B. Head thus addressed the House of Peers:—

“By the unexpected removal of Sir John Colborne—by the extraordinary suspension of Sir George Arthur—by the unworthy intimidation of the public servants—by the appeal that was made to them by the Governor-General to obey the recommendation of their Sovereign—by the allurements of pecuniary assistance—by the significant observations respecting the removal of the troops—by the countenance shown to the republican party—by the astounding declaration “that Sir Robert Peel was in favour of the union,”—and above all, by the malign and withering influence of Lord Durham’s report, the legislature of Upper Canada, which for upwards of half a century had given such noble proofs of its attachment to British institutions, and of its deliberate detestation of the tyranny of mob-government, finally surrendered at discretion; that is to say, they consented to the union, throwing themselves upon their Sovereign, and upon the Imperial Parliament, for conditions which they were told ‘it would be better for them not to prescribe,’ and which, when subsequently embodied by them in an address to the Queen, were declared by Mr. Thompson in his dispatch to Lord John

Russell, dated 18th January, 1840, 'to be considered as mere suggestions,' of which, it may be observed, he disapproved.

"For many years in vain had the thunder of the Colonial Office rolled above these staunch adherents of the British monarchy. In vain had its lightning stricken to the ground every lieutenant-governor and public officer who had endeavoured to defend them. The militia, unassisted by troops, had suppressed rebellion; in every direction they had driven the American invaders from their soil; and, regardless of the storm which still assailed them, Mr. Thompson* had found them upon the sparkling snow, and under the bright sun of heaven, glorying in the name of Britons, and ready to die in defence of British institutions; nevertheless, overpowered and disheartened, they at last yielded to necessity."

After Sir Charles Bagot had surrendered his power to the traitors comprising his Council, many meetings took place throughout Canada: we subjoin some of their resolutions.

Moved by Dr. Boyer, seconded by Dr. Austin:—

"That the present state of Canada, is such as to excite in every loyal breast feelings of the deepest sorrow, mingled with astonishment, at the unexampled elevation to power of men, who only five years since were proclaimed traitors to the British Crown; and at the persecution and dismissal from office of those loyalists who within the same space of time, suppressed by arms, with the approbation of the Crown, an insurrection, incited and headed by the men whose principles were then treason, but who are now placed in authority over the colony they sought to wrest from British rule."

Moved by W. Lawson, Esq., seconded by A. Gordon, Esq.

"That it is the duty of every loyal subject to come forward at the present time, and record his sentiments in the face of his country, so that if Great Britain be disposed to retrace

* For a description of the means used by this Governor, see Portfolio, No. X.

the fatal steps which have been taken, she may know on how much assistance she may reckon from the loyal inhabitants of Canada ; and that, should Great Britain persevere in a course which history and experience clearly prove lead to separation, we may not have the reproach of apathetic indifference, or be chargeable with concealing our views, and thereby mislead the parent state ; but that we may be enabled to state, in the fearful struggle which must then ensue, the crime is not ours, we pointed out the danger and the remedy, but both were disregarded."

At another meeting, the three following resolutions were passed : Resolved :—

"1. That the Union of the Provinces,—the politics and report of the late Lord Durham,—and the politics and acts of the late Lord Sydenham, have been the cause of the great preponderance of the friends of Republican Government in all the colonial offices.

"2. That in the opinion of this meeting, the recent changes in the Government, and in the Magistracy of the country, by which the traitors of 1837, and the advocates of extreme republicanism, of responsible government, and of the separation of these Colonies from England, have been intrusted with the legislative and executive authority, at the seat of government, and throughout the whole province, are full of danger to the connexion with Great Britain.

"3. That the anti-British policy pursued by our late and present Government, has materially tended to weaken the attachment of those, who, from education, feeling, and principle, are attached to the institutions of the Mother country ; a policy which, while it never succeeds in gaining over one enemy of the Government, inevitably tends to render the real friends of that Government less ardent and disinterested in its support."

The union of the provinces was not demanded by the population of either of the Canadas, but steadily resisted by both : it was dreaded and hated by the French ; from

the English it was extorted by cajolery, fraud, and intimidation. It was the project of the British Government; it was the direct recommendation of the crown; and it was two men known to lean to a *foreign* influence that were selected as proper instruments to consummate this national crime. It appears, however, that they differed between themselves.

“The ‘Bill for Re-uniting the Provinces of Lower and Upper Canada, and for the Government of the United Province,’ as brought in by Lord John Russell and Mr. Lahouchere, and ordered by the House of Commons to be printed, on the 20th of June, 1839, was framed by Her Majesty’s Government on the basis of Lord Durham’s Report; and in 1840 the said bill was cancelled and a different bill substituted, based on the report of Governor Thompson.

“Now can anything be more discreditable to the government of the most powerful empire on the globe than the puerile authority on which the first bill was framed, and the equally inexperienced authority on which it has been condemned? For, first it was framed on the recommendation of a nobleman, whose summer state-tour to the Falls of Niagara formed the whole of *his* personal knowledge of two vast provinces each bigger than England and Wales; and, secondly, it has been overturned by the winter journey of Governor Thompson, who, travelling very nearly over the same line, in one week after his arrival at Toronto, saw, and very nobly reported to Her Majesty’s Government (*vide* his despatch to Lord John Russell, dated 24th December, 1839) the errors of his predecessor.

“Though her Majesty’s ministers may mathematically argue that, inasmuch as two halves make a whole, so the summer excursion of one governor added to the winter journey of another form a political tour-book, sufficiently authentic to authorize Parliament to alter the solemn Act of 1791; yet, to common minds, can anything be more ridiculous than the very idea of a meeting at this moment between the two governors in question; one of whom, as far as his own simple experience could go, would declare Canada to be a country as hot as India; while the other would just as stoutly maintain that it was as cold as Caucasus?

“Mr. Thompson’s bill for settling for ever the long disputed question of the Clergy Reserves, like Lord Durham’s ordinances, has been declared by the highest authority in this country *to be illegal*. And with the rocks of ignorance, upon which these two Governor-Generals have foundered, protruding from the surface, surely, instead of following in their wake, they should be beacons to warn the Imperial Parliament of the imminent danger of legislating upon their ephemeral recommendations!”*

The Union is at length carried, and a Parliament convoked in such a manner as was one never convoked before. Within two years from its becoming law, we find every leading rebel thrust into power, and every leading defender of the empire thrust out. B hold a statement from a contemporary Colonial journal:—

“THE REWARD OF REBELLION.”

“Dr. John Rolph, the late M.P.P. for Norfolk, the President of the Rebel Executive, and the *primum mobile* of our insurrections; Dr. Charles Duncombe, late M.P.P. for Oxford, and Generalissimo of the Rebel forces in the London district; David Gibson, late M.P.P. for the first Riding of York, and General of the advanced Guard, at the Battle of Gallows Hill; Dr. Thomas D. Morrison, late M.P.P. for the third Riding of York, and one of the Treason Committee which met at Doel’s Brewery: Nelson Gorham, one of the Provisional Government, established by Mackenzie, at Navy Island: and John Montgomery, at whose house the rebel head quarters were established, and who escaped from Fort Henry Gaol,— have all received pardon, and have been called back to Canada, by the present Provincial Government!! Drs. Rolph, Duncombe, and Morrison, have all three returned to this city, where they were for a few days, ‘fraternising with their friends in the council!’ Gibson and Montgomery have returned to Toronto, and Gorham is at Newmarket. There is one circumstance connected with Dr. Duncombe’s return, which we deem it but right to state for the public information. On the Grand River, in the Township of Brantford, were

* Rolph on Colonization, pp. 39, 40.

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some valuable lots of Indian land, which Duncombe had bargained for; and on some of which he paid one instalment. When he fled the Province in 1837, and was outlawed by Royal Proclamation for High Treason, several persons residing in the vicinity of the said lands, finding them vacant, entered upon them as 'squatters,' believing that they would be entitled to the pre-emption, usually allowed by Government in favor of actual occupants desiring to purchase. After they had so entered on the lands, they petitioned the Government, setting forth what they had done, and praying to be allowed to purchase. To their petitions, no answers, either negative or affirmative were returned. Some of the lands have been since purchased at Sheriff's sale, for the arrears of taxes due upon them. The occupants, supposing that they would be permitted to purchase, like all others similarly situated, went on to clear, fence and improve the lands, and in some cases, excellent houses, barns, and outoffices, &c. have been erected. Since Dr. Duncombe's return, an order in Council has been issued, depriving these poor, but honest and loyal people of their homes and possessions, and handing over the result of all their labour, industry and improvements to the Rebel General! Who would not abscond to be so rewarded? Dr. Rolph is a Candidate for the Counties of Lenox and Addington at the next election! His particular friend, (should he escape the gallows or the penitentiary) Augustus Thibodo, is to offer for the Metropolitan County (Frontenac.)

In the Lower Province, Dr. Wolfred Neilson, Generalissimo of the Rebel forces at the Battle of St. Dennis, is now a leading character at Montreal; while free pardons have just been proclaimed for Louis Joseph Papineau, of rebel notoriety! for Edmund Burk O'Callaghan, another proscribed Rebel, at one time worth £500! and for Thomas Sterrow Brown, who plundered the Boats and Bateaux, for provisions for the Rebel army, and who was Commander in Chief of the Insurrectionary Forces at the battle of St. Charles!"

The inhabitants of New Brunswick saw an excellent Governor, Sir Howard Douglas, displaced, because he defended their trade in preference to the Baltic;—the

Canadian Provinces saw the successive recall of Lords Dalhousie and Aylmer—Sir John Colborne, and Sir F. B. Head, for their troublesome loyalty;—they see a Secretary for Foreign Affairs, continuing year after year to postpone the settlement of their boundary, involving insults, aggressions, and even war:—they behold a Metropolitan Member, and an under Secretary of State for the Colonies, boldly inciting to rebellion:—they witness a Durham deserting a country in rebellion:—they find a Thompson created a peer, and honoured with the Grand Cross of the Bath:—they hear Sir Charles Bagot extolled for filling his council-chamber with traitors, and dismissing every loyalist from his presence:—they find Chief Justice Robinson removed from the head of the Legislative Council;—all those who distinguished themselves in subduing rebellion or resisting invasion unrewarded or persecuted;—Colonel Fitzgibbon, the Defender of Toronto, robbed of the recompence conferred by the grateful colony, by a special interdict of the Home Government;—we finally witness the crowning indignity of the Lockport gaol.* Is it possible, that they can witness all these things, and not conclude that the British Government is engaged in a conspiracy to effect a separation?

In addition to all other villany, we have had the Foreign Office policy of *suppression*, in reference to the war in the disputed territory, the invasions into Canada, the destruction of the *Caroline*, the arrest and trial of M'Leod: their falsehoods, tergiversations, denials, evasions, and submissions followed in rapid and uninterrupted succession, until an Ashburton was sent to a peace by concession, and even this was not the climax. It further required the announcement of Sir Robert Peel, that "WE HAVE MADE

* Sir Allan M'Nab was knighted, and Mr. M'Leod tried as a felon, for the same act!!

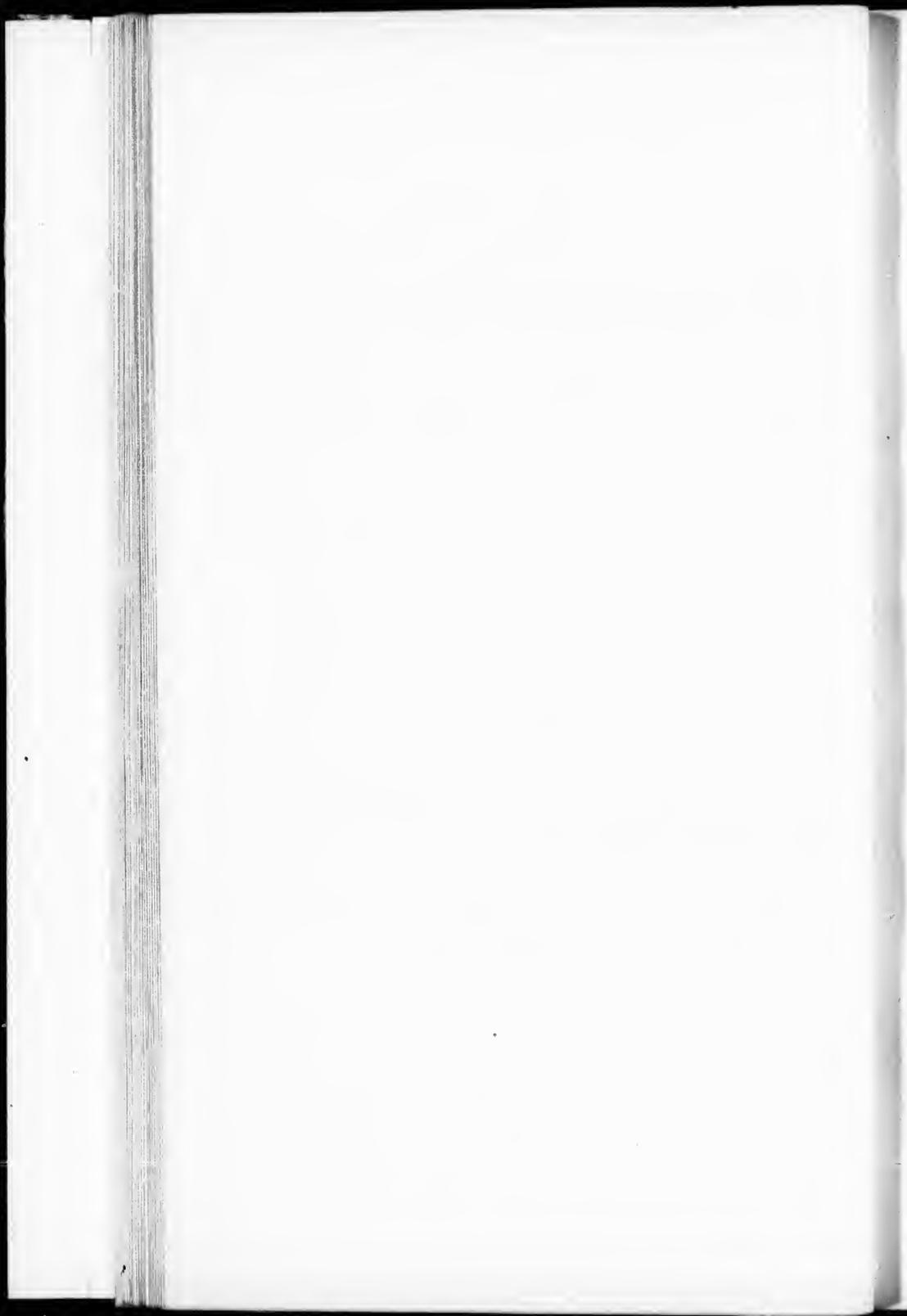
SOME ADVANCE TOWARDS THE SYSTEM OF TREATING OUR COLONIES AS INTEGRAL PARTS OF THE EMPIRE."

