

LIFE OF SIR JOHN
BEVERLEY ROBINSON



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BEVERLEY ROBINSON

BART., C.B., D.C.L.

CHIEF-JUSTICE OF UPPER CANADA

BY

MAJOR-GENERAL C. W. ROBINSON, C.B.

WITH A PREFACE BY

GEORGE R. PARKIN, C.M.G., LL.D.

TORONTO
MORANG & CO., LIMITED

1904

Printed by
BALLANTYNE, HANSON & Co.
Edinburgh

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RG R.G

100731

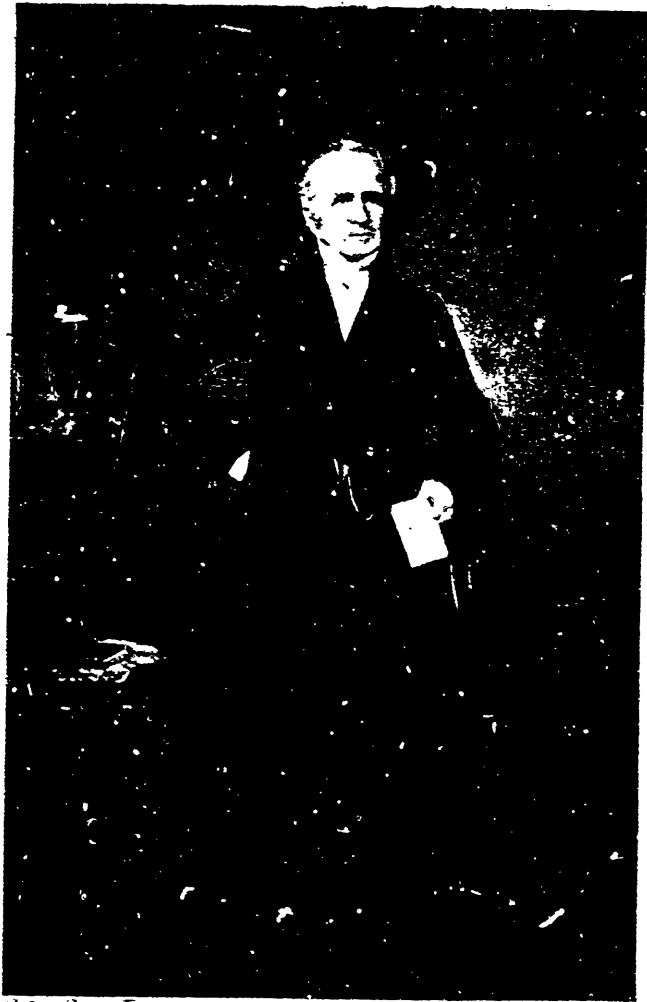
AUTHOR'S NOTE

I CANNOT too strongly express my obligations to Dr. Parkin for having, in the midst of other engrossing work, so kindly met the request that he should contribute a Preface to my father's life.

His exertions to promote that close union throughout the Empire which my father had at heart; his intimate knowledge of Canadian history; and the esteem in which he is held by this generation in Upper Canada, make his having done so especially gratifying to me, while his words in relation to my father's work must add a value to this account of it which mine could not impart.

I wish also to acknowledge the assistance I have received from information given to me, at various times, by Mr. J. R. Boosé, librarian of the Royal Colonial Institute, London, and Mr. J. Bain, librarian of the Public Library, Toronto, Canada.

C. W. ROBINSON.



Anthony James Thomas

Jan 1868

W B Robinson

P R E F A C E

THE ancient and famous nations of the world have ever cherished carefully the traditions of their early history. Sometimes these traditions strike the keynote of a great destiny; sometimes they furnish the inspiration which secures it. In either case they are among the most valuable of national assets.

A young country does well to take careful note, in like manner, of all that is best in its past. The figures in the history may or may not be of heroic stature—the work done may or may not be on a grand scale. But it is foundation work, the significance of which grows with the lapse of time. Fortunate the State which, looking back upon its early builders, finds their characters stamped with the unquestioned hall-mark of truth and honour—finds their actions controlled by clear purpose and high principle. As an example and an inspiration the memory of such builders cannot be too carefully preserved or too closely studied.

It is with this thought in my mind that I commend, to Canadian youth particularly, this biography of Sir John Beverley Robinson, as that of a man whose private character and public service establish a standard to which they may aspire with boundless advantage to themselves and to their country. Never, it seems to me, could it better become our young men to hold before them so high a standard for admiration and emulation than at

the present time, when the great future that lies before Canada is gradually unfolding itself, and we begin to realise how large a place, as the greatest daughter nation connected with the Empire, she is destined to take in the world.

We Canadians have reason to be content with the beginnings of our country's history. In them may be found all the charm of romance, the fervour of patriotism, the severe glory of suffering and self-sacrifice on behalf of ideals.

Over the early history of French Canada the zeal of the Jesuit missionary, the daring of the adventurous explorer, the chivalry of the French courtier, have thrown a glamour of poetic charm which gathers depth of colour with the lapse of years, and furnishes a striking and brilliant background to the somewhat prosaic conditions of modern life and progress.

The great struggle which marked the end of this period, and led to the fall of the French power on the American Continent, was a conflict of giants: on either side leaders who were masters in war and in statesmanship; followers stamped with the stubborn courage of two of the world's strongest races, and hardened by the rough life of the New World. French and British Canadian alike can read with honourable pride a page of history illuminated by the genius of Wolfe, the chivalric heroism of Montcalm, and the bravery of soldiers who held life cheap in the service of King and Country.

Under the British flag this heritage of noble tradition was immeasurably enlarged. When the Revolution of 1775-83 severed the other colonies of England in America from the mother land, Canada received most of those who in the revolted

colonies had remained loyal, amid defeat and persecution, to the old flag and to British institutions. These Loyalists, driven or self-exiled for conscience' sake from the land of their birth, kindled in Canada that passionate attachment to the idea of a United Empire which has controlled the policy of the country for more than a century, is a dominant force in its politics to-day, and has contributed more, perhaps, than any other single factor to determine the future of the Empire itself.

The war of 1812 followed to test the strength of this attachment. In this war the Loyalist of Upper Canada and the Frenchman of Lower Canada were knit together in resistance to unjustified aggression. By the unyielding courage then displayed in the face of what seemed overwhelming odds, the territorial integrity of Canada and the security of the Empire in America were honourably maintained. Again, when rebellion reared its head in 1837, and a discontented minority hoped to repeat the experience of 1775, the forces of loyalty were strong enough to assert, once for all, a superiority which has never since been questioned.

Thus two centuries of struggle and adventure lend picturesqueness to the birth of Canada, and furnish ample material for an inspiring history.

But the toils and triumphs of peace are not less honourable or less important than those of war.

The career of Sir John Robinson links together that stirring period of 1812-14 when the fate of the country was decided by force of arms, and the later constructive stage when, in Legislature and Law Court, were laid the social and political foundations of a vast and peaceful State, self-governing and mistress of its own destiny, but yet holding firmly

to the principles of national life in which it was cradled. His boyhood was one fitted to develop strength of character. His father, who had wrecked his fortunes by adherence to the British cause in Virginia, died when he was quite young. Thus he early learned those hard lessons of poverty and adversity, so common in the pioneer life of a new country—so useful in the cultivation of qualities which make for success.

A fortunate chance placed him in school days under the care and guidance of Dr. Strachan, a man whose masculine intellect has left a profound impression upon the educational, ecclesiastical, and political life of Upper Canada. It impressed the individual scholar as well. The stern disciplinarian was also the devoted friend, and the perfect candour of intercourse between the two men exhibits an almost ideal relationship between teacher and pupil. From this strong master young Robinson seems to have caught much of the deep sense of Christian duty, the unusual capacity for labour, and the habits of accurate thought, which marked his whole subsequent life.

The weighty responsibilities of manhood were quickly thrust upon him. Before he was twenty-one he had served with distinction under General Brock, the especial hero of Canadian history, with whom he was present at the surrender of Detroit, and at the battle of Queenston Heights, where Brock fell. He had also in the same year been named as Acting Attorney-General for Upper Canada, after the death of the Attorney-General, who fell in the same battle.

When the war was over he betook himself to England to complete his legal studies and to im-

prove his mental equipment by foreign travel. To the responsible and bracing experiences of his Canadian life he now added, as these records show, familiarity with much of what was best in the social, legal, and political atmosphere of the mother land. Thus it was that the vigour and independence of thought begotten of pioneer life in the new world were supplemented in him by an old world breadth of experience and courtesy of manner which added to his power and charm, and which are said to influence even to the present day the Bench and Bar of his native province.

Returning to Canada, he was appointed Attorney-General in 1818 and elected to the House of Assembly in 1821. Rising steadily through the various stages of professional success he became in 1829 Chief-Justice of Upper Canada, and in virtue of that office, President of the Executive, and Speaker of the Legislative Council. The last two positions he vacated in the course of a few years, as the system of responsible government became more clearly defined; the Chief-Justiceship he filled for thirty-three years, until he became President of the Court of Appeal in 1862, the year before his death. How his judicial duties were performed may be inferred from two notes in his memoranda made in 1854, the one recording the fact that in the previous twenty-four years there had only been five appeals to England from the decisions of his court, and that not one of these had been reversed; the second mentioning that in these twenty-four years there had been absolutely no arrears in his department of the judicial business of the country. This record, noted with modest pride, has probably few parallels in the judicial history of Canada, or of Greater Britain.

Of his legislative activities only the merest outline can find place in a sketch such as this. But the references to his connection with such vexed questions as the Rebellion of 1837, Lord Selkirk's erratic government in the Hudson Bay Territory, the Clergy Reserves, Lord Durham's report, and the Union of Upper and Lower Canada, will be read with deep interest for the sake of the sidelights thrown upon Canadian history at one of its most critical periods. His influence in the decision of many Canadian questions was of a twofold kind. Sundry public missions on which he was sent to England, and a longer visit caused by ill-health, brought him much in contact with the leaders of English thought and politics. Thus while his intimate knowledge of affairs and the strength and sincerity of his convictions commanded public confidence and the respect even of opponents in Canada, his opinions had also great weight in England, where he was freely consulted by the Duke of Wellington, Colonial Ministers, and others responsible for the direction of Imperial policy. In giving advice he furnished no ground even for the suspicion that he would sacrifice for Imperial interests any just right of his colony. His example is an abiding proof that loyalty to the Empire as a whole is not inconsistent with loyalty to any of its parts.

