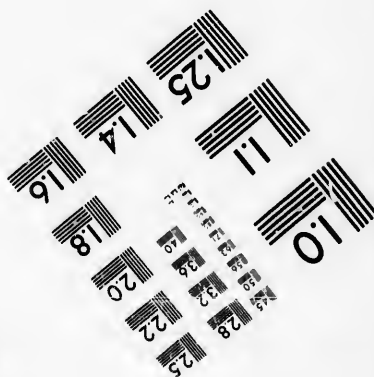
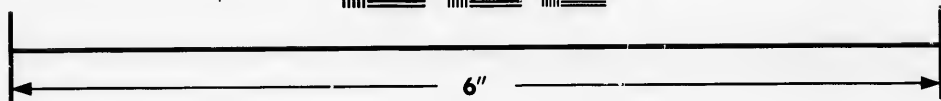
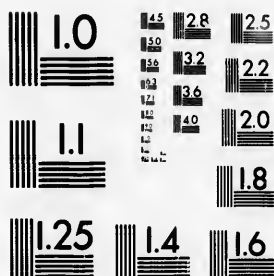


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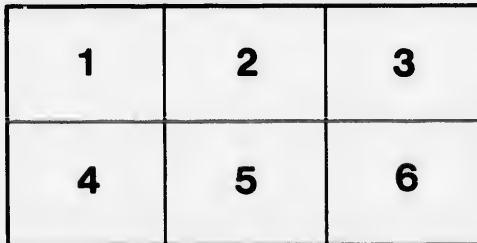
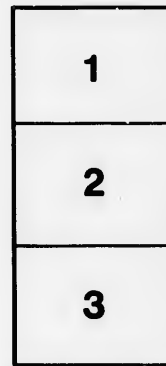
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PAPER IV.—ON THE HISTORY OF CANADA.

By JOHN WILSON COOK, Esq., ADVOCATE.

(Read before the Society, Feb. 21st, 1866.)

The history of Canada cannot yet be fully written. Although much progress has been made, the country is still in its infancy; although there have been fierce political disputes, the results of them have as yet been but imperfectly realized. Still, in looking forward to the future of Canada, it is interesting to revert to the past history of the country—a history which tells of the strife and jealousy of races—of the reign of oligarchies—of a struggle for parliamentary supremacy, and of the final attainment of it.

When the army of Wolfe ascended the St. Lawrence, the small colony living on its banks scarce numbered fifty thousand souls; the cultivated lands of the Province were portioned into seigniories, and were the property of the seigniors—descendants, for the most part, of noble families of France. The accounts of travellers, particularly the work of a Swedish baron, who published a volume of travels in Canada some ten years before the conquest, give valuable as well as amusing accounts of Canadian life at that time. The *habitant* he declared to be an unchanged Norman peasant, rejoicing in every peculiarity, virtue, and prejudice of the original *bonnet rouge* of Normandy. And the government was as antique as the people. In these days of parliaments, elections, and popular sovereignty, it is curious to think that a feudal government once bore sway in Canada. But, with scarce a murmur, the inhabitants submitted to the exactions of Governors and Intendants. They looked on government as paternal; and the commands of the King's servants, arbitrary

though they might be, were submitted to with filial obedience.

But we would judge very unwisely of Canadian society before the conquest, if we merely considered the primitive simplicity of the country *gensitaires*. The Swedish nobleman, from whom we have before quoted, speaks with enthusiasm of the society of Quebec. Dining at the Governor's chateau with the Intendant, the Bishop, the Chief Judge, and a number of Seigniors, he seems almost to have thought himself at Paris. French wit and French wine conspired to make him think that he was once more in Europe. He maintains strongly that the society of Quebec is the best society in America, and expresses his astonishment at meeting so much cultivation in such a country. The then rulers of Canada, although their government was very arbitrary, were educated, courteous, and well-bred gentlemen; and, although we live in times of more general enlightenment, it would, perhaps, be well if some of their qualities were even now more general among our ministers and members of parliament.