Such was the state of affairs when Sir Charles Metcalfe was sent out to govern it, alas, no! but to abandon all hope of its government in despair. It was necessary before approaching his present embarrassments and future prospects, that we should thus review the past.

We conclude in the words of Dr. Thomas Rolph :—

"The loss of the United Colonies was a deep dishonour, whilst it was a grave misfortune; and the deepest part of the misfortune is, that it is not considered as a dishonour. It is by learning that it was a dishonour, because our fault, that the same, though reiterated disgrace, and a similar, but far greater danger may be prevented,—the loss of our still remaining possessions in North America. These possessions are not more difficult to keep, nor more easy to lose, than the former. I pray God that England may be instructed by the results of her own conduct in 1770, and that it may not be the task of history to place the present administration on a parallel with that of Lord North. It is to prevent this calamity I give utterance to the expression of alarm which I cannot exclude, but which will cease when the nation has shared it." *

* Rolph on Emigration and Colonization, page 374.



CASE OF COLONEL FITZGIBBON.

“ Nobilitas, opes, omisi gestique honores pro crimine, et ob virtutes certissimum exitium.”—*Tacitus*.

THE following extract from a letter from Colonel FitzGibbon presents a good appendix to the case of Canada as presented in our last number, and an introduction to our article on the same subject in the present number. We have before alluded to this case. Colonel FitzGibbon was raised from the ranks by his exemplary conduct; he was subsequently settled in the vicinity of Toronto. At the time that the rebellion broke out he armed his family and servants and his neighbours, and in the absence of the troops of the Province, it was round this nucleus that the royalists rallied and succeeded in crushing the attempt at its origin. This service was acknowledged by a grant of 5000 acres of land from the local government,—thrice made, and thrice disallowed at home. Colonel FitzGibbon has suffered severely in his pecuniary circumstances by his efforts upon that occasion. He is not rewarded, he is not compensated,—he is punished. When a reward is assigned him by his local compatriots, he is deprived of the benefit by the exercise of the royal prerogative!

The case will be read in his own touching words. Some time ago we, in like manner, inserted an exposition of his case by Alexander McLeod. These are not the only ones. Privates, sergeants, mariners, as well as commissioned officers—there is not a man connected with our North American possessions, that has distinguished himself in the support of his mother country, that has not been marked by neglect when not smitten by persecution.

This is the corollary to advancing to posts of honour and distinction disreputable men and positive rebels.

But let no man read these statements as mere matter of idle curiosity, and cast them upon this man's shoulders or that; they are the acts of England, and if England, that is to say, each man cannot attend to see justice done—if his pulse does not beat quicker, if his abhorrence is not aroused by such facts as these—then indeed *conclamatum est*—the rot has reached the core—the gangrene the heart.

Kingston, Canada, 10th August, 1844.

Sir C. Metcalfe recommended a memorial of mine to the Queen, in February last. Could I have doubted but that her Majesty would have graciously ordered me immediate relief, upon the recommendation of this, the most excellent of all her Representatives? But I have just learned by a letter from the Secretary of his Royal Highness Prince Albert, that her Majesty can do nothing but through the recommendation of the Colonial Secretary. Thus, my Sovereign proves to me, in this my great extremity, and into which my services to her Majesty have brought me, an abstraction, a nonentity. Would that I had never known this fact. It has scattered irrevocably from me half the cherished visions of my longerring imagination. I have hitherto regarded with enthusiasm, the vision of this young Sovereign, as not only having the high will and chivalrous mind of a Monarch of our great people; but also the power to act where her judgment or even her feelings might prompt her to exercise the Royal authority, even in great matters. But that, an humble, suffering, and successful servant of her Crown and Empire, should be turned over to a haughty and unfeeling statesman who had already twice misconstrued his case and disregarded his most plain statements, I did not imagine it possible, for this young Queen to do. On receiving Mr. Secretary Higginson's letter in April, conveying Lord Stanley's answer to my memorial, denying all claim of mine on the Imperial Government, but admitting that I have an "*indisputable*" claim upon the Province, I addressed a letter to his Lord-

of honour and rebels.

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August, 1844.

mine to the Queen, that her Majesty would on the recommenda- representatives? But I of his Royal High- thing but through Thus, my Sovereign to which my services tion, a nonentity. as scattered irrevoc- gerring inagination. vision of this young chivalrous mind of power to act where her to exercise the at, an humble, suf- Empire, should be n who had already his most plain state- young Queen to do. n April, conveying all claim of mine on have an "*indisput-* letter to his Lord-

ship, expressing my surprise at this denial, and affirming that the same service which gave me an *indisputable* claim upon the Province, gave me the like claims upon the British Government. Had Toronto been taken in December 1837—and that I saved it, abundant proof thereof has long been deposited in the Colonial Office—the Upper Province would undoubtedly have been overrun by rebels, and hordes of ruffians from the neighbouring states would have desolated it—the other North American Provinces would have been placed in great jeopardy—our affairs with France relative to Egypt and Syria—in the North of India, and with China, would have been most seriously, if not dangerously, affected—still more so the Boundary Question and our relations with the United States:—and yet Lord Stanley denies my claim on the British Government! How to account for this, I am wholly at a loss. I am equally at a loss to account for the continued, the obstinate resistance to the prayers of the two Houses of Parliament of Upper Canada, THREE SEVERAL YEARS REPEATED AND PRESSED—the Commons having added the word "*unanimously*" to their Resolutions in my behalf. The whole appears to me incomprehensible. Unless, indeed, that Mr. Stephen exercises an influence against me, or that I have emerged from the condition of an uneducated *private* soldier into the public service, until I have worn a silk gown in that service for seventeen years, that I am held to be too insignificant for further notice? The Colonial Ministers have repeatedly and loudly proclaimed to the people of Canada that her Majesty desires to govern them, according to their well understood wishes, expressed through their Legislature—yet there is a Legislature who have THREE times prayed of her Majesty—"unanimously" prayed, that I should be rewarded for positive services rendered by me to the Empire, and to the province, and nearly seven years are permitted to elapse, and I am left to suffer from the interposition of the very Ministers who have so often declared that the will of this Parliament was to be their guide! The kindhearted Sir Charles Bagot, on reading my petition and papers annexed, immediately called the Executive Council together, saying, that HE, being then recently arrived, thought me an extremely ill-used man; they passed an order to recommend my case

"to the most favourable consideration of the two houses,"—but during the following Session those very men refused their assent to the sending down the promised message, as His Excellency himself told me after the Session was ended!—Then came the excellent Sir Charles Metcalfe, who inquired minutely into my case, and finding that no relief could be afforded me by Parliament, before the next Session, he said to me that he would not let me suffer so severely any longer, and desired that I would name a sum sufficient to relieve me from my present necessities, and he would advance it to me out of his own funds. I said, that not at all expecting such an offer, I for the moment knew not what sum to name—but that, though humiliating to confess it, I would state that a baker had stopped his issue of bread to my family because I could not pay him punctually for it—that my only daughter would not accept from me suitable dress to appear in at the Government House while I suffered so much from debt, and that for five years she had declined all invitations to it—that, therefore, any sum, however small, would afford me relief. I then named £100. as probably sufficient to keep me from actual distress until the meeting of Parliament, when his Excellency said, "From the view I have taken of your affairs, that sum is not enough!" Still more surprised, I again paused and said, "Then, Sir, I will go as far as £200.; but I will not go any further,"—and on the following morning I received a cheque for £200. Here, then, are some of the many humiliations and mortifications to which I have been exposed:—and so it has been since the year 1806, when his Majesty George the Third promoted me from Serjeant-Major to an Ensigny in the 18th regiment, when I had not a shilling, nor could have had a shilling—and therefore had to contract a debt of £150. to equip myself as an Acting-Adjutant, with horse, &c. &c.; and yet when I had the fortune to render an important service to my Sovereign and my country, I am treated with the most heartless and cruel neglect by those whose holy duty it has been, and is, to do me justice.

I am truly sick at heart, and cannot now possibly write any more. Your injunction shall be attended to. I will write you some account of the Province by the next mail if I can. At present

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I will only say, if ever man deserved success, Sir Charles Metcalfe does—and it is my opinion that he will succeed—although two to one of those who speak to me think otherwise. I am not able to perform my duty—now after forty-eight years service, and near the end of my sixty-fourth year. I have therefore applied for and obtained leave of absence, and continue to live here. I have not money to enable me to go to Montreal. Is it not a pity to paralyze me in times like these? Instead of doing good to the province hereafter as heretofore, my case is likely to produce much evil, by the example which, I fear, must be shewn in me of the reward that awaits those who do their duty.

JAMES FITZGIBBON.

P.S.—Small though this matter be now, it may bring about evils very much disproportionate to its present dimensions. Has any man born of a woman a right to subject me to this great suffering, and to destroy me? Is not wrong done under the colour of authority or law, the most grievous of all wrongs?

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CANADA UNDER SUCCESSIVE ADMINISTRATIONS.

No. II.

(THE BEAUHARNOIS JOB.)

IN our last article we classed under two heads the dangers affecting our possessions in North America, and therein the general strength and stability of the empire. The first, FALSE MAXIMS—the second, SECRET PRACTICES—false conclusions of the man, not from the will to do wrong—false measures of the nation suffered because concealed. The maxim, as opposed to the judgment of the nation from which it proceeds, as the practice to the will of the nation by whose power it is enforced. But in these two points are summed up the causes of every people's decay. First there comes a doubt, then an error, then a misjudgment on the mismanaged fact, then is instituted a "PRINCIPLE," which becomes the rule of conduct, and the mould for subsequent events. An illustration of this "progress" is presented to our hand in a periodical of intelligence and independence, the *Examiner*: taking a review of the highest matters of internal and external right, it introduces North America thus:—

"If we turn to the Western Continent, the result is still more striking and instructive. The Colonies, now the United States, took us a century and a half to establish, and all this long while they cost some portion of their civil charges, and all their military and naval charges, while a commercial monopoly was caused by their possession, more oppressive to parent and offspring than needless fleets and armies. Then we lost them, *and the struggle to hold an unprofitable dominion cost us one hundred and thirty millions.*"

We lost the Colonies because of criminal acts, for which justice had to be done upon the perpetrators. These acts were so denounced at that time in this land by one fraction

of its people. For that same fraction of the people (the extreme liberal party) the same *acts* are now merely—a condition of things. We were involved in the sacrifice of treasure and blood, together with the sacrifice of the Colonies, because that party was not strong enough in England *then* to resist the crime—who to-day would sacrifice on principle Colonies that are attached to us, and who, reversing the practice of the Tories of seventy years since, would now coerce, not into submission, but revolt. Thus has “opinion” veered round from abhorrence and detestation of the acts by which Empires are lost, into exultation in the fact; and that which was formerly criminal to attempt, has now become an object of right reason to establish, and philanthropy to desire.

See, then, the other consequences that follow. We look back to the United Colonies as having been a charge upon us!—an accusation against the Ministry at the time was that they had refused the offer of the United Colonies to give us a free surplus revenue, after paying the whole of their local expenses, civil and military. Next they are charged with having been the grounds of a commercial monopoly, oppressive to the parent and the offspring. Here it is mere falsehood, in accordance with the tone of this perversion. The man who labours now to destroy the allegiance of the subject, is no longer a traitor: the Minister who exasperates or injures the colonies, so as to lead them to desire separation, is no longer one who has to be brought to render account; and then of course the man who urges separation, and who assigns reasons for it, whether by falsehood of statement, perversion of truth, or corruption of law, is no longer a miscreant—and a villain, that the detestation of public, friends, and family, must follow, but one who is paid for editing, a “public instructor,” or returned on principle to Parliament to represent the nation.

From the past this writer proceeds to the present. He says—

“We have still extensive possessions on the North American Continent, containing as many subjects as the United States at the declaration of Independence; but let the French point out, if they can, what benefit we derive from them. They cost us the expense of a large army, and a considerable squadron. They are the cause of a monopoly, which takes a clear million and a half a-year out of the pockets of the British people; *they are the only source of danger to our peace and friendship with the American republic*; and finally, they do not take off one half the emigrants, nor one-fifth part of the manufactures, which does that Republic that costs us not one farthing.”