A biography like this brings out in strongest relief the supreme value of character in public as in private life. Personal and family detail may be of limited interest: this broader teaching goes to the root of national welfare. Characters such as that of Sir John Beverley Robinson give distinction and dignity to a country's history.

GEORGE R. PARKIN.

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ERRATA

Page 23, line 12, *for* "Job xxvii. 6," *read* "Job xxvii. 5 and 6."

Pages 171 and 172, *for* "Sir Griffin Wilson" *read* "Sir Giffin Wilson."

THE LIFE OF
SIR JOHN BEVERLEY ROBINSON
BART.

CHAPTER I

FAMILY AND EARLY LIFE

Introductory—Family—Parentage—School and student life—Christopher Robinson—Colonel Beverley Robinson and his sons—Christopher Robinson, “Queen’s Rangers”—The Rev. John Sayre, Dr. Stuart, Mr. Strachan, Judge Boulton, Colonel Macdonell—The United Empire Loyalists: their position after the Revolutionary War—Letter from General Israel Putnam—Christopher Robinson’s death: his children—Dr. Stuart’s and Mr. Strachan’s kindness—John Beverley Robinson placed at school under the latter—Letters from Dr. Stuart—School life at Cornwall—Address of Mr. Strachan to his pupils: their presentation of plate to him in after years—Enters Mr. Boulton’s office—Letters of Mr. Strachan and Dr. Stuart—Mr. Boulton taken prisoner by the French—Death of Dr. Stuart and Esther Robinson—Enters Colonel Macdonell’s office—The Macdonells of Glengarry—Acts as Clerk of the House of Assembly instead of Mr. Donald Maclean—Vote of the House.

MANY of those who knew my father have expressed their regret that in Canada, where he lived and died, and with a part of whose history he was so intimately connected, no Life or very complete Memoir of him has hitherto been published.

This has led to my putting these pages together, but I am very sensible of the disadvantages which must, in some respects, attend their being written by a son.

I have, therefore, preferred to let the story of his life be told, as far as practicable, either in his

own words—through his writings, speeches, and journals¹—or in those of others, through their letters to or notices of him.

He left behind him, partly for the information of his children, a memorandum, written in the later years of his life, and touching upon certain portions of it. It was in no sense an autobiography, and it must be borne in mind that it was not intended by him for publication in any shape. This I have largely quoted from, placing usually near the beginning of each chapter what he himself has written respecting the events referred to in it, and adding to that whatever may seem of interest in connection with his account, and tend to bring the whole into a continuous narrative. Some matters more of purely family than of general interest, but which it may be convenient for his descendants to have a record of, I have placed apart in Appendix B.

To enter into every event affecting Canada in which he bore a part has not been attempted or possible in the space of these pages; and, in alluding to those principal questions which in their day aroused strong feeling and controversy, I have endeavoured to write in the spirit which he would have approved.

A man of deep and consistent convictions himself, and for many years in Canada the leader of a party in Parliament, he was necessarily often in opposition to others. What I think he would have wished his descendants to claim for him is that, when he was so, he believed that he was in the right, and that, throughout his life, he never deviated, by word or

¹ When away from home, he was in the habit of regularly keeping a journal, but not at other times.

act, from what his conscience dictated to be his duty towards his country. But, while I do claim this, I willingly concede to his political opponents convictions as sincere as his own.

My Father's Account of his Family and Early Life.

The first of our family to come to America was Christopher Robinson, who was Private Secretary to the Governor of Virginia, Sir William Berkeley, and continued in that colony till his death about 1693. He was the son of John Robinson of Cleasby, in Yorkshire, and elder brother of Dr. John Robinson, Bishop of Bristol and afterwards of London, who was the British Plenipotentiary at the Treaty of Utrecht in 1713, and for some years British Minister to Sweden, of which country he wrote an account. I believe he was the last ecclesiastic who was so employed.¹

Christopher Robinson had a son John, who became President of the Council of Virginia, and married Catherine, daughter of Robert Beverley, by whom he had many sons. One of these was well known in Virginia as Speaker of the House of Burgesses, as it was then called.

Another, the youngest, was Beverley, who, having sought his fortunes in New York, became a merchant there, and married a daughter of Frederick Philipse, with whom he acquired a large property, situated on the Hudson River, that would now have been a possession of immense value, but which he forfeited by his adherence to the Crown in the Revolutionary War.²

He raised a regiment of his tenantry called "The King's Loyal Americans," which he commanded during the war, and the officers and men at the peace settled in Nova Scotia, New Brunswick, and Canada. Some account of him is given in the *Gentleman's Magazine* for the year 1792, in the obituary of

¹ Some further account of Christopher and Dr. John Robinson is given in Appendix B., I. and II. The former died as Secretary for the Colony of Virginia.

² His house, Beverley House on the Hudson, was the scene of some interesting events in the war, and at one time the headquarters of Washington (see Appendix B., II.).

May in that year. He himself died at Bath, having removed to England after the war.

A more particular account of him is to be found in Sabine's "History of the American Loyalists."

The late General Sir Frederick, and Commissary-General Sir William Robinson¹ were both sons of Colonel Beverley Robinson, and he had others, who removed to New Brunswick, where their descendants now are numerous.

My father (Christopher), born and brought up in Virginia, was the son of one² of the many brothers of Colonel Beverley Robinson, and being a youth at William and Mary College in Williamsburg, the capital of Virginia during the Revolutionary War, he left college and made his way to the British army, and afterwards to his uncle, Colonel Beverley Robinson, in whose family he resided until he received a commission from Sir Henry Clinton in Colonel Simcoe's Legion,³ as it was called.

He served in this corps till the peace, and then removed with other Loyalists to New Brunswick. He was the only one of his own branch of the family who adhered to the royal cause, and he became in consequence entirely estranged and separated from them. In New Brunswick he married, in 1784,⁴ the daughter of the Rev. John Sayre, one of two brothers who had been sent as missionaries to the American Colonies by the Society for Propagating the Gospel, and of whom Mr. Stokes, his Majesty's Chief Justice of Georgia, thus speaks in his book upon the constitution of the British Colonies in North America and the West Indies at the time of the breaking out of the Civil War on the continent of America.⁵

¹ See Appendix B., III.

² William Robinson, born about 1763, of the county of Spotsylvania in Virginia.

³ His commission is dated June 26, 1781, and it appears in a letter from his widow to Sir John Wentworth that he was then eighteen years of age. See Appendix A., IV., for some further particulars as to the corps of "Queen's Rangers" (or Colonel Simcoe's "Legion"). Its proper designation was "The 1st American Regiment or Queen's Rangers."

⁴ At Manguerville, near Fredericton. The Rev. John Sayre died there in the same year.

⁵ "A View of the Constitution of the British Colonies in North America and the West Indies," by Anthony Stokes, p. 200. London, 1783.

After describing some of the clergy, whom he says he had heard with great edification in America, as men who delivered themselves with that zeal which distinguishes those who feel what they preach to others, Mr. Stokes says: "Amongst men of this primitive stamp I should mention Mr. Leaming and the two Sayres from Connecticut, were it not that good men are dead to the applause of the world, and look for their reward in another Country, where merit will not be mistaken or overlooked."

In 1788 Christopher Robinson (then on half-pay of the Queen's Rangers) removed to Lower Canada, and in 1792 came to Upper Canada with his family, and lived at Kingston till 1798. He was called to the Bar, and practised there, and held also the situation of Deputy Ranger of his Majesty's Woods and Forests in Upper Canada, under a deputation from Sir John Wentworth of Nova Scotia—an office of very trifling emolument.

In October 1798 he removed to York (now Toronto), which had not long before been made the seat of Government, and died there three weeks after his arrival, leaving a family of young children¹ (for he lived to be but thirty-four years of age), and not having a relation of any degree in Canada.

He became a Bencher of the Law Society, and was, at the time of his death, a Member of the House of Assembly, representing the Counties of Lennox and Addington, having been elected to the second Parliament that sat in Upper Canada.

Three years ago (in 1851), when I went to Richmond, I spent ten days in Virginia. It was the first visit that any of my father's family had made there in the seventy years which had passed since he forsook his home to join the British standard.

When my father died at York in 1798, the Rev. Dr. Stuart, who had been an intimate friend of his, proposed that I should go with him to Kingston, and attend the Grammar School there kept by Mr. Strachan, who afterwards moved to Cornwall, of which he had been appointed Rector.

So at that early period of life, I had two excellent

¹ Sir John Beverley Robinson was the second son.

examples. One, Dr. Stuart, universally esteemed and respected, in whose family it was impossible to be—even as a child, as I was—attending constantly to his remarks as to what an honest man could do, and could not do, without benefiting by it.

The other, Mr. Strachan—to the inestimable advantage of receiving instruction under whom I feel perfectly certain I owe the success I had at an early period of life.

I learnt from him what generosity of character and conduct meant, and saw in him constantly exemplified all that it was most important a young man should see.

I was fortunate also in the next step I took. If I have any merit in getting on harmoniously with my brethren at the Bar and on the Bench, I owe it in a certain degree to having been at an early period of life, when I commenced my legal studies, under the care of the late Judge Boulton, who was then Solicitor-General of the province.

On a journey to England he was taken prisoner by the French, and it became necessary for me to complete under some one else the period for which I was articled as a law student.

I then placed myself under Colonel Macdonell—Acting Attorney-General and Aide-de-Camp to General Brock—who fell at Queenston, a most honourable and high-minded man.

The foregoing sketch passes over in few words the circumstances of privation and difficulty in which the United Empire Loyalists, of whom Christopher Robinson of the Queen's Rangers was one, were placed at the conclusion of the War of American Independence.

In Canada the history of these pioneers of the Upper Province is well known, but for others than Canadians it may be necessary to say that the United Empire Loyalists were those who endeavoured to preserve the unity of the Empire when the American Colonies—now the United States—rose in arms against the Crown.

From conviction they adhered to the royal cause, and fought for it. When it was lost some returned to England, and many settled in Nova Scotia, New Brunswick, and Upper Canada.

There they contributed largely to build up again the Empire as it exists to-day in the Canadian Dominion.

The people of Canada—many of them descendants of these men—have now lived for more than a century along an extended border-line of hundreds of miles side by side with those of the very prosperous Republic of the United States; and some occasionally, both in England and elsewhere, have pointed out that it would be to their interest to join it. But the people generally have never thought so; their attachment to British institutions is deep-rooted, and it is not too much to say that this is due, next to the intrinsic value of these institutions in themselves, to the principles and traditions handed down by the United Empire Loyalists.