The object and intent of French policy in Canada may be said to have been the establishment of a new France, in all respects a counterpart of the old. The only apology for popular privileges was the existence of a Superior Council, composed of the civil, military, and ecclesiastical dignitaries of the Province, by which the *arrêts* of the King for the government of his Canadian subjects were enregistered before they became law; and in this respect, as in some others, the Superior Council performed duties analogous to those of the *Parlements* of France. Of liberty, in our full British sense of the word, there was none. The *gensitaires* were subject both to the seigniors and to the government; the seigniors, on their part, were at the mercy of the executive officers. There was, however, much to be admired in French rule in Canada. While the brave Norman settlers had to battle for life against powerful tribes of natives, pious missionaries were sent, under the protection of the government, to convert the Indians to the Christian faith; and although the record of their labours is

a record of Christian heroism, this is not all for which we have to praise them, and the government for which they acted. The most extensive building which the Lower Province can yet boast, the building at Quebec now known as the Jesuit Barracks, originally intended for a University, is a noble monument of their zeal; and they will ever be held in honour for making a provision for the higher education of the people, unsurpassed in comparative munificence in any country.

It is unnecessary to dwell on the circumstances attending the battle of Quebec—the first step to the final conquest of Canada by Great Britain. The British army had been many weeks encamped in the vicinity of the city; and it is not long since old people were to be found, born in the neighbouring villages, and connecting their age with one which had passed away, who remembered, in their early childhood, following George the Second's troops into the conquered city. Wolfe's famous declaration, that he died happy, is known to every one. The Marquis de Montcalm, though defeated, died also like a hero. After the battle had been lost irretrievably, he retired wounded to the town. We read that, as he was entering by the St. Louis Gate, an old woman exclaimed, on seeing him feebly sitting on his horse, "*O mon Dieu! le général est blessé!*" and that, with true French gallantry, he stopped for a moment to beg her not to fear, for they had been conquered by a generous foe. In his last words, he expressed his joy that as he was destined to be defeated, it was also destined that he was to be defeated by such enemies. It was not very long before Montreal was also surrendered, and the whole Province ceded to Great Britain.

The history of early British rule is exceedingly interesting. Of course, for a lengthened period, military government alone prevailed. To trace the gradual introduction of civil administration, the admission of parliamentary government, and the final recognition of parliamentary supremacy, is a study

which will not be neglected. As Canada becomes more and more of a nation,—as Canadians become more and more Canadian in their feeling, they will regard with increasing interest the various phases of the struggle which resulted in the final establishment of our present system of government. At the conquest, the new subjects were promised protection in all their civil and religious rights; and although the treaty between the King of France and the King of Great Britain distinctly restricts the stipulations of the British commanders, by the words “as far as the laws of Great Britain will permit,” they were wisely, as well as generously, from the very first, accorded full protection in both. It would, indeed, have ill become a great nation to have refused such protection to colonists of another race, who had almost unexpectedly become part of the empire.

The colonists of French origin—the “new subjects,” as they were called—did not object to the order of government which followed the conquest. Arbitrary as that government might seem to Englishmen accustomed for ages to institutions more or less free, it was not so in their eyes. Nor, indeed, could it seem to them as other than a milder form of the despotism under which they had before lived. *Lettres de cachet*, and monopolies of the grossest order—monopolies sometimes even extending to the necessaries of life—disappeared with the old regime. In the case of the common people, the mildness of English military government, as compared with the harshness of the French emissaries, did much to reconcile them to becoming the fellow-subjects of men of a different race, and a different religion. And it was not very long before the turn of events in France led the members of the Canadian noblesse, who remained in Canada after the conquest, to transfer to the crown of England much of that chivalrous loyalty which they had before borne to that of France. The writings of the French philosophers were beginning to impart new ideas to the French people and to the world. The great Revolution was drawing near. The nobles



of France began already to fear that a cruel retribution would follow the oppression of ages; and as the idea seized their Canadian kinsmen, they drew closer to their English fellow-subjects, and became more reconciled to English domination. It was not long after the conquest before the French Canadian gentry were attached, and even enthusiastic, subjects of Great Britain; and it was not alone in Canada that they proved this. Some of them took commissions in the British army, and fighting against the enemies of England, exhibited the courage of their fathers, who had so long strenuously resisted the encroachments of the English colonists of the now United States. The early British governors treated the seignorial families with the respect to which they were entitled—invited them to the chateau, which was then the vice-regal residence—conferred on their members offices of some dignity and little labour; and it only needed the Revolution of 1789 to alienate them as a class for ever from the land of their ancestors.