On this we need make no comment—it is what follows as a natural consequence of the previous misjudgment. But the expression is curious—“They are the only source of danger to our peace and friendship with the American republic”! If your possessions are dangerous to you, have you not here the means of estimating your character? And what is it that makes those possessions dangerous to you, if not such opinions and judgments as are here expressed? A sword is not the same sword in the hand of a wise man and of a fool; a torch is not the same thing in the hands of a prudent man and of an idiot; and when a nation exclaims against its own wealth, its own possessions, its own greatness, declaring these to be the source of injury and of danger, does it not declare itself to be the fool and idiot? And where is the limit? The argument that holds against Canada is just as good against Ireland—is just as good against Kent in favour of Middlesex, and against Middlesex in favour of Kent.

There is nothing, therefore, that can be done, or no attempt that can be made towards restoring the position of affairs in Canada, except in recovering Englishmen,

man by man, from this state of utter misery—of this infatuation which is not less atrocious, because vulgar and contemptible. While this impure haze of loathsome doctrine lies over the land, no man can breathe freely, no one can look up and receive the light of heaven, no one can walk steadily on the earth, no one can see an end, or arrive at it—it is an atmosphere fitted only for cunning and intrigue, for the schemer, the plotter, the sophist, and the traitor.

Under this general covering of confusion is spread the more compact protection of Cabinet secrecy; and acts—which we know even yet to be criminal—which we would have even yet freedom and courage enough to resist if known in time,—are perpetrated fearlessly within the penetralia of that Cabinet, because no dread of punishment now accompanies power. Men speak no more of guilt—guilt therefore gives impunity. And as we have already seen, it is not the doctrine of a party, or the crime of a Minister that is required to sway the proceedings of a colony,—to determine the judgment of a nation,—to rule the acts of a Cabinet—enough for that is the mere will or caprice of an underling.

We shall now proceed to put to the test the endurance of this people, by bringing before them a conspiracy, where no “principles” or “opinions” intervene to confuse the sight—but which is within the reach of the meanest capacity, by the sordidness of the motives, and the infamy of the agents.

We refer to a well known speculation of a son-in-law of the late Premier of England,—the getting up of a Land Company to repurchase, at an advanced cost, the Beauharnois estate, to the grievous interference with the Canadian settlements. To carry out this scheme involved the necessity of local, cabinet, and parliamentary corruption. It has interwoven itself with and made use of the “opinion” in re-

spect to the separation of the empire; and it has presented additional means of action to a foreign power, engaged in carrying into practical effect that dogma. The character of the whole is revealed in the agent employed, who was Mr. Edward Gibbon Wakefield, formerly confined for felony in Newgate; even in this age, the admission of a publicly branded Felon to association with men holding the station of gentlemen, requires explanation, and the only explanation is,—that his qualities and character were not distasteful to his employers, and were deemed useful for the prosecution of some congenial scheme.

On the 17th March last, the *Times* gave insertion to a singular article upon these affairs, and presented chronological notes, as if contemporaneously made from 1838 down to 1841, both inclusive, which we subjoin :—

“ July, 1838.—Lord Durham arrives in Canada, with Mr. Ellice, jun., Mr. C. Buller, and others, in his suite, among whom were Mr. Gibbon Wakefield and Mr. Turton.

“ The Ministry are questioned in the Lords; Melbourne in consequence insists on Durham cutting off the two last joints of his tail. The ‘joints’ aforesaid return to England.

“ N.B. Everybody knows that Mr. Ellice has, or had in 1838, large landed estates in Canada.

“ *Desiderantur quedam.*

“ January, 1839.—Mr. C. Pearson, a London solicitor, appears in Ireland—holds meetings in several leading towns for getting up an Irish North American Colonial Association—works like a leaguer, proves to the Irish landlords (especially to those whose estates, being subdivided *ad infinitum*, are unable to return any produce above that which is necessary to support the population on them) that for a 20*l.* share in the said company they would get waste lands well worth twice the money, employ their tenantry in improving the same into double value, and clear their Irish estates.

“ February, 1839.—Landlords sore beset and tempted. Mr. Pearson very successful; gets a large list of subscribers; Lord

Fitzwilliam (a great prize) installed president. N.B. This not surprising in a kind and simple-hearted man like Lord Fitzwilliam, who *thought* he was benefitting all Ireland.*

"In consequence of Mr. Pearson's success, the company is chartered, and BUYS LAND* in Canada.

"Mr. Pearson becomes city solicitor, and leaves the company. The company gets into a bad way.

"1840.—Lord Sydenham is sent to Canada. An article appears in a Ministerial newspaper, stating that while Mr. Russell Ellice vehemently opposes Lord Sydenham's appointment, Mr. Edward Ellice as strongly urges it.

"A letter appears in the same paper, signed 'E. E.' particularly denying this.

"Jan. 26, 1841.—Lord Sydenham writes as follows to Lord J. Russell (query whether this despatch in any way accounts for the opposition above mentioned?) :—

"'In respect to the North American Colonial Association of Ireland, I can only say that *their operations have been very much kept out of view in this country*; but AS FAR AS THEY ARE KNOWN, I should be very sorry to see the Government in any way connected with them. If the shareholders were to be the only sufferers, it would be of little moment, but I anticipate serious consequences whenever the unfortunate persons who may have made purchases of land of this company shall arrive to take possession of their property, if it has been acquired on the terms set forth in the prospectus.'

"Mr. Wakefield is again sent out to Canada."

"Lord John then writes, 'acknowledging the despatch in which his Lordship (Lord Sydenham) expresses so favourable an opinion of the views and intentions of the association, AS EXPLAINED TO HIM BY Mr. E. G. WAKEFIELD, and recommends the Government to assist in obtaining such a legislative revision of their charter;' (It had become necessary to remodel the Company, and have a new charter, in consequence of their partial failure, on losing Mr. Pearson's services), 'as will on the one hand put an end to their

* The italics and small capitals are printed as in the *Times*.

unlimited power of holding land in the colony,—and, on the other, afford the Company means of *safely improving their estates, and of making advances by way of loan to the Provincial Government and to the local authorities.* The powers of the Company being limited in the manner described by Lord Sydenham, I am disposed to approve of the intentions which they appear to have in view for promoting the interests of the province AS WELL AS THEIR OWN."

" 1841.—The company get their new charter—raise much money—and therewith buy much land—but *do not colonize.*"

" Such are now historical notes, and we hope they may prove instructive as well as amusing. Or the thing might be cast as a drama; as thus:—Act I. Lord DURHAM in Canada—his suite, and the incident of its diminution. Act II. Mr. PEARSON in Ireland—his eloquence and success. Act III. The Company, its meetings, Parliamentary influence, and purchases. Act IV. Mr. PEARSON'S retirement—the Company on the wane—Lord SYDENHAM'S appointment and enmity to it. Act V. Mr. WAKEFIELD'S return to Canada—the reputation of the Company in Canada forthwith revives—its final success, and large purchases.

" Perhaps this play might, after all, like HAMLET'S, be the best means "wherewith to touch the consciences" of certain gentlemen therein concerned; but lest it should fail to do so, we would ask in conclusion, two or three questions.

" We would ask, 1st, whether this Company purchased all or any part of its lands of Mr. EDWARD ELLICE; and, if so, whether at a fair and reasonable value? And if at more than their value, then whether the Company was or was not founded for the express purpose of taking these lands off the hands of this gentleman?

" 2dly, What were the services of Mr. WAKEFIELD in the matter, and how was he paid?

" And, 3dly, Whether the late Government were not influenced by private considerations to connect themselves with this Company, contrary to the advice of Lord SYDENHAM, and to the manifest deception of Irish landowners and their dependents?"

We shall add to and amplify these notes.

1841.—Several companies are established in London under the name of Canadian Land Companies. Mr. John Abel Smith is one of the most active Directors of the Beauharnois Company. He urges meetings of all the Companies at the premises of the latter, and public meetings to be promoted thereby for improvements in Canada. Memorials are then drawn up to be presented to the Government. These contain the allegation (the Durham one) "that the United States, are in every respect more attractive than the Canadas for Emigrants, and that four-fifths of the British Emigrants who go to Canada desert the British province for the United States." On this allegation a proposition is based "that public works in Canada are to be prosecuted as a means of retaining there the emigrants,"—the proposed public work is the Beauharnois Canal.

These Memorials are drawn up by Mr. Edward Gibbon Wakefield, though that individual does not shew himself at the meetings.

The emigration agent sent by Lord Sydenham to promote that object in England, Dr. Rolph, immediately exposes the falsehood of the allegation respecting the United States, and the injuriousness of the proposal respecting the Beauharnois Canal.

The obnoxious paragraphs are expunged.

The proposal is amended by one to send an agent from ALL the Companies to use every means with the Governor and his Council, and the various branches of the Canadian Legislatures, to induce them to accept the other conditions of the memorial.

The Beauharnois Company then deposes *alone*, Mr. Gibbon Wakefield, to Canada, to advance its own object, which was *the* object which the other Companies had repudiated—the Beauharnois Canal.

Lord Sydenham had declared he would not see or hold

intercourse with this individual until he had disavowed certain articles in the Colonial Gazette of which *he was the author*.

Mr. Edward Gibbon Wakefield and Lord Sydenham come to a perfect understanding, and the latter adopts the project of the Beauharnois Canal, and recommends the charter for the incorporation of the Company.

The disturbance of the Canadians by the Beauharnois acquisitions was the cause of the first Canadian outbreak. The active persons engaged in these schemes, divert observation from themselves, by masking that event under the pretence of a French and a British antagonism. Out of this springs the project of the Union Bill. Then comes the Beauharnois Canal;—this work being made, to give value to this property, to pass to the south, instead of to the north, of the St. Lawrence, exposing our communications to the attack of an enemy in case of war.

Thus were the pecuniary projects of Mr. Edward Ellice interwoven with the general political doctrines of parties in England, and the external and diplomatic schemes of foreign Governments in reference to Canada and thus did the talents of Mr. E. G. Wakefield find an extensive field for their maleficent influence.

Mr. Harwood the Seigneur of Vaudreuil, thus writes :—

“ Having trod the soil of Canada for the last quarter of a century, I cannot bear to see her interests bartered and sold away by jobbers and mercenary parvenus, without raising my feeble voice to express the disgust and abhorrence I feel at such transactions.

“ It is well known that the Seignior of Beauharnois was long the property of the Right Hon. Edward Ellice, and that, while his property, he, or his agent, employed Mr. Baird and Mr. Stephenson, at different periods, to make surveys and plans for a canal through his property. Such surveys were, therefore, purely *ex-parte* surveys; neither of the gentlemen had made any surveys on the north shore, to enable them to compare its cost and difficulties with the

south shore ; unless it be Mr. Stephenson, who had induced the Province some years before to expend some £15,000. in cutting certain points of the St. Lawrence, such as the one across the Clay Point at the Cedar Rapids. The money was voted, and expended, and its product now remains a monument of ignorance and Mr. Stephenson's engineering.

“ Mr. Baird and Mr. Stephenson made careful surveys in the year 1835, as Mr. Mills had done in 1833, *and all with the same result.* Mr. Mills instead of recommending the route by Beauharnois condemns it. Mr. Mills spent a whole season in his examination, being paid a high price by the seven Commissioners appointed by the Legislature for getting surveys and plans made, (of whom I had the honour to be one,) in order to secure the best services of the highest talent we could find. Such plans, with working estimates and costs, were furnished by Mr. Mills, and formed the only document, that could be considered as emanating from the ‘ Provincial Engineering department.’ These plans of Mr. Mills were lithographed in New York, hung up in the library of the House of Assembly, and must be prominent documents in the possession of the Board of Works. Mr. Keefer, the present Engineer of the Board of Works, was then a chain-bearer, or something of the sort, to Mr. Mills. Mr. Mills not only places the Canal on the North shore, but states in his report, ‘ *that he had examined the South shore of the St. Lawrence, that, although practicable, he believed it to possess no physical advantages over the North, and to require a longer canal,*’ but that ‘ being so completely exposed to an enemy in case of war, the placing a canal there could never be the intention of the Legislature.’ Such were the sentiments of an American citizen, who receiving the pay of the Province could not betray her best interests. What a lesson this is to our London jobbers, and our eminent Board of Works.

“ ‘ Yet,’ says the Montreal Gazette, “ Mr. Killaly merely joined in the recommendation of others, and the recommendation of the Engineers was unanimous, with the exception of one employed by parties interested on the Vaudreuil line.’

“ What others? Not Mr. Mills's recommendation, but those of Mr. Baird and Mr. Stephenson, *made by order and at the expense*

of the proprietor of Beauharnois; which plans had been endeavoured to be palmed upon the Lower Canada Legislature, but rejected by it. Plans laid, I may say fearlessly, from interested motives.

“ Mr. Ellice might long have waited for his Canal, had he not met with this double Commission gentleman, Mr. Wakefield, who not only sells and buys his property, but seems to have a power of his own of selling and buying any thing that comes within his magic reach.

“ Under his especial protection, in the winter of 1842, these famed surveys were made or pretended to be made, when the ground was closed up with frost and snow.