The choice which the Loyalists had made, and never regretted having made, had led to great hardships, to the forfeiture of fortune, the loss of home, and, in many cases, to the complete rupture of close family ties. To be compelled, with slender resources, to begin life anew in England or the British provinces, involving in many cases building their log houses in the uncleared forest in the depth of winter, must have severely tested that fortitude which enabled them to rise superior to their trials.

The feeling between those members of a family who had taken opposite sides in the American War of Independence was frequently bitter in the extreme.

Hundreds of miles of wilderness then intervened between Canada and Virginia, and from the day on which Christopher Robinson joined the Queen's Rangers no communication of any sort seems to have been kept up by him with his relations in Virginia. The only private letters of his which have been preserved (as far as I have been able to ascertain) are to his cousin, Robert Robinson,¹ who had settled in Nova Scotia, and who, like himself, had served on the side of the Crown, and to Colonel Simcoe, his old commanding officer.

When he first went to Lower Canada, he lived at L'Assomption, afterwards moving to Berthier, where my father was born, and it was on account of Colonel Simcoe coming out as Governor to Upper Canada that he removed to Kingston in 1792, and afterwards to York (Toronto), where he had previously arranged for a log house to be built for him a little east of where the river Don enters Lake Ontario. He died November 2, 1798, and was buried in the garrison burial-ground.

His name appears in records as mover or seconder of several public measures in the House of Assembly in York, such as for the establishment of a market, for laying down boundary lines between townships, and for revising the Act 34 Geo. III., regulating the practice of the Court of King's Bench.

His early death (when my father was seven years of age) was caused by an acute attack of gout, aggravated, I have heard, by cold and exposure while travelling.

My father, alluding to him in one of his memo-

¹ A son of John Robinson of Hewick, Middlesex County, Virginia, a first cousin of Colonel Beverley Robinson.

randa, says, "I can just recollect that he was very tall, and had fair hair and a light complexion."

I have heard him say also that he could well recollect walking with his mother to the funeral along the Indian path, and through the forest, which then intervened between the Don and the cemetery, and which is now the city of Toronto.

Christopher Robinson, writing to Robert Robinson on July 6, 1793, tells him of the distress which Colonel Simcoe, "the first and best friend I ever met with since I left my Virginia connections," had found him in, when he came out as Governor; and how comparatively happy he was then with his half-pay, "a salary of 7s. 6d. a day as Deputy Surveyor-General of Woods and Forests, 1s. 3d. for a ration, and 2000 acres of wild land."

Later on, in 1795, writing to Colonel Simcoe, he speaks of having no connections or relations to apply to "were I so disposed, having forfeited their friendship by my political principles"; and he adds, "I was born to better prospects."

After his early—perhaps imprudently early—marriage in 1784,¹ when he first moved with his young family to Lower Canada, he was entirely dependent upon his half-pay as a subaltern, and his own exertions.

It is interesting for any descendant of the United Empire Loyalists to read the official reports filed in the Record Office, Treasury, &c., in England, of the Commissioners appointed by Parliament to inquire into the losses and services of the American

¹ He was not quite twenty-one years of age. Colonel Beverley Robinson, writing from England in July 1784 to his daughter, says that he has "heard of Kit Robinson's marriage," and adds, "I am sorry for and vexed with him for being so imprudent."

Loyalists. The delay in awarding them compensation, pending the investigation of their claims, must have caused, in some cases, much distress to them; and their services and sacrifices were in many instances no doubt inadequately recognised, and too soon forgotten.

The British Government was not, however, as has been sometimes asserted, ungrateful, and did not neglect their claims—which amounted to millions sterling—but it did not do more, and could not reasonably, perhaps, have been expected to do more, than indemnify them partially for their losses.

Colonel Beverley Robinson is an instance of the very heavy losses sustained by some. He, his wife, and his eldest son had all been attainted by name of treason, and banished by an Act of the Legislature of New York, for having been active adherents of the King of Great Britain, and their whole real and personal estate confiscated. Four sons fought with him on the side of the Crown—three in his own regiment.

Sir Henry Clinton, Commander-in-Chief of the British forces during the war, bore the following high testimony before the Commissioners to his services:—

Colonel Beverley Robinson was appointed to the command of a regiment composed chiefly of his own tenants, at the head of which he distinguished himself upon several occasions, and particularly at the storming of Fort Montgomery on October 6, 1777, the command of that attack having devolved upon him after Lieutenant-Colonel Campbell was killed.

His zealous and very active services rendered him very obnoxious to the enemy, insomuch that of all other men he is perhaps the least likely now to receive any favour at their hands.

He likewise offered himself to do the very same service

that Major André afterwards did with respect to Mr. Arnold; and with regard to Intelligence¹ he was at the head of it.

I am of opinion that he rendered the most essential services to the Government. It is impossible to speak too highly of him.

The "service with respect to Mr. Arnold," which Sir Henry Clinton alludes to, was the conferring with General Benedict Arnold, who was ready to betray West Point to the British, and which led subsequently to the tragic death of Major André, Adjutant-General of the army, whom (as Sir Henry Clinton says in another paper) he employed, as Colonel Beverley Robinson could not be spared.

One of the officials entrusted by the Commissioners to report to them upon Colonel Beverley Robinson's claims, says:—

In respect to this case, I find that there was not a Loyalist more respectable as a private gentleman, or more the object of jealousy as a British adherent in the eyes of the Americans than Colonel Beverley Robinson—a man of candour and principle, and universally beloved. Great pains were taken by the first and most leading men of that time to bring him over to the patriotic faction.

And Sir Guy Carleton, afterwards Lord Dorchester, who succeeded Sir Henry Clinton as Commander-in-Chief, in giving Colonel Beverley Robinson a letter to Sir George Yonge, Secretary of State in England, says:—

June 17, 1783.

Colonel Beverley Robinson of the Loyal American Regiment is a gentleman of distinguished probity and worth, and whose possessions in this country were very large.

¹ That is, the Intelligence Department of the army. He was at one time in command of a corps of "Guides and Pioneers," and was often attached to Sir Henry Clinton's staff.

The violence of the times compels him, accompanied by the female part of his family, to seek aid and protection in England at a period of life very ill corresponding with such a change of land, but his unshaken loyalty and fidelity have been such as to leave him in the present moment of violence and rage no other resort.

I beg leave to recommend him to your favourable notice and protection.¹

In his own statement to the Commissioners Colonel Beverley Robinson valued his confiscated estates (about 60,000 acres in the province of New York, and some city property, which, after coming to him through his wife, Susannah Philipse, had been much improved by his own exertions) at about £114,000 New York currency, or £64,000 sterling: an exceptionally large fortune at that period.

That this estimate was not excessive is to be inferred from the fact that it was concurred in by several independent witnesses, examined on oath, and that some valued it as high as £140,000 currency. There was, in addition, the personal estate of about £16,000.

The compensation which the Commissioners recommended in Colonel Beverley Robinson's case was about £24,000 sterling, but it appears that in the end he received about £17,000.

He had a large family, and for years after the war was in very straitened circumstances.

It may be mentioned that of the family of Philipse, descended from Adolph Valipse—who early in the seventeenth century had acquired immense tracts of land near or on the site of New York—Frederick

¹ From Sir Guy Carleton's manuscript correspondence, in the library of the Royal Society in London.

(the head of the family), Susannah (Mrs. Beverley Robinson), and Mary (Mrs. Roger Morris), all threw in their lot with the Crown in the war.

Philip Philipse, another member of the family, had died before the war, and his children being too young to take part in it, their property was not confiscated, and their descendants were, in 1847, still living on it, at Philipsburgh, on the Hudson River.

It is stated¹ that Frederick Philipse received from the British Government as compensation for his losses £62,075, and Colonel Roger Morris, who had married Mary Philipse, £17,000. Also that Colonel Morris, before the Revolutionary War, had settled his property upon his wife, and that after the peace a legal question was raised whether his children could be debarred from inheriting—they (unlike Colonel Beverley Robinson's) having been too young to take any part in the war—and it being provided in the Treaty of Peace that settlements made before the war should hold good.

It is added that in 1809 the then representative of the Morris family, not being in a position to contest the matter legally, assigned the reversionary rights of himself and his sisters to John Jacob Astor for £20,000, who eventually received the property, which soon increased to many times that amount in value.

I give below a remarkably interesting letter from General Israel Putnam, the well-known Revolutionary General, to Colonel Beverley Robinson, then in England, and the original of which is in the possession of the latter's descendants:—

¹ See Burke's "Landed Gentry," edition of 1847, under "Morris of York."

POMFRET, *May 14, 1783.*

SIR,—The many civilities which I have received from Mrs. Robinson and her family make me feel extremely interested in whatever concerns them; and I must say that my joy, on the return of peace, is greatly damped by the unhappy situation in which many friends of the Government are left.

I feel most sensibly for what you must have suffered by the war, and whenever I think seriously upon the situation of this country, I cannot but bewail my folly in the part which I have acted. There was a time when I firmly believed that a separation from the mother country would be the greatest blessing to this. But, alas! experience—too late experience—has convinced me, as well as thousands of others, how very erroneous this opinion was.

I now see anarchy and confusion every day gaining ground among us. I see the encroachments of our great and good ally with pain and regret.

Whether I shall ever live to see the accomplishment of my wish, or not, I can't tell, but it certainly is the greatest wish of my heart to leave my posterity in the enjoyment of that mild government which this unhappy war has deprived them of.

(Signed) ISRAEL PUTNAM.

When Christopher Robinson, of the Queen's Rangers, died in 1798, his widow must then have been left at York, now Toronto, where they had but recently arrived, with but very little means.

She had six children,¹ viz. :—

Peter ;

Mary, afterwards Mrs. Heward ;

Sarah, afterwards Mrs. d'Arcy Boulton ;

John Beverley, the subject of this memoir ;

William Benjamin ; and

Esther, who died young.

Colonel Beverley Robinson was dead, and Colonel

¹ See Appendix B., IV.

Simcoe had left Upper Canada, so that to neither of these could she turn for aid or counsel. Her own father, the Rev. John Sayre, was also dead.