But British emigrants soon began to settle in the country. Very shortly after the conquest, there were to be found, both in Quebec and Montreal, Scotch and English merchants, many of whom realized fortunes in Canada. Their letters led others to come to the Province, and in fifteen years after the battle of Quebec, there were scattered through Lower Canada several thousands of British people, not connected with the army or the government. It is entertaining and instructive to note how promptly, and unitedly, they objected to military government. The British residents of Quebec took counsel with the British residents of Montreal. Almost unanimously they agreed that the state of things established at the conquest had lasted sufficiently long. Although they had changed the sky under which they lived, they had not, they said, left behind them the spirit of Britons. In England the members of the executive were responsible to parliament. Should there not be a parliament in Canada, to which the advisers of the crown should at least explain and justify their acts? It was in 1774 that the first resolute attempt was made

to carry out these views. In that year earnest petitions for a House of Assembly were sent to England—petitions which unquestionably expressed the wishes of the British residents. But many difficulties were in the way. Nothing could induce the new subjects to take part in the agitation for a parliament. The mass of the people were perfectly uninformed as to what a parliament meant; and the seigniors protested perfect faith in the officers and ministers of the King. And, in fact, the French Canadians were not wrong in refusing to pray for the establishment of a House of Assembly. They could hardly, indeed, have been expected to concur in the demands of their British fellow-citizens. The early British residents, although they fought manfully for political privileges for themselves, had but little idea of conferring them on others; for they asked, not for a general House of Assembly, but for a House of Assembly composed exclusively of Protestants. We should not, however, be too ready to condemn the intolerance of the first advocates of parliamentary government in Canada. It was only in 1829 that liberal views in this very matter triumphed in England; and there could be no reason to expect from a handful of traders, in Quebec and Montreal, opinions which did not gain the day in the mother country till more than fifty years after their agitation for a parliament.

The narrowness of the demands of the British residents, conspired to delay the establishment of a House of Assembly on any footing, with the distrust of colonial legislatures in general which had been caused by events in the other American colonies; and, on the whole, it was better that the delay should have taken place. While Baron Maseres, once Attorney General of the Province, and a great friend of the colonists, advised them, in lengthened correspondence, not to press too strongly for a House of Assembly, lest in that body equal privileges should be accorded to Roman Catholics and Protestants, the leaders of the French Canadians informed themselves about parliamentary government. Every year brought new settlers to the country. The settlement of Upper

Canada had begun. The British demands for a House of Assembly became more urgent and more liberal. The new subjects began gradually to accede to the views of the old; and at last, by the Quebec Act of 1792, the country was divided into Upper and Lower Canada, and a regular legislature established in each Province. This famous measure was introduced by Mr. Pitt, and opposed on several grounds by Mr. Fox. Instead of being separated, the Upper Canadian British and Lower Canada French should, in the opinion of Mr. Fox, have been from the very first united closely together. He opposed also crown nomination to the Legislative Council, and maintained that that body should be elective, but chosen by persons of property from among persons of the highest property. The crown nomination system, which Mr. Fox opposed, has been done away with. That election to the Legislative Council should be confined to persons of the highest property is a principle which would never be agreed to. But if two houses of parliament are to be retained in Canada, one of which is to act as a conservative check on the other, it may certainly yet be found necessary to make the Legislative Council the choice, not of all the people, but of a higher class of electors than the House of Assembly. It is fortunate that the debates on the Canada Bill were amply reported, for they must ever be of importance to those engaged in the study of Canadian history.