“ The charge I have made against the Board of Works, I reiterate, and I know I can substantiate, and it is an insult to tell us, that because they have succeeded so far by deception in the job, in getting the country so deeply involved—that they must not be held accountable for their acts—let us apply practically this Responsible Government, the theory of which we are so much discussing now-a-days. *I publicly impeach the Board of Works of wilful mis-statements of facts, of involving the country in this unwise work by deceiving the Governor and Council of the day, and I am willing and able to prove the charge.*

“ The question never was whether it would be practicable to make a Canal on the south side shore or not, no one ever attempted to say, that such was not practicable, except that at the upper outlet of the Canal, where the Engineers described wide and deep channels, *none such existed, and that it would be almost impossible to make a safe entrance*, and so it now appears as far as I can learn. So it now appears that the opinions given by the pilots, the boatmen, the inhabitants of the neighbourhood, were well founded although so insultingly sneered at. Mr. Killaly, President of the Board of Works, not “ *merely joining in the recommendation of others,*” asserted not only that a Canal on the south could be executed, but that there would be a saving to the Province of 100,000*l.* and this was the price, together with specious arguments, reluctantly accepted by Lord Stanley, for this wanton weakening of the defences of the Province—specious arguments used to Lord

Stanley by the Governor, Sir Charles Bagot, a man too gentlemanly and confiding to have come out in so unfortunate a period as one in which Mr. Wakefield was in the ascendant."

(*British Whig, August 9, 1844.*)

"It was our intention to have occupied our leisure with an exposure of that most horrible and scandalous of all jobs, the Beauharnois Canal, having acquired information to an extent never dreamt of by the guilty parties concerned in this nefarious business, but the truth is, we dare not. The various participators in the large bribe of 12,500*l.* occupy *too high a station in office* and society to be safely exposed, even when a journalist is doing a public duty and has truth on his side. Nothing but a Committee of the Legislative Assembly can bring this iniquity to light."

(*Montreal Herald, Aug. 9, 1844.*)

"Mr Harwood openly impeaches the conduct of a late cabinet minister, Mr. Killaly, and of his subordinate officers, the Board of Works. He says, that he can prove, that Mr. Killaly misrepresented facts with the object of deceiving Sir Charles Bagot and the Executive"

"Neither ought it to be forgotten, that a trading company in London paid their agent Mr. Wakefield 12,500*l.* for the express purpose of enabling him to sway the actions of those to whom the people of Canada had intrusted their interests. Mr. Wakefield may not have used any portion of this money, to corrupt those with whom rested the decision on which side of the St. Lawrence the Canal should be carried—but, on the other hand, that decision was arrived at, at a very critical time, and the funds to carry it into immediate effect supplied in a *very suspicious* manner—the City Bank being the *ostensible*, the Beauharnois Company the *real* lenders; nor should it be forgotten, that a Committee of the House of Assembly, after a patient investigation, declared themselves incapable of arriving at any decision upon the merits of the very question,—the decision of which by the Board of Works put 12,500*l.* in Mr. Wakefield's pocket,—and this, "in consequence of the contradictory nature of the evidence given before them by

scientific as well as practical men." If "Responsible Government" is ought but a mere senseless theory, about which to wrangle and dispute, another special Committee of the House of Assembly will be appointed, which, with the additional evidence that may now be obtained, will, we trust, be enabled to arrive at a conclusive opinion upon the matters referred to its decision."

The appropriation for the Canal was made during the life of Lord Sydenham, the survey, digging, construction, and line fixed, after his decease. Two objects had now to be effected, the commencement of a political strife and contention, that would prevent a calm investigation into this matchless fraud—and the introduction of a new system into the Colonial Government, that should render the Council recommending it, favourable to the plot. Sir Charles Bagot had succeeded Lord Sydenham, and before he met his parliament, he had called to his council one of the most obnoxious individuals in Canada. The bearing of this act, and the interweaving of schemes of policy and profit, is indicated in the following extract from the *Quebec Gazette* :—

"The Upper Canadians take their stand on monarchy as opposed to republicanism. It is the appointment of republican Hinks—the retaining the republican Sydenham secretaries and officials—the carrying out of the republican Sydenham acts—the appointment of Hinks's republican magistrates—*ci-devant* rebels, unlettered, disloyal clowns or mechanics ;—the dismissal of tried loyalists and men of education and talent from office,—the open avowal of the sovereignty of the people, of the non-responsibility of the colonial government to England, and its responsibility to the Canadian legislative assembly, by the government papers.—These are the points of contention ; these are the men and things which the loyalists would thank God to be able to meet in fair and open fight, that either monarchy or republicanism may fall. The monarchists, whatever Sir Charles Bagot may be induced by his republican cabinet to believe, are still able to put down their old

enemy in an impartial field ; but whether they will be so able after Sir Charles Bagot has perfected the acts of Lord Sydenham, and the land has been bribed and corrupted to republicanism through the instrumentality of the loan from England, which is already adding strength to the republicans, by the employ of Yankee and radical surveyors, and supervisors of roads and other radical officials ; —whether the loyal party can survive this treacherous, this insidious attack on the part of their parent—an attack the more deadly as it is undeserved, and was unexpected—*this may be matter of doubt ; at least the loyalists of Canada will have nothing to reproach themselves with, it would be ‘ England herself who,’ as the Débats says, ‘ through her Whig (traitor) administration, will have severed the bonds of the connexion.’*”

If the Government of England can be used for purposes so vile, and if such a mass of nefarious proceedings, to such a degree also brought to light, by the number of persons engaged therein—by their evident object—by public denunciation—can go on—successively accomplishing themselves without one step towards inquiry, or one effort even at resistance,—what villany is there that can not be conceived in every other branch and department ! After this, is it wonderful, that the loyal and the honest should be trampled down and upbraided, and that the villanous and the treacherous should be commended and recompensed ? And were there no other cause of discontent, no other evidence of baseness, no other indication of danger, would it not suffice to drive the Colonists of the North to emulate the former conduct of the Colonists of the South, that such a man as Edward Gibbon Wakefield should be the successive confidant of their various governors, the moving spirit of the most important plans, and the delegate of the influential authorities at home ! Look on the other hand at the audacity of this convicted miscreant, at the consciousness with which he plays with his victims, the security that he feels in his knowledge of those who become his tools by being his associates. This man describes the Canadians

as "French helots," the gallant militia of the province as "an enormous nuisance," "a war fomenting pest," "an embodied provocation for war;" the British subjects who enrolled themselves to defend the province against internal commotion and foreign aggression, he compliments as the "base and brutal British," and this is the person who puts in the jewel into Lord Durham's Report, and recommends the *union* of the Provinces! This is the man who speaks of the "confidence reposed in him" by Lords John Russell and Stanley, who parades his "employment by Lord Durham," his "reconciliation with Lord Sydenham," his dictation to Sir Charles Bagot, and his satisfaction with Sir C. Metcalfe!

Whence this terrible power in an individual thus branded on the forehead? Is it transcendent genius? No—it is the verdict of an Old Bailey jury that has conferred it upon him! By it he works. By it he makes his own whoever holds intercourse with him. They have to lie for him that they may not be infamous. Here, then, is the real antagonist of Sir C. Metcalfe; and on the contest between them depends the dismemberment of the British Empire—all other powers are obstructed, and they combat, as it were, *in vacuo*. There is nothing around to grapple with, or even comprehend, the faculties of the one, or the villany of the other. "Government has made Sir C. Metcalfe," exclaims Mr. G. Wakefield, "greater than the Colonial Office." He exalts him already. The man is confident of success. But whatever the result, Mr. Gibbon Wakefield could not have been there to maintain this contest had it not been for the Beauharnois speculation;—and again, had it not been that a succession of corruptible men were found in the Colony and in the Cabinet;—and again, had not the British nation become itself indifferent to character.

Mr. Ellice is son-in-law to Lord Grey, brother-in-law

to Lord Durham. He has had the co-operation of Lord Sydenham and Lord Palmerston. The Beauharnois plot, in so far as it was the means of convulsing Canada, was an essential object to Russia. Lord Durham was the factious partisan of the Emperor, Lord Sydenham and Lord Palmerston, were his intelligent coadjutors. Here then were family ties and influence affecting some—concurrency of objects presenting themselves to the rest.

Such was the Beauharnois job, the pivot upon which have hinged the events in Canada. It was necessary to expose it thus in detail before proceeding to the difficulties with which the present Governor-General is now surrounded, and we close these remarks by quoting the words addressed to the writer of this article by a British functionary on meeting Mr. Edward Ellice in the streets of London in 1837, "If ever Canada is lost to Britain it will be through the machinations of that man."

There are periods in the history of nations which in after times are looked back to with dismay and abhorrence. When the secret memoirs of the present times are made known, and when the motives of the actors are made clear by the results, there will be presented a picture as much at least calculated to excite incredulity and abhorrence, as any thing which we find in the mysterious records of Poland before her fall.

SIR CHARLES METCALFE has succeeded at last in forming a Council,—which event we deplore. Sir Charles Metcalfe was, in as far as the real business of the Colony was going on, so well managing, so much better without than with a Cabinet(!), that we were in hopes that the light might break in on some, and the great truth be made manifest, that *their schemes for governing* were the sole embarrassments or obstacles to Government. The *Morning*

Herald recently commented, as follows, on Sir Charles Metcalfe's mode of ruling :—

“ Nor have the interests of the Province in the least suffered by the temporary vacancy of some of the executive offices ; its business has been as efficiently performed, and its most minute affairs have been as promptly administered, as if every post had been filled. Though harassed and weakened by a most painful complaint, and compelled to undergo a hazardous surgical operation, Sir CHARLES METCALFE has continued to indulge—for labour with him is pleasure—without relaxation in hard work ; the difficulties of his position have excited him to still greater exertions ; by his own indefatigable labour the duties of the whole Government have been carried on—not negligently, or imperfectly, or hurriedly—but completely, cautiously, and righteously. Neither political disappointment nor personal suffering has disturbed the soundness of his judgment, or interrupted the even tenor of his honest industry ; neither unscrupulous misrepresentation nor unintentional misconception of his motives or conduct by others, has fretted his quiet endurance and good-humoured cheerfulness into one angry remark, or excited him into a single act for which an excuse need be offered. At this moment he is, if possible, less a partisan than when he disembarked at Quebec ; and he will meet the next Session of the Parliament as free from personal feeling as he did the last. If the force of his great example be lost on the Canadian Parliament, then must Canada, to use the language of a member of that Parliament, who has just given us his views of Sir CHARLES METCALFE'S government, ‘ take the consequences of a revolutionary struggle.’ ”

Thus is Canada doomed to the ingenious torture of ingenious men, and is menaced and bullied because at last she happens to have a good governor. Sir C. Metcalfe, on going out to Canada, could not have put himself under the

command of such men as form the Government of England, in the exercise of any duty of his own, or of any service to the State. He had on a former occasion, in assuming the Governorship of Jamaica, told the representatives of the opposite factions, when they met to do him honour, that he should equally obey the constituted authority, and equally disregard the party opinions of those in or out of office. So far there was good conduct, so far there was courageous avowal. But Sir C. Metcalfe has gone further, he has recently directed against the head of the Government in England, and consequently against the whole nation (for of course the chief of a nation is the worthy representative of the people) one of the bitterest of reproofs and most biting of satires. In speaking of the quarrel with the Council, he says:—

“ I am required to give myself up entirely to the Council; to submit absolutely to their dictation; to have no judgment of my own; to bestow the patronage of the Government exclusively on their partisans; to proscribe their opponents; and to make some public and unequivocal declaration of my adhesion to those conditions, involving the complete nullification of Her Majesty's Government.”

What is here required from Sir C. Metcalfe that is not required by Sir R. Peel from the Queen?—what is the question in Canada?—is it not to cut the provincial Government, according to the pattern of the Home Government?—that is, to effect the same degradation in the colonies that has been effected at home. The previous practice of the English Government, was to make responsible those who had to execute the Law. You have overthrown the Law in England, you now proceed to overthrow it in the colonies. You introduce faction and party in lieu of examination of facts and judgment thereupon. The administration of affairs is rendered entirely subordinate

to the possession of power. The new Laws are framed, not for the purpose of preventing wrong, but for the purpose of distributing checks, influence, and patronage. The absurdity now smites you in the face, and there is now clearly before you one of two courses to take,—either to understand your folly and to remedy it—either to restore proper, fitting, sensible rule of government at home, or to declare that Canada is not governable, and to cast her off; and having done this with respect to Canada, you must go on dealing in like manner with all similar incidents.

The following extract from a speech made seven years ago, may suggest some reflections not inapplicable to the present times—may awaken some sense of that alarm, by which at times nations are saved from great dangers.

“ Another fallacy, far more common and far more injurious, is the idea of the valuelessness of colonies, and the advantage of their separation from the mother country. This opinion is supported by the assertion that the United States of America have been more advantageous as a free people to Great Britain than as a colony. If the assertion were true, the inference would only be, that the unjust and impolitic acts which gave rise to their separation were justifiable, or that the governing principles of Great Britain are such, that a dependent state can neither benefit England, nor be benefited itself by the connexion; and this doctrine must consequently come to justify misgovernment on the one hand, and to sanction rebellion on the other. But it is not true that the separation of America has been beneficial to England. The act which led to it was a violation of her own principles—the opposition which it raised, lacerated the fondest ties of her colonies and her subjects. The blood of thousands flowed in the unnatural struggle, and millions of treasure were expended in the untoward contest; above one hundred millions of debt were heaped on future ages, and the seeds of desolating war scattered over the continent of Europe. Had the war with America never taken place, or the separation of the

colonies not been effected, the subsequent wars in Europe would probably have been avoided, and England would stand at this moment safe and pre-eminent. The commencing of troubles in our colonies in 1772 was the cause of the first partition of Poland, because England, endangered in the West, could not venture to defy the policy of Russia. Our embarrassments in our North American colonies rendered us indifferent to the regenerated movement of Poland in 1791, and must have led, in 1792, to the loss of Constantinople, had a statesman and a warrior—the sovereign of Prussia—not felt the danger to Europe, and prepared to attack at once Austria and Russia, in defence of the Dardanelles. At this present hour, the few ships that England can spare, instead of being anchored in the Bosphorus, are despatched to the St. Lawrence; and, as the most fatal blow that Russia could aim at the existence of England would be the convulsion of her colonies, so is the man who speaks of the benefit that would accrue to England from her colonial loss, the worst enemy of his country.”