My father has alluded to the warm and staunch friend he found in the Rev. Dr. Stuart, the father of the late Archdeacon of Kingston. He was the Bishop of London's Commissary, or representative in Upper Canada, and may be regarded as the father of the Episcopal Church in that province, being at one time the only Church of England clergyman in it. A United Empire Loyalist himself, born in Virginia, and who had served as chaplain to the troops in the Revolutionary War, he had probably been acquainted with Christopher Robinson, or his family, before coming to Canada.

About this date he and others in Kingston were in correspondence with acquaintances in Scotland with a view to obtaining a tutor for their sons, being able to hold out, as an inducement to come to Canada, the prospect of future educational employment in connection with a grammar-school and also a university which it was proposed to establish.

This opening was accepted by Mr. John Strachan, then master of the parochial school of Kettle, in Fife-shire, who arrived in Kingston, December 31, 1799.

To quote the Rev. Dr. Scadding¹:—

The families referred to—Hamiltons, Stuarts, and Cartwrights—appeared to have looked towards Scotland rather than England, partly perhaps from national predilection and partly from a reasonable impression that the economic and primitive university system of Scotland was better adapted to a community constituted as that of Upper Canada then was.

¹ "The First Bishop of Toronto, a Review and a Study," by Henry Scadding, D.D., 1868.

This was a view held by many others, and which the career of more than one Scotchman in Canada would seem to endorse.

In connection with this, I may mention that the Rev. Archibald Alison,¹ father of the historian, though educated at Balliol College, Oxford, where he spent eleven years of his life, and though admitting the greater nicety of critical knowledge and elegance of composition in the dead languages there taught, was yet so impressed by the superiority, for general students and practical life, of the Scotch system of education, which aimed at the training of youths "for the duties they would have to discharge and the parts they would have to play in the living communities in which they were to pass their lives," that though Vice of High School and Rector of Rodington in England, he moved in 1800, at some sacrifice and inconvenience, to Edinburgh, for the education of his sons for professions.

In any case, these Kingston families showed themselves very clear-sighted in considering that the training and character of Mr. Strachan, afterwards Bishop of Toronto, specially fitted him to take charge of the instruction of youth in a new country.

When Dr. Stuart offered to the widow of his old friend Christopher Robinson to take her son John Beverley with him to Kingston, and place him at school under Mr. Strachan, who was also tutor to his own sons, it can be easily understood how valuable to her was the helping hand he then extended.

No words can adequately express the debt of

¹ "Autobiography of Sir Archibald Alison," by Lady Alison, 1883, vol. i. p. 21.

gratitude which the descendants of Sir John Beverley Robinson owe to Dr. Stuart.

He treated my father in all respects as his own child, and later on, in 1803, Mrs. Christopher Robinson having in the meantime (5th September 1802) married again, he joined with her husband, Mr. Beman, in sending him to Cornwall to continue his education under Dr. Strachan there.

The latter had evidently by this time become himself much attached to his pupil, being willing to receive him "without reward," and as time went on he became almost a guardian as well as friend and tutor to him, ready always to assist him by his advice and example, and also with his purse.

Writing to him on 25th January 1809, he says:—

I must confess that I shall be uncommonly mortified if you do not shine as a professional and moral man; and that you will excel in both is the reward I promise myself from our connection—and a disinterested one it is, though to me it will be precious.

This well expresses the only way in which such kindness and friendship as that shown by Dr. Stuart and Mr. Strachan can be repaid.

It may be said that in this sense their pupil endeavoured to repay them, and he held both in heartfelt affection and regard throughout his life.

Having been born at Berthier, in Lower Canada, on the 26th July 1791, my father was a little over twelve years of age when he joined the Cornwall School in November 1803.

The following is one of the earliest letters relating to him, and was evidently delivered at Cornwall by himself:—

Dr. Stuart to Dr. Strachan.

KINGSTON, November 25, 1803.

DEAR SIR,—The immediate occasion of this letter is to acquaint you with the circumstances which have furnished you with another pupil—your old acquaintance, John Robinson.

In a conversation with Justice Powell, I happened to mention your generous intention in proposing to take the bearer of this even without reward. However, I added that I disapproved of your proposal, as a thing not to be expected from a stranger just commencing his career in the world, unacquainted with the expense and troubles of housekeeping. I shall consider myself bound, in conjunction with Mr. Beman, to indemnify you for the time he is with you, till a permanent arrangement can take place.

To hear of, and from you, will always give us pleasure.

And I am, Reverend and Dear Sir, your sincere friend and brother,

JOHN STUART.

The Reverend JOHN STRACHAN, Cornwall.

Mr. J. ROBINSON.

For four years, *i.e.* until August 1807, he continued at school in Cornwall.

It is unnecessary for me to enlarge upon the great benefit derived by him from these four years. The good results of the training imparted by Mr. Strachan to his pupils are well known throughout Canada.

Into the occupations and amusements which filled up his school life I need not enter either, but I have heard that he joined very keenly in all games and sports. As a youth he was a fast runner and active generally, being named "The Young Deer" by the Indians, who then frequented Upper Canada.

He was fond of poetry, and occasionally wrote verses. From his boyish productions in the years

1806-7 I select the following, not, of course, for its intrinsic merit, but as being among his earliest efforts:—

To Mr. Strachan on his Birthday.

CORNWALL, April 12, 1807.

How shall my muse unskilled to please,
Attempt with unaffected ease
To celebrate the day,
Which gave a father and a friend,
My life from danger to defend,
And guide my youthful way.

May each revolving year remind
My grateful heart how good, how kind,
How gracious you have been.
Oh may your goodness leave a trace,
Which length of time shall ne'er efface,
But which shall fix'd remain.

Although they have more than once appeared in print in Canada, I make no apology for inserting here some extracts from Mr. Strachan's address to his pupils on the 6th August 1807, when several of them, including my father, were about to leave the school at Cornwall, for better advice has seldom been given to youths entering upon the world, and the school life and teaching at Cornwall unquestionably influenced my father's whole career:—

I begin with an observation, which to many of you will appear a little extraordinary. It is this, that one of the greatest advantages you have derived from your education here arises from the strictness of our discipline. Those of you who have not already perceived how much your tranquillity depends upon the proper regulation of the temper, will soon be made sensible of it as you advance in years. . . .

We should not forget that the situation of human affairs

never allows any one to be, at all times, his own master. We are restrained on every side by limits which we cannot, or ought not, to pass. That discipline, therefore, which you have sometimes thought irksome, will henceforth present itself in a very different light. . . .

Next to the due regulation of the passions and melioration of the temper, we place those habits of diligence and application to which you have been accustomed in the prosecution of your studies.

If they are not acquired in youth, they are very seldom attained. They are certainly the foundation of all future excellence, for how can any person advance in his professional studies or transact his business with correctness and promptitude, unless he be accustomed to application?

In conducting your education, one of my principal objects has always been to fit you for discharging with credit the duties of any office to which you may hereafter be called. To accomplish this, it was necessary for you to be accustomed frequently to depend upon and think for yourselves. I have always encouraged this disposition, which, when preserved within due bounds, is one of the greatest benefits that can possibly be acquired.

You are to remember that we have laid only the foundation, the superstructure must be raised by yourselves. . . . It is not by flying from subject to subject and skimming the surface of science that much knowledge is gained, but by proceeding slowly and correctly, never leaving any subject till it be thoroughly understood. A mass of information huddled up in a mind not accustomed to correctness of thinking is of little use. Be patient, diligent, and methodical, and you will make rapid progress.

When you are qualifying yourselves to discharge with dignity the duty of your professions, you must not forget that something more is necessary to render business pleasant. You must behave in a kind, affectionate manner to all who have intercourse with you. We may be correct in our dealings, we may discharge with fidelity the duty of our station, and yet become disagreeable.

We may treat people with indifference, superciliousness, or

neglect; we may indulge a moroseness of disposition which shall disgust where we meant to conciliate, and raise up enemies where we wished friends. The civility of manners which I would recommend flows from the heart; it consists in showing a proper regard for the feelings of others.

. . . Having exhorted you at some length, in another place, always to cherish our Holy Religion, I shall not say anything further at present. Suffer me, however, to remind you that he who wishes to be a good man and rise in moral excellence, must begin with being a dutiful child. Obedience to parents is the forerunner of obedience to God.

Before I conclude allow me to recommend the cultivation of friendship. The connections formed at school frequently continue through life. This union, if founded on virtue, and nourished by similarity of disposition and congenial souls, will be the delight of your future lives.

Twenty-six years after the above address had been delivered, the old Cornwall pupils of Mr. Strachan, then Archdeacon of York, met together (2nd July 1833) to present him with a piece of plate¹ in gratitude to him as their tutor.

On that occasion the address was read by my father, and forty-two old pupils signed it and joined in the presentation, many of them holding responsible positions in Canada, and some in distant parts of the world.

Mr. Strachan's acknowledgment of the address largely explains the reason why the system he had followed had so reached the hearts of his pupils.

I was strongly impressed from the first with my responsibility as your teacher, and I felt that to be really useful, I must become your friend. It has ever been my conviction,

¹ This was a silver epergne, value about £250 sterling, the design of which was superintended in London by Thomas Campbell, the poet, author of "The Pleasures of Hope," and W. Dacres Adams.

that our scholars should be considered for the time our children, and that, as parents, we should study their characters and pay respect to their peculiar dispositions, if we really wish to improve them, for if we feel not something of the tender relation of parents towards them, we cannot expect to be successful in their education.

It is evident from his correspondence with his pupils after they had left school that while there he had identified himself with all their interests and amusements; and no one who recollects him personally (as I can do, though only at a later period of his life) can fail to understand the influence which his manly character gave him over boys.

Uniting, in a remarkable degree, as has been well said, "fascination with force," he treated his pupils as his own children, while he maintained a very strict discipline; noting their individual tempers, their failings, and their talents, and constantly stimulating or repressing as he thought wise.

Such a system naturally left its mark for good upon the youth of my father's generation brought under Mr. Strachan's influence in Canada.

Two months after leaving Cornwall, *i.e.* in October 1807, my father entered as a student the office of Mr. D'Arcy Boulton, then Solicitor-General of Upper Canada, and remained with him three years.

Mr. Strachan speaks of executing, with the consent of Mr. Beman, an indenture for him to be clerk.

I shall take the necessary steps to secure you for five years from getting clear of the yoke. I hope, however, you will not find it burdensome.

His course of reading during this period seems from his note-books to have been comprehensive.