The first Parliament of Lower Canada met at Quebec on the 17th of December, 1792. The vice-regal speech was, in the absence of the Earl of Dorchester, delivered by General Clarke. Chief-Justice Smith was appointed Speaker of the Legislative Council. Mr. Panet, an advocate of Quebec, of high standing, was elected first Speaker of the Legislative Assembly. The first Parliament of Upper Canada met at Niagara on the 15th of October of the same year, and was opened by the Lieutenant-Governor, General Simcoe.

In the Lower Canada House of Assembly, the French

members were in a large majority. The Legislative Council, where the nomination was in the hands of the crown, consisted chiefly of office-holders—most of them of English origin, while some of the members were chosen from the old seigniorial families.

The first question which arose was as to what language the business of parliament should be conducted in. It was finally decided to make use of both languages, as is now done in the united parliament.

It was not long ere the great question was mooted which agitated Upper and Lower Canada during well-nigh all their existence as separate Provinces. It was soon found, both in Upper and Lower Canada, that, in the eyes of the Governors, the Legislative Council was of more consequence than the House of Assembly. Nor can any one deny that there was much ground for the preference. In the first Lower Canada parliaments there were members of the House of Assembly who were little, if at all, removed above the people who elected them. In the Legislative Council the case was very different. There were in it, from the first, men of information and talent, inclined to despise the representatives of the people, and who considered themselves entitled to full power; and it was some years before the House of Assembly was at all able to compete with the Council. But gradually the Assembly improved. Mr. Bedard was the first French Canadian leader who agitated systematically for the supremacy of the House of Assembly. Arrested, by order of Sir James Craig, for alleged seditious practices, a Committee of the Assembly was appointed to intercede for him, but feared to act, and the House released them from their commission. The seditious speeches imputed to Mr. Bedard were harmless in comparison with many things now spoken and written on the administration of affairs every day in Canada. A patriotic and able man, he aimed to promote the liberties of the people; and he was the teacher, as well as predecessor, of those who main-

tained his principles, and witnessed their triumph. Another sign of popular progress in Lower Canada was the publication of a newspaper in the French language. Two papers in the English language had been published previously—one, the *Gazette*, since 1764; the other, the *Mercury*, since 1805. The *Mercury* supported out and out the Legislative Council: the *Gazette*, edited by Mr. John Neilson—one of the most able and honorable of the men who have taken part in the political contentions of Canada—leaned, though with wisdom and moderation, to the popular side. But *Le Canadien*, the French newspaper, was needed to maintain the rights of the French population, and to instruct them in parliamentary warfare. The stand taken by Mr. Bedard and his friends was a perfectly logical one. When it was said to them, that the French Canadians were infinitely more free than they had been under the government of France, they answered, that it was undeniably true; but that, having been made against their will British subjects, they had a right to the privileges of other British subjects. To comprehend rightly the whole importance of the stand taken by Mr. Bedard and his friends, it must be remembered that, as a general thing, they were not seconded by their fellow-citizens of British origin. The position of the latter was, indeed, different from that of the French Canadians. They belonged, at least, to the governing race. The leading members of the Legislative Council, well-nigh all the members of the Executive, the majority of the Judges, were English. They did not, then, sympathize with a House of Assembly composed, for the most part, of French Canadians, who, if they succeeded in their efforts, would divide power with Englishmen. It thus came about that, although the non-official British had clamoured lustily for a House of Assembly elected by the people, they, for the most part, sided with the Legislative Council nominated by the crown. And, in fact, the history of Lower Canada presents the spectacle of Frenchmen contending stoutly for the predominance in the state of an institution formed in imitation of the great defence

of British freedom; while Englishmen were, from circumstances, willing that the power of that body should be trodden under foot. The Governor and Council was the watchword of the majority of the English: the House of Assembly was the cry of the French. Mention has been made of *Le Canadien* newspaper, in which the views of the French Canadian liberals were first expressed. The state of public liberty during the government of Sir James Craig, which immediately preceded the American war, may be gathered from the fact of its suppression of this journal and the seizure of its press. An article in the paper having given offence to the Governor, he sent down a posse of soldiers, by whom everything belonging to the printing department, together with all letters and manuscripts found in the office, were conveyed to the court-house. Of course no Governor now would for a moment dream of such a proceeding; were he to resort to anything at all akin to it, all, of all parties, would unite in condemning him. But the *Mercury* of the next day warmly applauded the despotic act of the gallant old officer, who, no doubt, thought perfectly honestly that British freedom of discussion was a good thing in Britain, but out of the question in Canada. The liberty of the press, now too often turned to license in Canada, was not won without a struggle.