Alas! it is our doctrines that have brought the evil for which Canada will not have alone to suffer. The consequences will be to them a gratuitous infliction, to us a just punishment.

It seems that the maleficent individual whose conduct has occupied already several pages of this number, is not unconnected with the new Ministerial arrangement in Canada.

The following extract is from a Canadian Correspondent:—

“ I believe Wakefield is plotting to destroy the character of Sir Charles Metcalfe. It was he that forced the rebel council on Sir C. Bagot—he framed Lord Durham’s report to get the Beauharnois Seigniory for his schemes—he managed by his stratagems to get the Beauharnois Canal for the use of the Americans, instead of being on the North side of the

St. Lawrence, within our dominions—he quarrelled with the traitor Council for purposes of his own—and it is a singular fact that the only loyal portion of Sir C. Metcalfe's *present Council* are men who have disgraced and degraded themselves by associating with this * * * * * and who, from that circumstance, never will command the confidence and respect of the loyal community of Canada. I see nothing but strife, contention, concession, disruption, and disgrace in store for the North American Colonies."

"Wakefield was driven from Canada by the public indignation; he is now the Champion of Sir Charles Metcalfe and the framer of his Council."

P. S. THE following we received too late for insertion.

To make the Beauharnois matter clear, I thus enumerate the leading facts.

1. Ellice got the Seigniorie CHEAP, sold it to a COMPANY, immoderately DEAR.

2. Wakefield and Buller were sent out by Ellice, in Lord Durham's suite.

3. Wakefield was sent back from Canada, in consequence of the extreme indignation, excited by the appointment of one standing branded in a SPECIAL and EXPRESS statute of the realm, as "convicted of fraud, forgery, and conspiracy."

4. He (Wakefield) made up Lord Durham's report, and having his eye on the Seigniorie of Beauharnois, and the construction of the Canal through it, eulogised the United States, and vilified the Canadas on the score of apathy and indifference to public improvement.

5. Having offended Poulett Thompson, he managed to get up a meeting of ALL the Land Companies to appoint him agent, and send him to Canada.

6. In this he failed, but ELLICE'S COMPANY gave him £12,500. to go out to Canada to patch up a truce with Poulett Thompson, and to do their jobbing.

7. He went to Canada, and joined in common cause with Thompson, who had before denounced the Beauharnois Company as infamous, and then (Wakefield) commenced his speculations with the Members of the Parliament, to get a Canal constructed round the St. Lawrence, without reference to which side of the river it was to be made.

8. He succeeded; and then again he renewed his POLITICAL movements, No. 1, being the Durham Report.

9. He induces the Board of Works to allow him to have the Canal commenced *in its centre*, through the Beauharnois Seigniory, on the south or (American) side of the river, in opposition to the warmest remonstrances of all friends to British connection in the Province.

10. He managed, immediately after Lord Sydenham's death, before Sir C. Bagot's arrival, to have that portion of the St. Lawrence Canal, called the Beauharnois Canal, commenced and contracted for.

11. To appease French Canadian hostility to Ellice's Company, he commenced tampering with some of the principal rebels.

12. On Sir C. Bagot's arrival, he obtains the appointment of a leading rebel to office.

13. He causes such division and distractions in the Council, and produces such disgust amongst the loyal population, that a rebel council was appointed by Sir C. Bagot, and the Parliament continued only 14 days in Session.

14. Before its close, he induces the then Member for Beauharnois to resign his seat, and gets elected himself: solicits the suffrages of the electors on two grounds: 1st, the Beauharnois Canal; 2nd, the promise to get *Montreal* made the seat of Government.

15. The Council left by Sir C. Bagot quarrel with Sir C. Metcalfe, and also with Mr. WAKEFIELD—they are dismissed by Sir Charles; Daley, Wakefield's friend, the only ONE retained. Wakefield becomes the warm defender and supporter of Sir C. Metcalfe.

During this time the following occurrences take place—

Baldwin, the rebel Attorney-General, twice defeated in his attempt to get into Parliament for Upper Canada.

Murney, a loyal Canadian, dismissed from a situation, for offering himself as a candidate in opposition to Baldwin.

Sherwood, a loyal Canadian, dismissed from the office of Solicitor-General.

Ogden, a loyal Canadian, Attorney-General, dismissed from office.

FitzGibbon, defrauded.

McLeod, unremunerated.

Montreal made the seat of Government, in defiance of a pledge.

Leading rebels promoted to offices of Sheriffs, Magistrates, District Judges, &c. &c.

Every one who defended the Colony proscribed, insulted, degraded.

* * * * *

TRAITORS REWARDED.

Rolph, (John)
 Duncombe.
 Morrison.
 Hincks.
 Baldwin.
 La Fontaine.
 Lossing.
 Gibson.

GOVERNORS REWARDED WITH
PEERAGES, &c.

Gosford, (upright indeed in
 purpose.)
 Durham.
 Sydenham.

LOYALISTS INSULTED, PRO-
SCRIBED, INJURED.

Chief Justice Robinson.
 Bishop of Toronto.
 Colonel FitzGibbon.
 McLeod.
 Murney.
 Prince,
 &c. &c.

FAITHFUL GOVERNORS RECAL-
LED AND DISGRACED.

Sir F. Head
 Sir J. Colborne.
 Lord Aylmer.
 Lord Dalhousie, &c.

PRO-
CAL-

FURTHER ELUCIDATION OF THE
BEAUHARNOIS JOB.

THE Article in our last Number, has given rise to various objections and questions, which in order to be able to reply to distinctly, we distribute under the four following heads.

First. What connexion is there between the sale of a property in Canada to a Land Company, and the Insurrection of the Canadian people ?

Secondly. What makes the Saint Lawrence Canal so improper an undertaking as to have rendered corruption necessary for carrying it ?

Thirdly. What has Mr. Edward Gibbon Wakefield been guilty of ?

Fourthly. How is it possible, that a man, such as Mr. Edward Ellice, could associate with persons, or engage in purposes of the alleged description ?

To the first question we answer :—

This was no ordinary sale of property. Had the property been disposed of on the ordinary conditions, no injury could have resulted to the Canadians, and no commotion from its sale ; but it was not so disposed of. The price at which it was sold was manifold the price at which it had been purchased, and this advance of price was fictitiously raised by connecting it with schemes of emigration, and with land jobbing in England. The contributors of the money in England had to be deceived in order that they should contribute. Then a project of emigration had to be worked up to carry out these representations ; and then the introduction of these emigrants into the Canadian settlements alarmed the population, by the intrusion of a new and distinct, and, as it stood, hostile race, and this was to be connected also with an overthrow of their usages.

The next steps were, the political convulsion of the province, to mask the causes of this local evil, and then further corruption again of the administration, to bring into operation a falsely planned public work, that would give employment to the emigrants, and would be a bribe to the native population upon the Beauharnois and surrounding properties.

This took place in the very region that had hitherto been kept free from British settlers.—It was the frontier, an open frontier, exposed to the inroads of the Americans; and therefore was it made the fundamental object of the settlement in 1794, to leave it in undisturbed possession of the French Canadians, in order that their consequent attachment to England, should be England's defence. The laws, manners, and customs of the Canadians, were thus preserved to them, and the wisdom of such conduct was proved by the results. And by this alone has Canada remained British. Judge then of the effect of an extensive project in England, to colonize with British and Irish the Canadian Seignories!—this imitation by a son-in-law of the then Prime Minister of England, of the Texan speculations of the Freebooters of the South!

We have already shewn that the Report of Lord Durham, was one of the *instruments* of these speculators—as distracting with political agitation the Provinces, and keeping from observation their own acts, and as subservient to a higher game that was playing by some of these persons, in connexion with a foreign power, and as being in the sense of the Parliamentary usurpations of the day. But the report of Lord Durham was a volume, not a proposition; it contained many propositions, a whole fabric of propositions—it was a battery, the pieces of which were pointed against every face of Heaven: and worked to level whatever stood pre-eminent by worth, or man's respect; all things were shaken by it in the Colonies; and after a time the Home

Government of the one party after the other, adopted it as a piece of statesmanship,—played with it as a toy,—or wore it as a mill-stone.

This Report, then, proceeded to propound novel theories on the constitution, not of Government only, but of society, under the form of a *Theory of Emigration*; proposing the experiment and application to Canada of that theory, worked out by Mr. Gibbon Wakefield during his three years imprisonment in Newgate. This theory happened to be at total variance with all those things which existed amongst the French settlers in Canada, and in opposition to all that they desired, or felt; this experiment was suggested to be first tried in the Seigniory of Beauharnois. Here then is the connexion of the Durham plot with the Land Company for the purchase of the Seigniory, based in common upon the obtruding of the stranger population upon the Canad'ians, and the alarming that people with a general overthrow of their rights and a general assumption of their territory.

The Report was drawn up not indeed by Mr. E. G. Wakefield alone. Three were engaged in it. Were the others calculated to counteract the villany, the opinions, or the pecuniary interests of Mr. Gibbon Wakefield? No. The others were Mr. Ellice's son, who had an interest in the principal, five per cent. upon which amounted for Mr. Wakefield to £12,500., and Mr. Charles Buller, who might have had a percentage, just as much as Mr. Wakefield, since he was that individual's associate, and moreover the sycophant of Durham—the *protégé* of the Ellices, and a clever party journeyman.

The first resistance to the law occurred in the Chateaugay river, which runs through the Beauharnois Seigniory. The inhabitants of that Seigniory stopped a steamboat with Mr. Edward Ellice, and seized him and the persons with him. Mr. Edward Ellice had been guilty of no act personally and directly offensive; there was no local commotion. In this

seizure, therefore, is represented the clear appreciation by the Canadians of the source from which evil threatened. The lives of these persons were saved only by the intervention of the priest, who kept them in his house, and who secretly gave notice to a body of Glengarry Highlanders who hastened to the rescue.

We trust we have thus supplied the deficiency of our former number, and made it apparent how the Beauharnois speculation of Mr. Edward Ellice was the source of the commotion in Canada, of the infamous Durham Report which inflicted the Union upon the Provinces, and infested them with Mr. Edward Gibbon Wakefield.

We now come to the second question.—In what consists that inexpediency of the Saint Lawrence Canal, which has required the employment of corrupt and infamous means to cause it to be adopted?

Answer. There are rapids in the Saint Lawrence, and it was an object of public utility to cut a canal so as to avoid these rapids. The country south of the Saint Lawrence is open to the United States, and every arrangement, or work undertaken, has reference to the liability to invasion from the United States. To cut a canal south of the Saint Lawrence would be to throw that important communication in advance of your defences,—cutting to the north of the Saint Lawrence, places that defence in advance. Were there obstacles to overcome to the north, and an open country to the south, it still would have been essential to conquer the obstacles, and neglect the facilities presented on the more exposed side. Now there were no obstacles in carrying the canal to the north. There were greater facilities than for carrying it to the south. Yet the canal was made to the south and not to the north. Instead of being confined to the limits absolutely necessary to overcome the difficulties of the rapids, it is far extended, and converted into a work requiring the expenditure of half a million

sterling. It is carried directly through the Beauharnois property; it is made to be commenced *in the middle* and not at the extremities, so as at once to be of service to the Beauharnois speculators. It was to obtain these ends, the reports had to be manufactured—the Government officers rendered favourable—the House of Assembly to be convulsed and disturbed to prevent attention being given—the Governors to be rendered favourable—the Press to be rendered favourable; and the public to be mystified and confused. The attempts of those who saw and endeavoured to bring these designs and guilty deeds to light, had to be counteracted and put down; and all this necessitated large corruption, and contributed effectually to that general end. This very canal scheme has been rendered the means of returning to Parliament in Canada, the man whom Lord Melbourne required Lord Durham to dismiss from Canada, because of the infamy of his character.* Having got, through the commencement of the canal and the profits thereby accruing, the means of coming forward as a candidate upon the hustings, he then offers, as a condition of his being returned to Parliament, the causing to be reversed in favour of Montreal, the pledge of the Government to make Kingston the capital of the United Provinces. In this, too, he has succeeded.

Now this case, (of the canal) was prepared for in the Durham Report. The United States were there artfully extolled for their efforts in public improvements, and falsely and malignantly was apathy and indifference imputed to the Canadians. We have already shewn how the Beauharnois Company in London, converted this imputation to their own purposes, explained the superior attractions of the United

* It is singular that the known author of this Report of Lord Durham, should be the man whom Lord Durham's chief required him to send out of the colony.