In addition to various treatises upon law, it included a careful study of Virgil, Horace, Pliny, Plutarch, Hume's History of England, Robertson's History of America, Paley, the Speeches of Pitt, Erskine, Fox, and others, Shakespeare, Bolingbroke's Works, Milton and various poets. Upon the Bible there are very full notes, especially on Job, the Psalms, Proverbs, Isaiah, and Ecclesiastes, and among them the following text specially scored in pencil:—

Till I die I will not remove mine integrity from me, my righteousness I hold fast, and will not let it go, my heart shall not reproach me so long as I live.—JOB, xxvii. 6.

He also took a leading part in a debating society got up among his fellow-students.

The following letters show the continued interest evinced in him by Dr. Stuart and Mr. Strachan throughout the time he was studying for the Bar:—

Mr. Strachan to John B. Robinson.

CORNWALL, *Febr ary* 1808.

. . . You must learn to be very careful of your matters—economy is the root of true independence—and to show you that your allowance is not so small as you may imagine, my own expenses for Cloaths do not average more than sixteen or seventeen pounds per annum. It is true many people spend six times as much, but I do not think it adds anything to their respectability. The difficulties you have at present to encounter will be of great use to you in future. No man can be great, or perhaps very good, who has not received lessons from adversity. . . .

Dr. Stuart to John B. Robinson.

KINGSTON, *June 30,* 1808.

DEAR JOHN,—Your very kind affectionate letter was delivered to me by Mr. Boulton, and though you have greatly

overrated any little benefit you received from me or my family, yet as it evidences the goodness of your heart, I consider the whole as the genuine effusion of a grateful mind. I have been long in the habit of considering you as a child, and consequently am deeply interested in your future prospects and success in the world. . . .

There is no medium in the profession you have chosen; you must either rise to eminence and respectability or sink to the level of a pettifogging attorney in some obscure part of the country. I can only add that you have my good wishes at all times, and if an opportunity offers in which I can give you some more substantial proof of my friendship, you will be convinced at least of my good intentions. Mrs. Stuart was particularly pleased with the part of your letter in which her name was mentioned. I need only say she is as much your friend as ever.—I am, dear John, your affectionate and sincere friend,

JOHN STUART.

Addressed to

Mr. JOHN B. ROBINSON,
Student at Law, York.

The want of perseverance and inclination to satire, alluded to in the next letters, were never apparent, I think, in my father in later life.

Evidently some squib he had written was the occasion of the last, and perhaps the tendency it showed disappeared, because it was sharply and wisely disapproved of at once.

Mr. Strachan to John B. Robinson.

CORNWALL, January 25, 1809.

. . . There is one rock from which you are in danger, that is the want of perseverance. This defect I endeavoured, while you were here, to correct. Endeavour yourself to conquer this habit. Never conceive it possible for another to do anything in the way of your profession which you cannot also do. If

you lose in the race after every effort to gain the victory, you lose with honour; but to be distanced is always disgraceful. . . .

The Same to the Same.

CORNWALL, September 30, 1809.

. . . The interest I naturally take in your welfare forces me to take up the subject of my disapprobation again. I find, as I had anticipated, that the lines you made had given offence to the parties concerned.

I am willing to make every allowance for what is past, but I must require your promise never to write satire upon anybody. The empty laugh of the malignant is but a small remuneration for hurting the feelings of your neighbour. I do not speak of the badness of the verses and measure, because it was obvious to yourself, but you will shut every door against you by indulging a satirical propensity, and you will quickly find yourself surrounded by enemies.

The year 1811 was to be a sad one. In it my father lost his tried friend, Dr. Stuart, and his youngest sister, Esther. His legal studies in Mr. Boulton's office were also interrupted, in consequence of the latter having been taken prisoner by the French privateer *Grand Duc de Berg*, on a voyage to England. For a time it was thought that he had died of wounds he was known to have received in the capture of the ship—*The Minerva*—he had sailed in.

The following is Dr. Stuart's last letter:—

KINGSTON, January 31, 1811.

DEAR JOHN,— . . . I shall always consider you as my sixth son, and if I live long enough to have an opportunity of aiding and assisting you to procure a desirable establishment in life, I shall consider it a fortunate circumstance.

Although my health is as good as persons at my time of

life generally experience, yet I feel the love of ease and retirement daily gain ground, and what I ought principally to keep in view is how to make my exit with decency and comfort. My grandchildren begin to be an interesting sight—eight fine boys and two girls.

Mrs. Stuart and Jane join in love to you. The former wishes to see you in your old position at her elbow; indeed, you have not by long absence lost any ground in her affectionate remembrance, and,—I am, dear John, your affectionate friend,

JOHN STUART.

JOHN B. ROBINSON,
Student at Law, York.

My father writes thus to Dr. Strachan on September 18, 1811 :—

Dr. Stuart's death affected me very much. The unbounded kindness with which he has always treated me would have compelled me to love him. . . . I can hardly reconcile to my mind the idea of never seeing him again. I have also, it grieves me to say, a nearer affliction to mention, the death of a good, affectionate, young sister. She died on the first of this month. Dear Hetty was sixteen years old. . . . Poor little soul; she is in heaven, if a spotless conscience and a heart of tenderness and goodness can claim a seat there. I was much by her bedside, from the time the quinsy broke.

. . . Mr. Boulton, I fear, will never greet our eyes again. D'Arcy has had a letter from Mr. Franklin, saying that all the intelligence he can procure of Mr. Boulton, after several months' diligent inquiry, is from two sailors, who, being taken with him, had volunteered into a French privateer, and been taken by an English ship. They state Mr. Boulton was very badly wounded, that when the rest were marched into the interior he was left in the hospital at Dieppe, and they have never heard of him since. I hope we may soon be relieved from so distressing an uncertainty. Mrs. Boulton continues pretty well.

The fears which were entertained as to Mr. Boulton's safety were happily unfounded. He recovered from his wounds, and after three years' confinement in the fortress of Verdun, was released, and returned to Canada.

My father has alluded to his having completed his legal studies (owing to Mr. Boulton's detention in France) in the office of Lieutenant-Colonel Macdonell, M.P. for Glengarry, "a most honourable and high-minded man"; and he was certainly fortunate in being thus thrown into intimate contact with one of so high a professional and personal character.

The services which have been rendered to the Empire, and at critical junctures, by the family of Macdonell of Glengarry, have been great, and the Glengarry Highlanders, well known in Canada, have distinguished themselves on the battlefields both of the Old and the New World.

Among other noted members of this family, I may mention Colonel (afterwards General Sir James) Macdonell, celebrated for his determined defence of the important post of Hougoumont at Waterloo; Colonel George Macdonell, C.B., whose name is inseparably connected with De Salaberry's brilliant success at Chateauguay, and who commanded at the capture of Ogdensburgh in the war of 1812-15; Bishop Alexander Macdonell, churchman and man of affairs, active in the war of 1812-15, and chaplain during it to the Glengarry Light Infantry; and lastly Colonel John Macdonell,¹ in whose office my father was now enrolled, and who fell in the forefront of

¹ Great-uncle of the present John A. Macdonell, K.C., of Greenfield, Alexandria, Glengarry, Canada.

the battle at Queenston Heights, when serving as A.D.C.¹ to General Brock.

While in Colonel Macdonell's office, my father took some duty in connection with the House of Assembly in addition to his legal work, of which he thus speaks:—

My first public service was rendered while I was still a boy, under an appointment from Major-General Sir Isaac Brock, then President of the province, to supply temporarily the place of the Clerk-Assistant to the House of Assembly, Mr. Donald Maclean, who afterwards (in April 1813) gallantly joined the Grenadier Company of the 8th Regiment with his musket, and was killed in endeavouring to repel the attack of the enemy upon Toronto. . . . He being ill, I performed his duty for him.

It was in one respect a gratifying commencement, for at the conclusion of the session the House passed unanimously a very flattering resolution, commending my services, and adding a substantial mark of their approbation,² which I had not at all looked for.

Though not called to the Bar until a few months later, his student days were now practically over—

Inter arma silent leges

—and a time of trial for Canada was approaching, which was to interrupt all the avocations of civil life.

¹ Being an officer of rank he combined the duties of Military Secretary and Aide-de-Camp.

² The Assembly voted £50 as a mark of their approbation of his "extraordinary attention to the duties of the office."

CHAPTER II

THE AMERICAN WAR—CAMPAIGN OF 1812

Outbreak of war—Volunteers for service—Capture of Fort Detroit—Meets Brock and Tecumseh—Escorts General Hull and other prisoners to Chippewa—Ordered to Niagara frontier—Battle of Queenston Heights—Death of Brock and Macdonell, and advance under General Sheaffe—Escorts Colonel Scott and other prisoners to Kingston—Interment of Brock and Macdonell—Remarks on advance from York to Detroit—Mentioned in despatches for conduct at Queenston—Colours taken at Detroit and Queenston, and their subsequent history—Articles of capitulation of Fort Detroit—Letters of Dr. Strachan—Military services of the Bench and Bar of Upper Canada—Remarks with respect to General Brock's operations; prudence of his advance on Detroit.

My Father's Account, taken from his Memoranda, &c.

In 1811, the late Honourable William Allan¹ was captain of a company of Militia in the town of York, which he took pains to make efficient.

Under the new Militia Act of 1812, flank companies were formed in each battalion of men who volunteered for active service in case of war; and Mr. Allan became captain of one of these companies, in which I and most of the young gentlemen of the town were enrolled as privates.

The Attorney-General, Macdonell, with whom I was a student, went upon General Brock's staff as Provincial A.D.C.

As the prospects of invasion came nearer we were taken into garrison, and became soldiers for the time.

In June 1812 the American Government declared war, having been engaged for some time before in collecting and forming a force for the invasion of Canada, which, about 3000 strong, had been making its way through the Western States

¹ Father of the late Honourable G. W. Allan of Moss Park, Toronto.

to Detroit, under the command of General Hull, who was then Governor of the Michigan territory.

As soon as the intelligence of the war and of this movement reached Toronto, General Brock with a party of soldiers rowed across the lake to Niagara to make such arrangements as he could for the defence of the frontier there, and immediately returned to York in the same boat, called out the Militia, and addressed them on the Garrison Common. He had then received information that General Hull with his force had crossed the Detroit River to Sandwich, which they plundered, and had marched down to Amherstburg, where a small detachment of the 41st Regiment under Colonel Proctor held out against him; also, that a troop of American Dragoons had made their way through the Western District to Delaware, receiving the submission of some of the inhabitants, and being willingly joined by others, who had recently emigrated to Canada from the United States.