In Upper Canada, the state of affairs was in many respects different from that in Lower Canada. There, there was but one race, for the great majority of the inhabitants were of British origin. As might be inferred, from the very race of the people, they quickly divided into parties. Conservatives and Radicals played, on the banks of Lake Ontario, the parts of Tories and of Whigs in England. The influence of the Governors of the Province was almost exclusively given to the Conservatives, and every judge, every sheriff, every bailiff, and every custom-house officer, was an agent and a canvasser of the party. It had occurred to a few families—descendants, for the most part, of persons who had espoused the anti-colonial side at the American Revolution, that they

had a divine right to govern the country as they thought best. The executive and the bench were alike completely at their mercy. They considered themselves the rulers of the land; and their unwarrantable assumption of superiority was as detestable as their selfish and monopolizing spirit. The domination of the Family Compact has passed away for ever. But the evil effects of the rule of their party long continued to be felt. Nor is it unfair to regard the Upper Canada Rebellion of 1837 as one of their achievements; for had the Upper Canadians not been goaded to rebellion, they never would have rebelled. The opposition which was offered to the Family Compact is one of the most honorable points of Canadian politics. The government of Lower Canada may be said to have been in the hands of a clique at Quebec, as that of Upper Canada was in the hands of a clique at Toronto. But there was a difference between the two. The governing party at Quebec was, in many respects, of a better stamp. The executive councillors of Lower Canada had, for the most part, the sense of honor which is characteristic of gentlemen. The executive councillors of Upper Canada were, with some honorable exceptions, grasping and unscrupulous. The fact that the Rebellion, which was in a great measure their work, hastened their overthrow, should, of itself, make us regard the immediate authors of that event with something of consideration.

Rebellion was, indeed, an event which many anticipated long before it actually occurred. Although the whole people, French and English, had, both in Upper and in Lower Canada, courageously united in 1812 to repel American invasion, the persons sent to administer the government never regarded them with confidence. Both in Upper and in Lower Canada the feelings and wishes of the people were unnecessarily set at defiance. A conciliatory policy would have prevented the Rebellion, calmed the animosities of race, and commenced that process of consolidation and union which is now at length happily going on. But this was neglected. The disputes which led to the Rebellion led also to the alienation of French

and English. When the Upper Canadian Reformers were protesting against the tyrannical acts of the Family Compact, the British Lower Canadians were ready to defend acts in themselves little better, because they were perpetrated by officials of British against citizens of French origin.

When, in 1837, the Rebellion broke out, the unpopularity of the government was not greater than it had been for a long time previous. But the popular bodies of both sections had become much stronger, and the feeling of dissatisfaction had become more general. There were, both in Upper and Lower Canada, two divisions of the popular party. These were the supporters of peaceful agitation, and the advocates of physical force. Unfortunately the counsels of the latter led to an unnecessary, though not unprovoked, rebellion. Had there been no Rebellion in 1837, the Province would not have so soon gained Responsible Government. But the old Crown colony system could not have lasted much longer. What it was foolishly, as well as wrongly, attempted to win by force of arms, would have been at length gained by peaceful declarations of public opinion. But it must be admitted that the Rebellion hastened the triumph of parliamentary government. It called attention to the state of things in Canada; it pressed, as it were, for measures of reform; and when the Union of the Provinces, to which it contributed, was accomplished, it led to the tacit acknowledgment of Parliamentary supremacy.