States to our emigrants to Canada, the fact being falsely stated; and then how all these conclusions were brought to bear upon the necessity of making the Saint Lawrence canal through the Beauharnois estate. Whichever part you take up, it is like taking up the parts of a net, every mesh is connected, and every knot is tightened, and with it they have caught many fish—the smallest have been taken, and we were going to say, the largest have not been able to break through;—but we will wait the result of Sir Charles Metcalfe's struggle.

We now come to the third question; namely—Of what has Mr. E. G. Wakefield been guilty?

Edward Gibbon Wakefield, attempted, in concert with some infamous associates, to get possession of a young lady's fortune, by carrying her off and marrying her—forgery was had recourse to, and the crime was branded as a new one. A century before a case in some degree resembling it, had occurred, but without the aggravating circumstances of this. The law was deemed inefficient to meet it. He was, however, sentenced to three years' imprisonment in the felon's ward of Newgate, and Sir R. Peel regretted that the punishment of death could not be applied to so atrocious a case. Sir R. then Mr. Peel, has expressed himself as follows in the House of Commons:—

“The circumstances of the case were so notorious, that it would be unnecessary to enter into a detail of the arts, the fraud, the forgery, and the villany, which had been practised. This, it was well known to most who heard him, had not been done to gratify any other passion than avarice—to gratify the basest avarice by the basest means. The chief agent in this detestable offence, was then enduring a punishment by no way adequate—entirely disproportionate—to his offence. The sentence which had been pronounced on him, was a strong proof of the imperfection of human legislation. Three years imprisonment fell very short indeed, of the punishment which

ought to follow such a crime. Hundreds of delinquents, much less guilty than Wakefield—without the advantages of education which he possessed—had been convicted of capital felonies, and had forfeited their lives. If the marriage had been completed in England, Wakefield would have been exposed to capital punishment.”*

To the fourth question—How such a person as Mr. Edward Ellice could lend himself to such projects, and link himself with such characters? We answer:

The French proverb, *Dis moi qui tu hantes, je te dirai qui tu es*, is of universal authority and application. He who does not know what Mr. Edward Ellice is, does know, at least, what Mr. Edward Gibbon Wakefield is. If men are known by their associates, so also are they by their acts. We have before us the Beauharnois job. We cannot have clearer means of knowing any man:—infamous associates,—nefarious acts. But the knowledge of other men is dependent upon the standard in each man of his own morality. That standard fluctuates greatly in a nation, and it varies in a nation as an aggregate standard, from century to century, and from year to year. In 1837, Mr. Edward Gibbon Wakefield had to be sent out of Canada, because of character. The standard of morality of the nation must have been changed before he could go back; still further changed before he could be a member of its senate; still further changed before he could come to be the chief authority in the province, and the most influential person in England in respect to it.

Nations rise in honour, they sink in corruption; and the circle is completed more or less rapidly, as the standard of morality more rapidly changes. An Eastern proverb says, “the fish stinks by the head,” that is, the leading men mislead and pervert the people, because the people are in ignorance of what their leaders are, and so first endure what they would have repudiated, if known; and

* Speech in the House of Commons, June 6, 1827.

when they have come to know it, they justify it, because they have endured it. By making that which is base known in time, it is prevented. When it comes to be known afterwards, the baseness is confirmed, and its venom scattered throughout the whole race. They pass from believing such things impossible, to supposing that they cannot be prevented. It is then considered the ordinary course of nature. Men have been always base and corrupt; and a shrug of the shoulder—a faint muscular or verbal expression of disgust,—is all that is left to mark the relationship of this English people, of the 19th century, with predecessors who were, upon earth, the race most indignant against, and most impatient of, public wrongs; most sensitive to private honour, most instant in requiring proof where doubts arose, and punishment where proof had been given; and who, passing the mere limits of virtuous vigilance, had ranged to the extremest verge of turbulence as directed against pretension and usurpation. Such acts as those that we have described are as yet inconceivable to the mass of the nation. Common men in capacity or station are not corrupt enough to do the like, but they are sufficiently corrupt to endure them. It will enter into the heart of no existing Englishman to feel indignation—his blood will not circulate more quickly, nor his breath be more heavily drawn, nor his nerves writhe under the infliction of that which, though the scourge of the freeman, brings us no pain—dishonour.

We imagine we have now proved our case, namely, that the convulsions of Canada have been the result of machinations for private gain, carried on through individuals of so infamous a character, that whoever associates with them is infamous. We have given here, then, to those excluded from the pale of affairs, and not thereby either enlightened or corrupted, the means of rating the character of the "*politicians*." Mr. Edward Ellice is a fair representation of his class, he is associated with them.—In fact, what

need be said upon that matter. What infamy is there to-day that can exclude any man from what is called Society. Petty villanies are indeed pursued with the hatred of men, and visited with rigorous penalties of the law. But mighty villanies are not only secure of impunity but confer favour, wealth, honour, power and fame. Look at Canada—every honest, and able public servant proscribed—every miscreant rewarded. Take the latest fact—Mr. Robert Neilson claiming ten thousand pounds as compensation, for damage done to his property by the Queen's troops and the loyalists, while he was engaged in open rebellion. And we ought to be grateful to him for not requiring, as yet, the troops to be punished and the officers broken.

We have had sent us a letter from one of the Emigration patrons, Sir R. Brown, from which we subjoin an extract, as indicating the connexion between the Canadian plots and the Emigration schemes. That is, that Mr. Wakefield has used Emigration as he has used whatever else has fallen in his way. As to his being too mean an object for exposure, we must observe, that he is no mean object; and if vileness so plain, does not arouse abhorrence, what can? The man who can walk from a felon's cell to a minister's closet, is no mean person, even in the basest times; and can there be a sign more awful before a people's eyes, than such a fact as this?

“With reference to your query, what do I think of the Article on the *Beauharnois Job*? I should feel, were I in Wakefield's shoes, as Malvolio did, viz, that it was worse than whipping or pressing to death. But did I not believe that the glorious cause of systematic colonization can no more be affected by the nefarious practices of such a miscreant, than was the holy rite of matrimony by the act for which he was three years a jail bird, I should very much fear that the exposition in question would prove, at this juncture,

a heavy discouragement to the benevolent ends which we have been so long endeavouring to promote. The whole article contains many splendid truths, emphatically announced, and notwithstanding the revolting insight which it gives, both of personal and official corruption, it *must* have a most salutary influence in regions of public thought not a little higher than those in which the Wakefields, Ellices, and Bullers of the day, live, move, and have their being. How I should like to see in the bold and honest characters of Mr. Urquhart, another article, shifting the scene of Wakefield's infamous intrigues from the New World to the Old, and exhibiting him pulling the strings by which the British American Association was done to death by extraneous interference.

“The dramatic cast given at page 342, from the *Times*, is a meagre affair, to what might be truly styled “THE MANSION HOUSE PLOT.” Act I. A drop scene, representing the ship *Barbadoes* clearing the London Docks in the middle of a fine September day, a few half-starved, unemployed labourers on board, going out to a country six degrees to the South of the Mansion House, where food, labour, and comfort awaited them. The curtain draws up, and the sulky magnifico, Lord Stanley, sitting in solemn grandeur in his cabinet in Downing-street, the Colonial Secretary of England reading a letter from an ANONYMOUS correspondent, calling his attention to the aforesaid ship—his myrmidons of the Colonial Inquisition in Bird-Cage Walk are called in for consultation—the usual interruptions, enquiries, and delays instituted, of the most frivolous and unwarrantable nature.—Act II. The Justice-room in the Mansion House, on a cold morning, about the end of October; a few half-drunken runners, New Zealand and Beauharnois emigrant crimps, &c. in attendance. Sir John Pirie, the second edition of Wakefield, and a Director of the New Zealand and Beauharnois Companies takes his seat on the Bench. Complaint made by some men who had never gone on board the ship *Barbadoes*. Mr. Haldon, the agent of the British American Association, robbed of £37. on the recommendation of the Lord Mayor—the

British American Association, denounced by this sapient geographer for sending out poor people to a country somewhere in the neighbourhood of Nova Zembla, to wear bear-skins, and live upon whales—the Duke of Argyle written to, to ask if he was liable for the debts and engagements of the Company—the Press got hold of a Mare's (MAYOR'S) nest, and are open-tongued, &c. Act III. Vessel proceeds to sea, and by adverse gales driven back to Cork—The emigrants return to London—The Duke of Argyle retires from his office—Lord Stanley in Parliament, expatiates on the cruelty and hardship of furnishing poor emigrants with a free passage to a prosperous colony, exculpates himself and his myrmidons from all participation in such inhumanity, and the whole press of England catches up his words, and rings the changes upon "swindling," "bubble," &c. on a Company that never received one farthing from its supporters, but was altogether upheld by the private funds of its projectors.—Act V. A Petition presented to the House of Commons, directly charging and attributing all the casualties in the case to the door of the Colonial Minister, who, nevertheless, moves up to the Upper House, leaving upon the table of the House of Commons, and on its records, a grave and solemn charge, unnoticed, which ought to damn him for ever as a Minister, as a Statesman, and as a Man of Honor.

"Such are the outlines of Wakefield's infernal machinations, so far as the British American Association is concerned; and if dwelt upon in the manly, vigorous, honest, independent tone of Mr. Urquhart, would bring the matter nearer to the conscience of him, who is a great deal more criminal than even Wakefield, inasmuch as it is his duty to protect that, which it is the other's livelihood to pillage. We have less right to find fault with the poor knave whose vocation it is to be every thing by turns, and nothing long, than with the coronetted head of the Colonial *laissez faire* school, who cares not, if our transatlantic Empire sinks or swims, provided he gets the session over. As for belabouring that jackanapes, Gibbon Wakefield, that is taking the proper task from the turnkey of Newgate."

FACTS AND ASSERTIONS REGARDING CANADIAN
GOVERNMENT.

DR. ROLPH AND MR. WAKEFIELD.

TO THE EDITOR OF THE PORTFOLIO.

Shefford, Bedfordshire, October 10, 1844.

SIR,—The perusal of the Article in your last Number, "CANADA UNDER SUCCESSIVE ADMINISTRATIONS," induces me to address you some observations on the pamphlet of Mr. E. G. Wakefield, entitled "A View of Sir Charles Metcalfe's Government of Canada." That person is now, I may say, *known* to have been the prompter of Lord Durham, and the framer of his Report. A pamphlet from him now, explanatory of his own personal position, and public object, cannot fail to be of the deepest importance to Canada, and therefore to the Empire; for it affords another opportunity of comprehending the men and purposes by whom and for which the Imperial Government has been abused, and attached subjects and invaluable possessions abandoned and betrayed.

The pamphlet presents thus the case in North America, on which the Report was founded, and the disease for which *his* Union Bill (now the bill of all men and parties) was the remedy:—

"*The inquiries* of Lord Durham, the result of which has been given to the public, in his celebrated Report, *established beyond all manner of doubt*, that the disorders of the two Provinces, which he has betrayed while attempting to remedy, had been chiefly occasioned by giving representation to the people, and withholding from their representatives all control over the Executive Government. In both provinces, the Governor, and the Members of his Executive Council, were generally at open war with the Assembly."

Again:—

"In Canada the system was long maintained by means of the Imperial power; but at last, as was sooner or later inevitable, it exploded in rebellion."

Lord Durham's *inquiries!*—

As to the Upper Province, in which I had resided from 1833, I unhesitatingly say, that no such warfare, or disagreement, did exist. Equally false is the assertion, that Imperial power was used to compress and coerce the popular will, thereby forcing rebellion. The *imperial* power was used the other way. It is quite true, that Mr. W. Lyon Mackenzie, whose character, as whose doctrines, fitted him for co-operation with Mr. Wakefield, had long endeavoured to interrupt the harmony of the Upper Province. It is equally true, that owing to the influence of Mr. Mackenzie, the Attorney and Solicitor-General of Upper Canada, Messrs Boulton and Hagerman, were removed from their respective posts; but no warfare took place between the Governor and his Council with the House of Assembly, until after the arrival of Sir F. Head; that is to say, until the Governor, Sir J. Colborne, who denounced the treasonable schemes for shaking off "the baneful domination of the mother country," was recalled; and the only quarrel in which the House of Assembly of Upper Canada took part against a Governor, was for the dismissal of the republican Council of Baldwin, the selection of which had *been ordered by the Colonial Office!* This same Robert Baldwin is the person so graphically described by Sir F. Head, in his address to the House of Peers; and he it is who has been the cause of so much trouble to Sir C. Metcalfe.

During the respective administrations of Sir Peregrine Maitland, Sir J. Colborne, Sir F. Head, and Sir G. Arthur, the House of Assembly of Upper Canada was not at war with the Governor and the Members of his Executive Council. In the solitary instance of the appeal of Sir F. Head to the people against the Assembly, the public voice responded not to the then majority of the Assembly, but to the Governor. The people and the Governor were against the Council and the Imperial power, and signally defeated them.