General Brock told us that his intention was to go up at once to the Western District along the shore of Lake Erie, in boats, with such force as he could collect, and to embark at what is now Port Dover; that his means of transportation were so limited that he could take but 100 volunteers from York, the same number from the head of the lake (Hamilton), and an equal number from Port Dover. . . .

I had by that time received a commission as lieutenant.¹ Many more men volunteered than could be taken, and I believe all the officers—General Brock had to select the few² that were required, and I had the luck to be one. My brother-in-law, Captain Heward, was appointed to command the 100 men, and my brother,³ who had raised a rifle company, was allowed to find his way by land, to join us in the Western District.

We marched from Burlington Bay to Long Point on Lake Erie, and went from thence, in boats, up the lake to Amherstburg.

¹ My father's commission to be "Lieutenant in the 3rd Regiment of York Militia of which William Chewett is Lieutenant-Colonel," is dated the 17th April 1812. He was posted to Captain Heward's company.

² It is mentioned elsewhere that four were selected.

³ Peter Robinson.

General Hull crossed¹ the Detroit River on hearing of the approach of General Brock's very inferior force, and shut himself up with about 2500 men in the fort (of Detroit).

On the 15th August General Brock arrived at Sandwich, and on the morning of Sunday the 16th he crossed the river with his small force of 700 men, besides the Indians, who were sent into the woods, and was advancing to the assault, when General Hull sent out a flag of truce, and surrendered the fort with his army and the whole Michigan territory. All but the regular troops were allowed to depart on their parole.

I was sent with a party of the York volunteers, and an officer of the 41st Regiment with a party of his men, to take possession of the fort, and substitute the British flag for the American.

On being relieved from duty the next morning, I had the pleasure of breakfasting with Sir Isaac Brock and with Tecumseh at an inn at Detroit. My short experience of soldiering was uncommonly lucky, for the fort being full of stores of all kinds, my share of prize-money as a lieutenant, which I received in due time, came to £90 and upwards, and the captors of Detroit being honoured by her Majesty with a medal,² I have this unusual appendage to a judge's equipment.

A few days after the surrender I came down with Captain Heward and a part of his company on board the *Queen Charlotte*, armed brig, as a guard with General Hull and part of the regular force³ that surrendered at Detroit. General Brock returned to Fort Erie in a small

¹ i.e. retired over it again to the American side.

² The war medal (granted in 1847 for Peninsular and other campaigns between 1793 and 1814) was issued, with clasp for "Fort Detroit," to all those who had been present at the capture of that fortress. My father only received this medal, therefore, about 1848.

³ There were on board Brigadier-General William Hull, Captain Abraham Hull, his A.D.C.; Lieutenant-Colonel J. Miller, commanding 4th Regiment U.S. Infantry; Joseph Watson, A.D.C. to Governor of Michigan; and others—in all, 12 officers, 134 privates, 8 women, and 4 children. The men chiefly belonged to the 4th Regiment U.S. Infantry. The prisoners were being conveyed to Fort Erie, and thence to Halifax.

sloop, having as a guard the Militia rifle company, commanded by my elder brother (Peter), which had gone up by land to Sandwich and joined us there. We left the prisoners, whom we had brought down, at Chippewa, where there was a company of the 41st Regiment, and I returned with our 100 volunteers to Toronto.

After a few days, the strength of our detachment being much augmented, both in men and officers, we were sent to the Niagara frontier under Captain Duncan Cameron, as senior captain; Captain Heward and Captain Selby from East Gwillimbury were with us, and among the subalterns were M'Lean, G. Ridout, S. P. Jarvis, Stanton, and myself.¹ We were stationed at Brown's Point, between Niagara and Queenston, and had two batteries in charge, the men being drilled in the use of the guns by a bombardier of the Royal Artillery. The Americans were concentrating their forces at Fort Niagara and Lewiston, and evidently intended to invade the province somewhere on that line.

On the night of the 12th October 1812, they began crossing at Queenston, and were met by the small force that could be hastily collected, our main regular force being quartered in Fort George.² The York volunteers, being near the point of attack, were early engaged.

What follows now is from a letter written by my father the day after the battle.

The rough of this letter, with alterations and erasures, as he had first written it, was found among his papers, endorsed "Account of the Battle of Queenston, written at the time," and although the rough does not show to whom it was addressed, it was most probably written to Dr. Strachan.³

¹ Most of the above officers had been my father's schoolfellows at Cornwall.

² Fort George, Niagara, was about seven miles from Queenston.

³ A fair copy of this rough, with some slight alterations and additions, was found among the papers of Mr. Thomas Ridout, but without any clue to the writer or to whom it was written, and was published by Lady Edgar in "Ten Years of Upper Canada in Peace and War, 1805-15."

The letter has the interest of being the story of a young officer engaged in the fight—his first serious battle—and of having been penned when every event was fresh in his memory, and the emotions aroused were still keenly felt; so, with the exception of a few lines of no importance, I have given it, though long, *in extenso*.

BROWN'S POINT, October 14, 1812.

MY DEAR SIR,—The affair of yesterday terminated so gloriously for this province, and does so much honour to its spirited defenders, that I hasten to give an account to you, whom I know to be most warmly interested in the present cause of our country.

I am anxious to detail to you the particulars, because I know your heart will glow with fervour at our success, while it feelingly and sincerely laments the price at which it was purchased.

Few things occurred which I had not an opportunity of observing, and what I did see, from its novelty, its horror, and its anxiety, made so awful an impression on my mind, that I have the picture of it all fresh and perfect in my imagination.

About half-an-hour before daylight yesterday morning (the 13th of October, Tuesday), being stationed at one of the batteries between Fort George and Queenston, I heard a heavy cannonade from Fort Grey on the American side, situate on the height of the mountain, and commanding the town of Queenston. The motions of the enemy had, for a few days previously, indicated an intention to attack. The lines had been watched with all the vigilance that our force rendered possible, and so great was the fatigue which our men underwent from want of rest and exposure to the inclement weather which had just preceded, that they welcomed with joy the prospect of a field which would be decisive, and set them more at ease for the future. Their spirits were high, and their confidence in the General unbounded.

Our party, which was merely an extra guard during the

night, returned to Brown's Point, our main station, which is about two miles in a direct line from Queenston.

From our battery there we had the whole scene most distinctly in our view. Day was just glimmering. The cannon from both sides roared incessantly, shells were bursting in the air, and the side of the mountain above Queenston was illumined by the continual discharge of small arms. The last circumstance convinced us that some part of the enemy had landed; and in a few moments, as day advanced, objects became visible, and we saw numbers of Americans in boats attempting to land upon our shore, amidst a shower of shot of all descriptions, which was skilfully and incessantly levelled at them.

No orders had been given to Captain Cameron, who commanded our detachment of York Militia, what conduct to pursue in case of an attack at Queenston; and as it had been suggested to him that, in the event of a landing being attempted there, the enemy would probably, by various attacks, endeavour to distract our force, he hesitated at first whether it would be proper to withdraw his men from the station assigned them to defend. He soon saw, however, that every exertion was required in aid of the troops engaged above us, and resolved to march us immediately to the scene of action.

On our road, General Brock passed us. He had galloped from Niagara in great haste,¹ unaccompanied by his aide-de-camp or a single attendant. He waved his hand to us, and desired us to follow with expedition, and galloped on with full speed to the mountain. Lieutenant-Colonel Macdonell and Captain Glegg passed immediately after.

At the time the enemy began to cross there were two companies of the 49th Regiment (the Grenadier and Light Company) and, I believe, three small companies of Militia to oppose them.

Their reception was such as did honour to the courage and management of our troops. The grape and musket balls, poured upon them at close quarters as they approached the shore, made incredible havoc. A single discharge from a field-piece directed by Captain Dennis himself (the captain of the 49th Grenadiers) killed fifteen in one boat.

¹ About seven miles.

Three of their batteaux landed at the hollow below Mr. Hamilton's garden in Queenston, and were met by a party of Militia, who slaughtered almost the whole of those in them, taking the rest prisoners. Several other boats were so shattered and raked that the men in them threw down their arms, and came on shore merely to deliver themselves up prisoners of war.

Thus far, things had proceeded successfully; and the General, on his approach to the spot, was greeted with the happy intelligence that all our aggressors were destroyed or taken. As we advanced with our company we met troops of Americans on their way to Fort George under guard, and the road was lined with miserable wretches, suffering under wounds of all descriptions, and crawling to our houses for protection and comfort.

The spectacle struck us, who were unused to such heart-rending scenes, with horror; but we hurried to the place, impressed with the idea that we had conquered, and that the business of the day was done.

A fresh brigade of four boats had just then crossed, and our troops, who had been stationed on the mountain, were ordered down to dispute their landing. No sooner had they descended than the enemy appeared in force above them. They had probably landed before the rest, while it was yet dark, and had remained concealed by the rough crags of the mountain. They possessed themselves instantly of our battery on the height.

General Brock rushed up the mountain on foot with some troops to dislodge them; but they were so advantageously posted, and kept up so tremendous a fire, that the small number ascending were driven back.

The General then rallied the men, and was proceeding up the right of the mountain to attack them in flank, when he received a ball in his breast. Several of the 49th assembled round him. One poor fellow was severed in the middle by a ball, and fell across the General. They succeeded, however, in conveying the General's body to Queenston.

Just at this instant we reached Queenston. We were

halted a few moments in Mr. Hamilton's garden, where we were exposed to the shot from the American battery at Fort Grey and two field-pieces directly opposite us, and also to an incessant fire of musketry from the side of the mountain. One of our poor fellows had his leg shot off in the ranks by a ball which carried away the whole calf of another lad's leg.

In a few minutes we were ordered to advance to the mountain. The nature of the ground and the galling fire prevented any kind of order in ascending. We soon scrambled to the top, at the right of the battery which the Americans had gained, and were in some measure covered by the woods. There we stood, and gathering the men as they advanced, formed them into line; the fire was too hot to admit of delay. Scarcely more than fifty were collected, of whom about thirty were of our company, headed by Captain Cameron and three of our subalterns. The remainder were the 49th, commanded by Captain Williams.

Lieutenant-Colonel Macdonell was there, mounted, and animating the men to charge, seconded with great spirit and valour by Captain Williams. But the attempt was unsuccessful, and must have been dictated rather by a fond hope of regaining what had been lost by a desperate effort than by any conviction of its practicability. The enemy were just in front, covered by bushes and logs, and were three or four hundred in number. They perceived us forming, and at about thirty yards' distance fired.