The Union, which took place in 1841, was strongly objected to in both sections of the country. By many Upper Canadians it was said that it would destroy the character of Upper Canada as a British Province. In Lower Canada, on the other part, it was argued that the work of ages would be destroyed by Lord Sydenham; that French Canadian influence would be rooted out for ever; that even the stipulations and guarantees of the treaty would be violated. If the truth were told, Lord Sydenham carried, to a great extent by corruption, a Union which has been productive of much good to both the parties



to it. In spite of all malcontents, the Provinces were in 1841 united. Every artifice has been resorted to, on both sides, that could tend to excite jealousy and antipathy between them. But these attempts have invariably recoiled on the heads of their authors. The mass of the people of both sections have not ceased to regard the Union as other than a necessity, of which no antipathies or jealousies would justify the abandonment.

It has been said that, by the Act of 1841, the doctrine of Parliamentary supremacy was tacitly recognized. But the old battle of the separate Provinces had to be fought again in the united parliament. The Conservative party, which he believed to be the only party truly loyal, met alone with the favor of Lord Metcalfe. The name of that excellent man should not be mentioned without respect. The great aim of his life—spent in the service of his country—was the performance, at any cost, of duty. But he hardly, perhaps, understood the position of affairs in Canada, and, from a mistaken sense of duty to his Sovereign, unduly depressed the Reform party of the Province. However this may be, his attempts to form a strong Conservative ministry entirely failed: the Reformers of both sections were determined that neither the eloquence of their leaders, nor the sympathies of the Governor General, should keep in power men who had been opposed to Responsible Government; and there occurred disputes with the Governor not unworthy of the palmiest days of the Lower Canada parliament. The first administration which really possessed—after the Union—the confidence of the Governor General, and the confidence of the majority of the people, was that formed in 1848, by the late lamented Sir Louis Lafontaine, and Mr. Baldwin. The next cabinet was that of Mr. Hincks, now Governor of British Guiana. The Hincks ministry—celebrated for the great public works constructed under its auspices—was replaced by a coalition of Conservative and Reform politicians, which accomplished much to advance the interests of the country. The Seigniorial question,

the settlement of which, in Old France, had been followed by bloodshed and massacres of hideous cruelty, was, in Lower Canada, disposed of by an Act of Parliament. The Clergy Reserves question, the final disposition of which the public peace imperatively required, was settled in accordance with the wishes of the majority, but with an honorable regard to the claims of incumbents. Whether the change in the constitution of the Legislative Council, by which that body was rendered elective, was a wise one, is, however, doubtful. Two Houses elected by the same people, and representing the same opinions, are very likely to be swayed by the same motives of expediency. And it must be remembered that the old Crown-nominated Legislative Council had ceased altogether to be either able or willing to thwart the nominees of the people. Not only had the expulsion of the judges done much to weaken the Council's power: it could be, and sometimes had been, swamped by ministers who had a majority in the House of Assembly. The rendering of the Legislative Council elective at all is an amusing instance of the infliction of punishment on a political body after it had ceased to be mischievous. Harmless though it had become, it still retained something of its old constitution; and the ultra-Liberals were resolved that all that it so retained should be done away with.

Responsible Government, in other words, Parliamentary Government in its integrity, has, since its establishment in Canada, been assailed from different points of view with equal bitterness. The ultra-Conservative has regretted the undue license which it seems to him to have induced; the ultra-Radical has regretted that under it, destined though he used to think it to be a panacea for all ills, his favourite hobbies have been very frequently rejected. It has been found, as it was certain that it would be found, to be an expensive system; and so many errors, or imaginary errors, have been committed under it, that some have had serious misgivings as to the political future of the country. But there

is little ground for such fears. The great national progress which Canada has achieved since the union of the two Provinces, has been accompanied by progress of a higher order. Schools, Colleges, and Universities have sprung into existence. As the education of the people advances, it will be easier to work well and wisely, a system of government which greatly depends for its success on the information possessed by the people. A broader and greater Union is advocated by our ablest statesmen, under the full sanction of Imperial authority. A national spirit is gradually growing and strengthening. Nor need the fact that the population of Canada is sprung from different races be a source of weakness. French and English and Scotch and Irish may well retain the traditions of their fathers, and be at the same time good and loyal Canadians. They may cherish the memories of the old lands, while uniting in defence of the new, in which God has blessed them with a healthy climate, a productive soil, and a free government.