I thus dispose of the first falsehood I have noticed. But "it is necessary to take a brief retrospect of the affairs of the Province," previously to Lord Durham's Governorship. That

portion of the population of Upper Canada, like those of Nova Scotia and New Brunswick, whom, in your article, "England in the Western Hemisphere," you have described, "as men, who rather than renounce their allegiance, fled their homes, abandoned their all, and surrendering possessions and wealth, came to establish themselves in uncultivated wastes, exposed to the greatest hardships and privations, out of affection for their native country," were, in Mr. Wakefield's organ, the *Colonial Gazette*, re-echoing Lord Durham's Report, slandered, vilified, and traduced by a mass of malignant fabrications. They were specially denounced as a "Family compact," monopolizing all the places and the power in the colony—hostile to emigration—slaves of imperial rule, yet ruling altogether. These were preparatory falsehoods to reconcile the British Government to the projected change. As to monopoly of place and power, let the facts speak. The Executive Council of Sir J. Colborne, consisted of the Hon. Mr. Allan, a Scotchman; the Hon. A. Baldwin, an Irishman; the Hon. J. H. Dunn, an Englishman; and the Hon. G. H. Markland, an Englishman. The same council, with the addition of the Hon. Mr. Sullivan, an Irishman, were the advisers of Sir F. B. Head, and also of Sir G. Arthur. There was not a Canadian amongst the number; yet "the Family compact," meaning the descendants of the New England Loyalists, the Robinsons, Jones, Sherwoods, Macnabs, Hagermans, Bethunes, &c. were boldly represented as having a complete monopoly of all the places in the province. The respective Secretaries of the various Governors were also from Great Britain—Colonel Rowan, an Englishman, Secretary to Sir G. Colborne; Mr. Joseph, an Englishman, Secretary to Sir F. B. Head; Mr. Harrison, an Englishman, to Sir G. Arthur.

Next, with regard to their hostility to emigration. There never were warmer, more zealous, more consistent advocates of it. The principal movements in its favour, addresses in its behalf, have been made by Chief Justice Robinson, Mr. Justice Hagerman, Mr. Solicitor-General Sherwood, Sir Allan Macnab, and Mr. Cartwright, all Canadians. The charges of

monopoly of place, and of hostility to emigration, were thus as groundless as that of "open war" between the Governors and the Assemblies. The first and only interruption of harmony, to which I have above referred, stating it to prove, not the opposition of the Province to the Governors, but of the people to the Assembly—I may be excused for dwelling on for a moment, to substantiate my view of the case by the very words of the Assembly subsequently elected:—

"It is notorious, that before the arrival of Sir Francis Head in this province, the people began to manifest symptoms of restlessness and dissatisfaction at the measures of Reformers, who then composed the majority of the House of Assembly. It is well known that this re-action in the public mind was not a little increased by what was considered the ungracious manner in which his Excellency was met by the majority of the late house at the commencement of his Government, and before he had time to develop his views and course of policy; and it is now matter of history that the interpretation placed upon the constitution by Mr. Baldwin and his political associates was denounced and repudiated by the people of Upper Canada, and that the promulgation of these views was immediately followed by the signal overthrow of the party who maintained them.

"From the time of the promulgation of the *new interpretation attempted to be placed on the constitution, with respect to the powers and duties of the Executive Council, the people of the province became alarmed, believing as they did that an attempt was made to deprive the representative of their King of his constitutional power, and to change the administration of the Government from what it had been from its first establishment to the present period.* From that time until the dissolution of the late House of Assembly, public meetings were held, and addresses from all parts of the country, and from all parties in politics were transmitted to his Excellency, containing assurances of support, denouncing the conduct of his opponents, and calling upon him to order a new election. It is believed that the number of signatures to these addresses

amounted very nearly to 30,000; and perhaps at no period did so much unanimity prevail among the loyal people of this province as in the measures taken to induce the Lieutenant-Governor to dissolve the late house, and to sustain and support him in his endeavours to discharge the arduous and important duties that had been imposed upon him; as some proof of which your committee are not aware of any single petition having been presented after the prorogation favourable to the political views of the then dominant party. The result of the elections is known, and from that period to the present, peace and tranquillity have existed throughout the province, and continue to exist without the slightest interruption; and it may be truly said, in opposition to the statements of Mr. Baldwin and Mr. Duneombe, that the blessings of contentment and unanimity were never more apparent among any people than now reign throughout this highly-favoured land; and that this condition of things will continue so long as public affairs are conducted by a wise, vigorous, and impartial course of policy, in conformity to the constitution as hitherto understood, and now understood and acted upon, no reasonable man entertains the slightest doubt. *His Majesty's subjects in Upper Canada require no other protection than is afforded them by the laws and constitution they now possess, and the superintending power of the great empire of which they are proud to form a part; and, notwithstanding the forebodings of disappointed and discontented men, fresh evidence is given day by day of the invincible attachment of the people to the King and his Government; and they never permit a doubt to enter their minds of the permanency of their union with the parent state, except when they hear of concessions to those who avow their sympathy with men who take no trouble to disguise their opinion, that, so long as that union exists, Canada is subject to a 'bareful domination.'*

"All which is respectfully submitted.

"ALLAN NAPIER MACNAB, Chairman.

"Committee-room, January 23, 1837."

In the curious chronology which you have inserted from the *Times*, Mr. Wakefield is lost from the year 1838 to the year 1841. The file of the *Colonial Gazette* will, however, supply that deficiency. He was then attacking in terms of the foulest reproach, and grossest vituperation, the brave militia of Canada—was then engaged in incessant and violent attacks on Mr. Poulett Thompson; and after two years so employed he became possessed of the means of reappearing in Canada. It now became important to be reconciled to Lord Sydenham. This was effected through the convention of all the Canadian Land Companies in London, and Lord Sydenham received the man for whom he before unreservedly expressed abhorrence, and advocated the plan which he had denounced as nefarious. Now see the opinions which Mr. Wakefield puts forth after his death, regarding his character and government.

“ Lord Sydenham’s Ministers would have been perfectly helpless in the Assembly without his constant aid. In fact, he was his own Minister; the Prime-Minister of his Cabinet and more; for his Executive Councillors were mere instruments in his hand for the purpose of carrying on the Executive Government, and managing the Assembly under his incessant teaching and drilling. His system more resembled that of the present King of the French than of the British Sovereign at all times.”

“ Lord Sydenham kept on good terms with the Assembly, partly by means of what he has called “ my wand,” (*i. e.* corruption*) and partly by yielding to them whenever they insisted

* We cannot here help mentioning an honourable exception. Mr. Cartwright being sent for by Lord Sydenham, and told that he must have his vote; and that whatever opinions he might entertain, he could not be so blind as to be an enemy of his own interests; answered in these words:—“ How dare you insult me? My vote is not mine—it is my country’s.”—ED. P.

on any point in opposition to his views. His skill in using the wand was much admired, but less remarkable, it struck many, than the adroitness with which he averted the appearance of defeat by yielding with the air of having his own way. Of his proficieny in the latter art a good example is furnished by what occurred with respect to the Resolutions of the House of Assembly of September 1841, declaratory of responsible government, of which so much use has been made in the present controversy. These resolutions were proposed by Mr. Baldwin. Lord Sydenham's strong dislike to them is unquestionable. When he found that the Assembly was disposed to adopt them, he sent one of his Councillors down to the House with orders to move as an amendment, Resolutions somewhat different in form and words, but precisely the same in substance. Responsible government was affirmed by acclamation, the Representative of the Crown shouting aye with the loudest of them."

"The passing of these Resolutions by the Assembly was an act out of the course of ordinary government. It was a revolutionary act, like the establishment of Magna Charta or the Bill of Rights (!). The passing of such Resolutions, moreover, was an act at variance with the British Constitution, which nowhere *declares* the responsibility of Ministers, but secures it by a tacit understanding between the Crown and the House of Commons (!). If, therefore, those Resolutions had been opposed by Lord Sydenham, and passed by the Assembly notwithstanding, Canada would have been in a revolutionary state, and the Union would have been deemed a failure. Lord Sydenham's whole policy at the time may be described as consisting of a determination to make the Union succeed, or *appear* successful. Hence his ready and apparently self-satisfied assent to what he would have resolutely opposed, if successful opposition had been possible."

"By means of such concessions as this, added to the other means before named, Lord Sydenham got through the session in triumph. But it was fortunate for his Councillors or Ministers that the session ended with his life. If they had

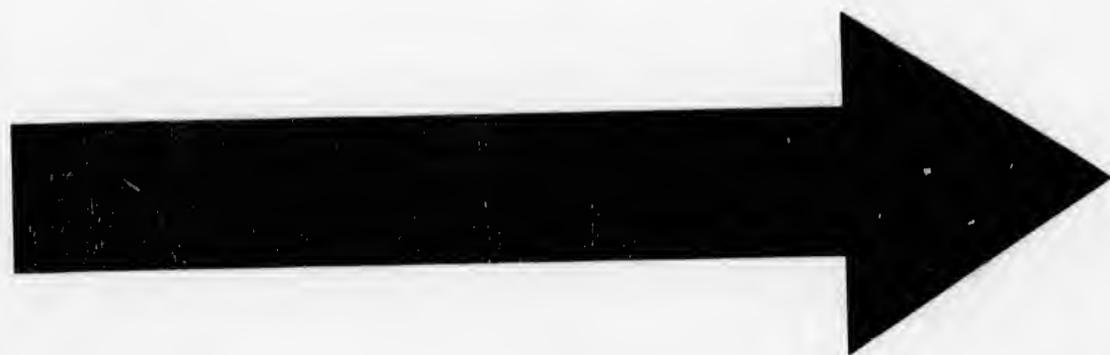
continued to meet the Assembly unsupported by his wits and will, their majority would soon have disappeared; and responsible government, as set forth by the Resolutions of September 1841, would have been brought to a practical test. As it was, the Ministry which Lord Sydenham bequeathed to his successor, had only the easy task of conducting the business of the Departments during a long recess of Parliament."

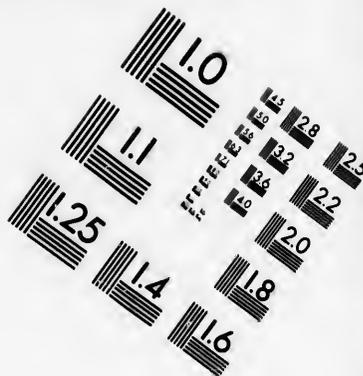
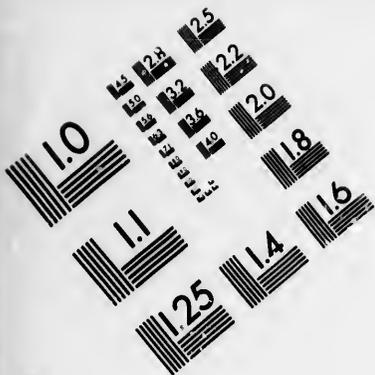
After Lord Sydenham's death, until the period of Sir C. Bagot's arrival in January 1842, the Canadian press from Quebec to Sandwich, protested against the indecency of the insolent intrusion of Mr. Wakefield into all the political movements of the Province. His trial—the cotemporary comments of the Metropolitan press—the withering speech of Sir R. Peel—and the preamble of the statute, branding him with "fraud, forgery, and conspiracy," were all republished, but with an effrontery as unparalleled and matchless as his crime, he was the only individual unmoved by the recital of these revolting atrocities.

On the 20th of August 1842, Mr. Wakefield writes a letter to Mr. Girouard, in his own peculiar style of falsehood and insolence. As throwing, however, much light on the subsequent movements in Canada, I extract some passages from it:—

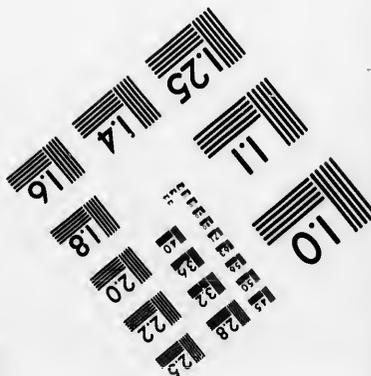
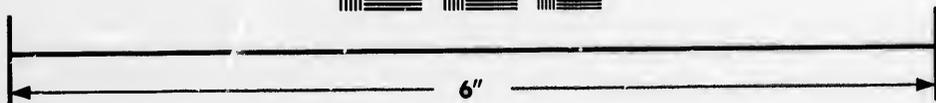
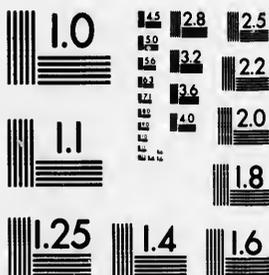
"But it yet remains for me to apologise for intruding upon you anything in the shape of suggestion or advice. * * * * I am a *disinterested* observer also, you will perceive, when I add, that *I declined* the offer of valuable appointments under Government, both from Lord Durham and Lord Sydenham; that *circumstances exist which entirely preclude me from incurring any obligation to the Government, either in England or in this province*; and that I shall certainly return home in November next, with but little prospect of ever seeing Canada again. *It is on this complete personal independence, that I chiefly rest a claim to your attention.*

"It appears to me that in less than a month from the present time, the representatives of your countrymen in the Provincial Parliament will have a choice presented them not





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less important than that which the Canadian leaders made, when they refused Lord Gosford a Civil List in return for the concession of nearly all their demands, or when they virtually declined Lord Durham's proposal of a Federal Government for British North America."

"I cannot help, therefore, fully expecting that there will be a good deal of confusion at the opening of this session, and then a new ranging or settlement of parties, which will determine the character of the Government for years to come. I say, "years to come," because the permanent settlement of parties which ought to have taken place when the United Parliament first met, was staved off by the determination of the bulk of the Upper Canada Reformers to put political principles aside for the time."

"The choice which they will soon have to make, is between a junction with the Upper Canada Tories, and a junction with the Upper Canada Reformers.