Colonel Macdonell, who was on the left of our party, most heroically calling upon us to advance, received a shot in his side, and fell. His horse was the same instant killed. . . . Captain Williams, who was at the other extremity of our small band, fell the next instant, apparently dead. The remainder of our men discharged their pieces, and retired down the mountain. Lieutenant M'Lean¹ was wounded in the thigh, and Captain Cameron, in his attempt to save Colonel Macdonell, exposed himself to a shower of musketry, which he most miraculously escaped. He succeeded in bearing off his

¹ Afterwards Chief-Justice M'Lean.

friend; and Captain Williams recovered from the wound in his head in time to make his escape down the mountain.

This happened about ten o'clock. Our forces rallied about a mile below. . . . General Sheaffe, with the 41st from Fort George, about 300 in number, came up soon after with the field-pieces and Car Brigade.¹ All the force that could be mustered was collected, and we marched through the fields back of Queenston, ascended the mountain on the right, and remained in the woods in rear of the enemy till intelligence was gained of their position. During this time, the Americans were constantly landing fresh troops unmolested, and carrying back their dead and wounded in their return boats.

About three o'clock, General Sheaffe advanced through the woods towards the battery on the mountain, with the main body and the field guns on the right: the Mohawk Indians, under Captain Norton, and a Niagara Company of Blacks, proceeded along the brow of the mountain on the left; and our company of Militia, with the Light Company of the 49th, broke through in the centre.

In this manner we rushed through the woods to our encamping ground on the mountain, which the enemy had occupied. The Indians were the first in advance. As soon as they perceived the enemy they uttered their terrific war-whoop, and commenced a most destructive fire, rushing rapidly upon them. Our troops instantly sprang forward from all quarters, joining in the shout.

The Americans stood a few moments, gave two or three general volleys, and then fled by hundreds down the mountain. At that moment, Captain Bullock, with 150 of the 41st and two Militia flank companies, appeared advancing on the road from Chippewa. The consternation of the enemy was complete. . . .

They had no place to retreat to, and were driven by a furious and avenging foe, from whom they had little mercy to expect, to the brink of the mountain which overhangs the river. They fell in numbers. . . . Many leaped down the

¹ The "Car Brigade" of Artillery was largely composed of farmers' sons who had volunteered to horse the guns with their draught horses.

side of the mountain to avoid the horrors which pressed upon them, and were dashed to pieces by the fall.

A white flag was observed, and with the utmost difficulty the slaughter was suspended. Two officers who brought it were conducted up the mountain to General Sheaffe. A cessation of hostilities for three days was agreed upon.

Thus ended the business of this day, so important and so interesting in its occurrences to the inhabitants of this province. The invasion of our peaceful shores has terminated in the entire destruction of their army and the total loss of everything brought over.

The number of Americans landed is unknown, and cannot be easily ascertained by us, but we know that we have taken nearly, or perhaps quite, 1000 prisoners, with more than fifty officers, undoubtedly their bravest and best. Still we have much to sorrow for. Our country has a loss to deplore which the most brilliant success cannot fully atone for. That General who had led our little army to victory, whose soul was wrapped up in our prosperity, and whose every energy was directed to the defence of our country, is now shrouded in death.

Who will not sympathise in another misfortune nearly related to this. . . . That heroic young man,¹ the constant attendant of the General, strove to support to the last a cause which should never be despaired of, but he was not destined to witness its triumph. I have mentioned the manner of his death. His career was short, but honourable; his end was premature and full of glory. He will be buried at the same time with the General. . . .

Our company of volunteers suffered considerably. One man was killed, and eleven wounded, most of them badly. But all these, though melancholy circumstances, are the inevitable consequences of war; and grateful should the inhabitants of this province be to Heaven if, by a sacrifice of some of its gallant defenders, it can save itself from unjust aggression, and

¹ Refers to Lieutenant-Colonel Macdonell, A.D.C. to General Brock, who survived the mortal wound he had received for about twenty-four hours only, and in this interval a mail arrived from England which brought out the King's confirmation of his appointment to be Attorney-General.

preserve to our Mother Country a possession which has ever been the object of its affection.

Our troops will have received fresh courage from their victory, and the cool though determined and vigorous conduct of General Sheaffe,¹ and the gallant behaviour and spirited exertions of every officer under his command on this occasion, claim from us every confidence in the anticipation of the future.

The above concludes the account of the Battle of "Queenston," or "Queenston Heights," as it is often called.² I continue now from my father's memoranda, &c. :—

Two days afterwards I was sent with a guard of the York Militia, commanded by Major Allan, on board one of our armed vessels, with a number of prisoners, to Toronto and Kingston on their way to Quebec.

Colonel, now Lieutenant-General, Scott—the present Commander-in-Chief³ of the United States Army—was among them, and Captain Wool, now General Wool; and, as crossing Lake Ontario was not then the business of a few hours, but generally took an indefinite time, from two days to ten, we became very well acquainted.

We had a tedious passage, being several times driven back by westerly winds. When we came to the wharf at Niagara many of my friends were there to meet us, and I was warmly congratulated upon "my appointment." I could not imagine what my good fortune was, but thought I might possibly have been made a captain, which would have astonished me not a little. They soon astonished me much more by informing me that in my absence I had been made Acting Attorney-General in the place of my late master, Colonel Macdonell, whom I had

¹ Whatever may have been the mistakes or shortcomings of General Sheaffe on other occasions in this war, he showed vigour and determination at this crisis, and for his services was created a baronet.

² In the official Army List, and on the colours of regiments, the spelling is "Queenstown."

³ General Scott was Commander-in-Chief of the United States Army from 1841 to 1861, and died in 1866.

seen fall at the head of our Militia after General Brock had been killed.

I was then but a few weeks over twenty-one years of age, and was only a law student, though entitled to be called to the Bar, my five years being just completed.

I may add to my father's account, given in the preceding pages, of the campaign of 1812, that at the interment of General Brock and Lieutenant-Colonel Macdonell at Fort George on the 16th October, he was one of the pall-bearers of Lieutenant-Colonel Macdonell.

Afterwards, on 13th October 1824, he was present at the removal of their remains to the monument erected upon Queenston Heights, and on 30th July 1840 took a prominent part in the meeting held for the purpose of rebuilding that monument, which had been partially destroyed by some criminal hand.

It may be mentioned here, too, that nearly half a century after the events of 1812, he was (on 7th July 1860) deputed by the survivors of the war to present their address of welcome to the Prince of Wales on his arrival in Canada.

In the advance from York to Detroit some very hard work was entailed upon the small body of regulars and Militia, of which my father formed one.

In the journey by water from Long Point to Amherstburg, it was only after five days of excessive exertion, in open boats, in hot, windy, and rainy weather, and proceeding constantly by night, that they reached the latter place.

Referring to the volunteer company he was with, my father says :—

This body of men consisted of farmers, mechanics, and gentlemen, who, before that time, had not been accustomed

to any exposure unusual with persons of the same description in other countries. They marched on foot, and travelled in boats and vessels, nearly 600 miles, in going and returning, in the hottest part of the year, sleeping occasionally on the ground, and frequently drenched with rain; but not a man was left behind in consequence of illness.¹

And writing in his Diary many years afterwards (7th April 1851) on a journey from Simcoe to Port Dover, he says:—

I noticed about a quarter of a mile before we reached Dover an old painted farmhouse in which we spent two or three days in 1812 (waiting for General Brock's arrival), our men being quartered in the barn of old Winant Williams, the farmer who owned the house.

How few are alive now—General Brock, Colonel Nichol, Colonel Macdonell, Major Salmond, my poor brother, Captain Heward, Richardson, Jarvie—all gone; but there is the old farmhouse with its comfortless-looking porch and dilapidated gates looking not very different from what it did then.

General Brock thus testifies to the spirit with which these troops met the call made upon them:—

In no instance have I seen troops who would have endured the fatigues of a long journey in boats with greater cheerfulness and constancy, and it is but justice to the little band to add that their conduct throughout excited my admiration.

In General Brock's orders of 16th August 1812, after the surrender of Fort Detroit, Captain Heward, in whose company my father was serving, and Captain Peter Robinson were both desired to assure the officers and men under their command that their exertions "had been duly appreciated, and would never be forgotten"; and in General Sheaffe's despatch of 13th October 1812 my father was mentioned by name as

¹ From "Canada and the Canada Bill" (1840).

having at the battle of Queenston Heights "led his men into action with great spirit."

Major Richardson, in his *History of the War*, describing the entry into Fort Detroit, after the arrangements for its surrender had been made, says:—

A guard of honour consisting of an officer and forty men were immediately formed to take possession of the fort. The command of this devolved upon the officer who had led the advanced guard, Lieutenant Bullock, and among those of the Militia who were attached to his party, and had first the honour of entering the fortress, were the present Chief-Justice Robinson, Samuel Jarvis, Esquire, Superintendent of Indian affairs, and Colonel William Chisholm of Oakville. . . .

The American flag was lowered, and a Union Jack, which a blue-jacket had brought with him, hoisted in its place.

In his account of the Battle of Queenston Heights he thus mentions my father:—

Again, on this occasion was the present Chief-Justice Robinson conspicuous for his zeal and gallantry.

In the absence of his captain (Heward) who was upon leave, he commanded the Second Flank Company during the whole of the day. He consequently bore a prominent part in the engagement, from the moment when he arrived at early dawn from Brown's Point, where he was stationed with No. 1—or Captain Cameron's—Company, to the late hour in the afternoon, when victory finally perched on the British standard.

Colonel W. F. Coffin also, in his "*Chronicle of the War of 1812*" thus alludes to him:—

The British had been exasperated by the fatal event of the morning (the death of Brock). The men of Lincoln and the "brave York volunteers," with Brock on their lips and revenge in their hearts, had joined in the last desperate charge, and among the foremost—foremost ever found!—was John Beverley Robinson. His light, compact, agile figure, handsome face, and eager eye, were long proudly remembered by those who had witnessed his conduct on the field.

The Colours of the 4th Regiment United States Infantry, which were in a room in Fort Detroit in which four American officers had been killed by the fire of the batteries from the Canadian bank of the river, were formally handed over by the officer commanding that regiment to Lieutenant Bullock.

At Queenston Heights one Colour was captured.