"With respect to the former course, I have two confessions to make. In the first place, my own opinions and feelings are all engaged against a union of the Canadians with that party in Upper Canada which caused the rebellion there by its mode of governing against the wishes of the majority; and, secondly, I think that the gross and cruel injustice under which the Canadians labour, would excuse them, if they could find relief in no other way, for allying themselves with their old enemies of the Family Compact, or with the Enemy of Mankind. And, further, it appears to me, that such an alliance holds out temptations to the Canadians, which it will require great manliness and sobriety of judgment to resist. It is a practicable alliance; for if the Governor-General were to adopt this project as cordially as it is entertained by some of the most able of the Upper Canada Tory leaders, a general election would give the combined parties a working majority in the Assembly. It is for many reasons a tempting alliance for both parties; because, first, it would lead to a Government policy exactly the reverse of that of Lord Sydenham, *whose very name both parties hate*; secondly, because the new policy

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must be founded on a bargain between the two parties according to which each of them would have its own way in its own division of the province; and, lastly, because this bargain would virtually almost set aside the Union, which the Upper Canada Tories dislike, as having deprived them of power, and which the French Canadians dislike still more on account of the injustice which they suffer under it. As respects the Canadians alone, this alliance would admit them to more than an equal share in the government of the only part of the province which they deem their country, and would gratify in a high degree their natural feelings of resentment. *If they love power and revenge as much as we Anglo-Saxons do, they must have a keen desire for the Upper Canada Tory alliance.*"

"In as much as *under the Union every Governor must get a majority somehow*, the present Governor-General would be driven to the necessity of interpreting 'Responsible Government' into the purchase of more than half the assembly, and would very likely find more than half the assembly ready to adopt that interpretation: for corruption begets corruption. But what a prospect for the Canadians and for the country! But has not the plan of buying for a majority been carried too far already? For my part, though I can see that in the case supposed, the Governor could hardly be blamed for getting his majority any how, and though I can conceive that the plan of buying for a majority might be worked successfully for some time longer, yet I do believe that public opinion in the Province is growing sick of that demoralizing and debasing method of government, and that its days are numbered. If it lasted only for another session, the evil would be great enough. Surely the Canadian leaders will not help to preserve it, by refusing, under all circumstances, to co-operate with any party with a view to office. I repeat that the Governor-General must try to get a majority by one means or other: who would like to bear the responsibility of compelling his reluctant resort to the worst of all means?"

"Recurring to the scheme of a union between the Canadians and the Upper Canada Reformers, with a view to office

for the leaders of both parties, it becomes a question whether this should be attempted before or after the opening of the session. My own opinion inclines altogether to the earlier step. The Governor-General cannot afford to wait for what might turn up from out of the chapter of accidents; he is bound to try hard for a majority before the time should come when he would perhaps be unable to get one; *and he might, therefore, in the absence of the supposed understanding, be driven to the buying process.* The circumstance which most recommends the plan of acting without delay, is the Governor-General's freedom from pledges or any sort of committal, which cannot well last beyond the day of opening the session. I understand, of course, that it would be necessary for the Canadian leaders to hold some communication with his Excellency, and with the leaders of the Upper Canada Reformers."

Previously to the meeting of the Canadian Parliament, Mr. Hincks had been added by Sir C. Bagot to his council, on which account, Mr. Cartwright, to whom was offered the office of Solicitor-General, and a seat in the council, declined receiving either appointment. In the letter to Sir C. Bagot, in which he declined the offer, he stated that he did not conceive that he could serve the crown by uniting in the same council with Mr. Hincks, but being himself a Canadian, it was his earnest desire that the representatives and leaders of such portion of the French Canadians as were untainted with rebellion, and whose proceedings had not been those of factious opposition to the former Governors of the colony should be introduced into Sir Charles's council and cabinet. The parliament assembled in September, the arrangement had not been completed, a disruption took place, and Messrs. Baldwin and La Fontaine were called to the council of Sir C. Bagot. Mr. Baldwin was defeated in two several attempts to misrepresent Upper Canada, and at length took refuge in Rimouski. The parliament remained in session but a fortnight, a time quite insufficient to complete the investigation relating to the Beauharnois Canal. Before its close, it was bruited abroad, that Mr. Wakefield was to offer himself for

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Beauharnois, and this report was further strengthened by the surrender of his seat for that county by the respectable gentleman who then represented it. Mr. Wakefield, who daily presented himself at the Bar of the House during its sitting, was denounced pointedly by Dr. Dunlop, the Member for Huron, and Mr. Johnson, the Member for Carleton.

Mr. Wakefield thus assigns the reason for his election for Beauharnois.

"It is here necessary for me to state, that having taken a very active part in promoting that change under Sir Charles Bagot which admitted French-Canadians to a share of power, I was elected a Member of the Assembly by an important county of Lower Canada, in which the two races are mixed in nearly equal proportions, for the purpose of showing to the Colonial Office, as well as a single election could show it, that Sir Charles Bagot's policy of 'justice to the French Canadians' was approved by the constituencies as well as by the Assembly."

The two signal defeats of Mr. Baldwin might also have shown the policy of admitting Upper Canadian rebels to a share of power. During this short session, the only subjects of interest that were discussed, were "the formation of Sir C. Bagot's Council"—"the seat of Government"—and "the Beauharnois canal." It was then evident that the same meddling and mischievous activity that Mr. Wakefield had exercised about "the Council," and "the Canal," he was also exercising about "the seat of Government;" and I well remember stating to the Mayor of Kingston, who implicitly relied on Lord Sydenham's pledge for its continuance in Kingston, that *Mr. Wakefield* having *determined* on its removal to Montreal, to Montreal it would go. Of Sir C. Bagot and his Council, and of his illness, Mr. Wakefield thus speaks:

"His Excellency fell into severe illness almost immediately after the formation of the Lafontaine-Baldwin Council, and became incapable of exercising the functions of Governor.

The New Council or Ministry, therefore, had in truth no relations with the Governor, but ruled the Province executive without the participation or knowledge of any representative of the Crown. This state of things lasted until the arrival of Sir Charles Metcalfe."

In September, 1843, Mr. Wakefield returns to Canada; and although the members of the Colonial Society had resolved to exclude Mr. Wakefield from the farewell dinner which they gave to Sir Charles Metcalfe before he quitted the English shores, he says, that all the members of the Provincial Ministry "were aware that I had come out to Canada with a very high opinion of Sir Charles Metcalfe's character;" that was of great importance to be sure,—but they, as well as the public, had been made so aware by his usual organ *The Colonial Gazette*.

"At the end of September last, I reached Kingston for the purpose of taking my seat in the Assembly, and *voting in support of the Provincial Ministry which, as the Letter in the Appendix partly shows, I had been much concerned in forming.*"

See then what follows:

"The only question, as far as I can see, at all likely to embarrass the Government, is that of the *Seat of Government*. Lord Stanley, instead of making the Queen decide that prerogative question, as the local Government and nearly the whole Province desired, has submitted it to the decision of the local Legislature, and in such a form as to enable the Opposition to exert themselves with effect, in converting it into a question between the two Provinces, Upper and Lower Canada. The government goes for Montreal, and stakes its existence on carrying the point. If you were aware of the extreme general inconveniences and gross injustice towards the French-Canadians, in keeping the Government in a sort of banishment at this village, you would see that they have only done their duty in committing themselves as they have done on the subject. I have no doubt they will carry their point, if other things go well."

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After writing to "Dear Mangles" that HE had set HIS mind on Sir C. Metcalfe being the man to establish constitutional Government; and how disappointed HE shall be if Sir C. Metcalfe fails; that HE longed to go and plead with him on the subject, but dared not; on the 27th of October, he writes again to "Dear Mangles," telling him, that the very Council he had been so "much concerned in forming,—have denied to the Governor-General that degree of participation in public affairs which belongs to every Councillor; that they have not only not treated the Governor-General as the head of the Council, but have also denied him the equal position of a Councillor. For example, I imagine that they never really consult him, but always make up their own minds on a point before speaking to him, and then speak to him only for the purpose of urging their own preconcerted notion. This will never do; this is not responsible government, but sheer folly exhibiting itself in the form of vulgar assumption. I take the state of the case to be about this—He, from long habit, desires to exercise his own mind upon every thing; they, from stupidity, desire to prevent him from having any voice in any thing: and thus he is provoked into wishing for more control than would satisfy him if they left him a reasonable share. The fault is clearly all on their side."

On the 11th of November, he again wrote to "Dear Mangles":—

"I now *know* that Messrs. Lafontaine and Baldwin have got thoroughly into the Governor-General's bad graces. So they have into mine, by reason of various follies, and above all, by a course of treachery towards a colleague who greatly helped to bring them into power. If the Governor chooses his ground well, and acts promptly, I shall be able to serve him. Your friend behaves with entire propriety towards them, having even abstained from giving any answer to an offer which I made him the other day, to render him any service in my power. I expected that he would so receive it, but thought myself not the less bound to make the offer. It was limited to the brief space of my stay here."

On the 25th of November, he again writes to "Dear Mangles," and with the extract from this letter, I conclude my extracts from his correspondence:—

"It will annoy me to declare *publicly* that I can no longer support Sir Charles Metcalfe's Administration; because I am sure that he differs quite as much as I do with his Ministers with respect to their presumptuous and intolerant spirit (nay, is probably himself its victim); but come what may, I must so far speak out as to escape the responsibility of appearing to support what I cordially disapprove."

Well, indeed, have you described the influence and success of this man, "the consciousness with which he plays with his victims, the security he feels in his knowledge of THOSE WHO BECOME HIS TOOLS BY BEING HIS ASSOCIATES."

It was the Honorable Mr. Sullivan who first warmed him into existence—it was Mr. Sullivan that submitted to the indignity of having his speech in favour of the removal of the seat of Government from Kingston to Montreal, revised, improved, and corrected; and how powerless the same Mr. Sullivan has now become, in his vindication of himself and the Council, that Mr. Wakefield was so "much concerned in forming," from this very man's attack. It is much to be dreaded that the high character which both Mr. Draper and Mr. Sherwood have always, and most deservedly held in the province, will be seriously tarnished* by the same fatal mistake, committed by Mr. Sullivan, that of associating with Mr. Wakefield, for most assuredly, "those who become his associates will become his tools."

The unfaithfulness of Wakefield's representation of his cause of quarrel with the Council, may be gathered from one of themselves. In a statement which appeared in the *Morning Chronicle*, Mr. Hineks says, "I presume you will

* We cannot insert this passage without protest. Most ardently is it to be desired, that any so base as to associate with this man should bear the penalty. Lost, indeed, is the people who do not inflict it.—ED. P.

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agree with me, that the ex-Ministers were not bound to consult the Governor with regard to schemes of Mr. Wakefield, which they had no intention of recommending. The negotiation consisted in Mr. Wakefield having applied to some members of the Government to know whether the motion for a Committee would be opposed, which led to a meeting between himself and Mr. Sherwood on one side, and Messrs. Morin and Hincks on the other, the latter merely wishing to ascertain the views of the parties, and the proposed composition of the Committee. The conditions alluded to, must have been that the Committee should be impartially selected from the house, and *not packed with persons friendly to Mr. Wakefield's scheme*. You will at once perceive, that before applying to the Governor for his sanction to the appointment of the Committee, it was absolutely necessary to make these preliminary inquiries. His Excellency was *then consulted*, and with his concurrence the motion for a Committee was agreed to; *not being, however, the Committee desired or contemplated by the Beauharnois agent* in his opposition to the Council—his fulsome panegyric—and his obtrusive support of Sir Charles Metcalfe.”

I have thus exposed, not only the utter groundlessness of the assumed pretext for destroying the Canadian legislatures and constitution, but also the intentional falsehood of those pretexts. I have shown that the facts of Mr. Wakefield are invented or perverted. Yet this is the man who has done with the Canadas, their Governors, the Cabinets at home, the Parties, and the Parliament, what he listed. His acts have been in accordance with his statements. With the tissue of specious though contemptible, argumentation I will not deal. I shall not enter on this mist of “responsible Government,” or the other snares that surround Sir C. Metcalfe, as you have promised us your views on that subject; and knowing the deep attention paid throughout Canada to every thing which emanates from you, I am sure that your views and advice will be looked forward to with anxiety, and be received with gratitude.

THOMAS ROLPH.

P.S.—There is one view of responsible government altogether lost sight of by its advocates, to wit, the responsibility of the Colonial Minister. To make myself understood, I will furnish two examples of this want of responsibility. Sir R. Peel, in the debate in 1838, in describing Mr. Hume's letter to Mackenzie, said, that it was impossible to conceive the intense indignation excited in the colony by that detestable communication—that it was a direct incitement to revolt and treason, &c. &c. The Governor of the province laid these facts before the Colonial Secretary—He (the Lieut.-Governor) was punished! Hume and Mackenzie were unnoticed. It would have been the same had Sir R. Peel been premier instead of Lord Melbourne, and Lord Stanley, Colonial Secretary instead of Spring Rice. Why was not Mr. Hume indicted for high treason? Is the Colonial Minister to be irresponsible for this criminal participation? Again, when Lord Durham, trampling all law, all forms of law, all decency under foot, sent French Canadians to Bermuda, without bringing them to trial, was it sufficient in the Colonial Secretary to *reprove* the act, permit the men to return from transportation, and not proceed to impeach Lord Durham? Did not the Colonial Minister deserve impeachment himself? To whom then is HE responsible?

Again, when Lord Durham abandoned his post whilst in a state of rebellion, did he not commit an enormous crime? Was the Colonial Minister freed from the responsibility of bringing him to account? Lord Durham's acts were those of the Colonial Minister, unless that minister brought Lord Durham to trial. I need not pursue the subject farther.

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