The subsequent history of these Colours will be of interest to Canadian readers.

General Brock, writing to Sir George Prevost, says that he sends to him, by Captain Glegg his A.D.C., "the Colours taken at Detroit, and those of the 4th Regiment United States Infantry,"¹ and by Sir George they were sent to England by his A.D.C. Captain Coore.

They were first deposited in the Chapel Royal, Whitehall, whence, in 1835, they were transferred, with the Eagles and other trophies in that chapel, to the Royal Hospital at Chelsea.

The Colour taken at Queenston Heights, which belonged to a regiment of New York Militia, was sent to England by Sir George Prevost, in charge of his A.D.C., Captain Fulton, and is thus described by the *Quebec Mercury* of November 1812:—

It is made of blue, or purple-coloured changeable silk, about a yard and a half square, with the arms of the United States on one side, and those of New York² on the other—both surrounded by a circle of stars.

This Colour also was first deposited in the Chapel

¹ General Brock's despatch to Sir George Prevost, August 17, 1812. Probably there was a Fort Standard as well as the Colours of the 4th United States Infantry. See footnote, page 44.

² The American Eagle perched upon the globe, above a shield showing the sun rising over water. Supporters at each side of the shield, one with a cap of liberty. Motto, "Excelsior."

Royal in Whitehall, and thence transferred to Chelsea.

The above Colours are still in the Royal Hospital, Chelsea, having been recently restored as far as possible. During the three years (1895-98) that I was Lieutenant-Governor and Secretary of the Hospital I saw them constantly, one of them in good preservation hanging close to my pew.

That taken at Queenston, and one Colour (the National) of the 4th United States Infantry form the subject of a plate in "Naval and Military Trophies" by William Gibb and Richard Holmes. Much of the silk of the former has disappeared, but the Arms on each side are in good preservation.

When in England in 1815 my father saw them, with others, in the Chapel Royal, Whitehall, and thus alludes to them in his Journal (24th November 1815):—

Here (*i.e.* in the Chapel Royal), on the west side, is the Colour taken from the Americans at Queenston, placed by them on our battery when they gained possession of it just before Brock fell.

It was taken by a private militiaman of one of the Chippewa companies in our advance under Sir Roger Sheaffe in the afternoon, and presented to him on the field. I saw him with it round him on the field. I have heard that the gallant fellow who seized it on the battery while the enemy were yet there was suffered to remain unrewarded.

Next this Standard are three Ensigns of Fort Detroit, and on the opposite side is the small Ensign of Fort Niagara.¹

¹ Evidently from this, and the wording of General Brock's despatch to Sir G. Prevost of August 17, 1812, the two Colours of the 4th Regiment United States Infantry were not the only ones sent to England from Detroit. The Ensign of Fort Niagara was forwarded to England by Colonel Murray, in charge of Mr. Brampton, his staff officer. It cannot now be identified with certainty among the flags which hang in the Royal Hospital, Chelsea.

It may easily be imagined that my feelings were quite alive to the most pleasing reflections on viewing four Standards, out of five which I had seen taken from the enemy, deposited among the trophies of the most splendid victories of modern times, ranged with the Eagles and tri-coloured flags of France. . . . Alas! poor Brock, how much thy country owes thee.

The "Articles of Capitulation" of Fort Detroit, signed by Brock and Hull, and which had been preserved among General Brock's papers, were, many years after these events, presented to my father by Mr. Ferdinand Brock Tupper, author of "The Life of Brock," and are now in the possession of my brother Christopher.

The following extract is from a letter from Dr. Strachan to my father, then on the Niagara frontier, shortly before the battle of Queenston Heights:—

Yonk, *September 16, 1812.*

DEAR JOHN,—I have been much gratified with the general reputation which you have obtained as an excellent officer. It is an earnest to me that you will be first in your profession, as soon as you are admitted to the Bar. At present you do well to turn all your attention to excelling in your duty as an officer, and you will find your reward. . . .

Yours affectionately, JOHN STRACHAN.

My father closed what may be termed his military career after the battle of Queenston Heights.

Many varied incidents of war had been seen by him by the time he was but little over twenty-one years of age.

He had taken an active part in the defeat of two invasions of Upper Canada, been present at the capture of a fortress with £40,000 worth of prize, and been escort on two occasions to surrendered officers of rank and prisoners of war.

The chances of war had led, through the taking in a sea fight of one civil chief, and the lamented death in battle of another, to his appointment to the vacant post of Attorney-General of Upper Canada.

It was a very exceptional experience; and it must be also exceptional that in Canada, within thirteen years, viz., between 1828 and 1841, seven judges¹ were sitting on the Bench, all of whom had seen fighting in the Revolutionary War, or in that of 1812–1815, and two of them had been severely wounded.

These were Sir William Campbell, Judge Boulton, Sir J. B. Robinson, Sir J. B. Macaulay, Chief-Justice M'Lean, Judge Jones, and Judge Hagerman.

In fact, almost the whole Bench in Upper Canada at that time, and many members of the Bar, may be said to have received a training in war.

It has been considered by some that the capture of Fort Detroit was, at best, an instance of extraordinary good fortune, crowning a desperate venture.

In short, that the advance against the fort was an act of such audacity and rashness, when the position and strength of the opposing forces are compared, that it hardly deserved the success which attended it, and was a risk scarcely justified.

Fort Detroit was a regular work, of solid construction, covering about an acre of ground. It had four bastions, the whole being surrounded by palisades and a deep ditch. The parapets were some twenty feet high.

It was armed with thirty-three pieces of brass and iron ordnance of various calibres, including several 24-pounders, and garrisoned—in the work.

¹ Four of these became Chief-Justices.

town, and camp around it—by a force of some 2500 men, which consisted partly of regulars, and was commanded by a general officer of experience in the field.

To advance, in broad daylight, against a fortress so garrisoned, and unbreached by artillery, with a mixed force of 700 regulars and Militia and 600 undisciplined Indians may appear, at first sight, almost Quixotic.

Nevertheless, to view it in this light is unjust to the reputation of Brock.

His resolution to advance and demand the surrender of Fort Detroit is a proof not alone of his courage, but also of his penetration and correct grasp of the situation in which he was placed. He showed, in fact, those qualities which combine to make a great leader as well as a determined soldier.

My father says¹ as to this:—

. . . It has, I know, Sir, in the many years that have elapsed, been sometimes objected that General Brock's courage was greater than his prudence—that his attack on Fort Detroit, though it succeeded, was most likely to have failed, and was therefore injudicious.

Those who lived in Upper Canada while these events were passing can form a truer judgment. They know that what to some may seem rashness was, in fact, prudence: unless, indeed, the defence of Canada was to be abandoned.

And at the moment when the noble soldier fell (alluding to Queenston), it is true that he fell in discharging a duty which might have been committed to a subordinate hand . . . but he felt that hesitation might be ruin: that all depended upon his example of dauntless courage, of fearless self-devotion.

It is true his gallant course was arrested by a fatal wound—such is the fortune of war; but the people of Canada did not

¹ Speech at Queenston Heights on 30th July 1840.

feel that his precious life was thrown away, deeply as they deplored his fall.

In later periods of the contest it sometimes happened that the example of Brock was not very closely followed. It was that cautious calculation, which some suppose he wanted, which decided the day against us at Sackett's Harbour; it was the same cautious calculation which decided the day at Plattsburg; but no monuments have been erected to record the triumphs of those fields. It is not thus that trophies are won.

General Brock's published letters¹ show that, for many months before the outbreak of the war, he had been urging the importance of retaining possession of the Detroit district.

On February 12, 1812, he writes to Sir George Prevost:—

I set out with declaring my full conviction that unless Detroit and Michilimackinac be both in our possession immediately at the commencement of hostilities, not only the district of Amherstburg, but most probably the whole country as far as Kingston, must be abandoned. . . .

When, therefore, in consequence of Hull's invasion, he hurried to Detroit, it can be seen that he looked upon the expulsion of the enemy as a vital matter.

The situation was critical. Delay almost certainly meant failure, for while he himself could look for no immediate addition to his strength, large American reinforcements were but a few marches off.

A success, on the other hand, would rouse the spirit and confidence of the country, decide the allegiance of the Indians, confirm the wavering, and overawe the disloyal. Everything depended upon

¹ "Life of Sir Isaac Brock," by F. B. Tupper, 1847.

prompt action. It must be remembered that Brock had much to fear from disaffection, especially in the western district. On 3rd February 1812, he writes: "The great influence which the settlers from the United States possess over the decisions of the Lower House is truly alarming." Some measures also, introduced by Brock himself and urged on that House for the safety of the province, had been thrown out. Colonel George Denison, in an address delivered at Toronto on 17th April 1891, has well emphasised this point.

At this juncture, he became aware, from intercepted letters and despatches, that General Hull was disappointed at not having been received with open arms by the inhabitants generally, and nervous as to the safety of his communications; that he had become dispirited to the extent of fear, and had lost the confidence of both officers and men.

Under such circumstances it was certainly not rashness, but genuine prudence, which determined Brock to first demand the surrender of the fort, and then move boldly towards it.

Many leaders would have shrunk from this responsibility. There can be no question that, had he failed, the movement would then have been condemned as rash to culpability; and, so far as his personal reputation was concerned, it is not too much to say that he was less likely to suffer in the opinion of his superiors by avoiding than by accepting such a risk.

But no such considerations swayed him, and from his own letters given below, we learn why he crossed the Detroit River, and that it was with no intention of running his head blindly against the

ramparts of Fort Detroit, though circumstances, after he had crossed, determined him to assault the fort itself, combining with this an attack by the Indians upon the camp adjoining it.

As he had anticipated, Hull surrendered before the assault was delivered, and it is more than probable that had that General awaited the assault, the same despondency which this pusillanimous surrender shows to have existed, would have made his resistance a feeble and a vain one.

*Major-General Brock to Sir George Prevost.*¹

HEADQUARTERS, DETROIT,

August 17, 1812.

. . . I crossed the river with the intention of *awaiting in a strong position the effect of our force upon the enemies' camp*, and in the hope of compelling him to meet us in the field;² but receiving information upon landing that Colonel M^cArthur,³ an officer of high reputation, had left the garrison three days before with a detachment of 500 men, and hearing soon afterwards that his cavalry had been seen that morning three miles in our rear, I decided on an immediate attack.

Accordingly the troops advanced to within one mile of the fort, *and having ascertained that the enemy had taken little or no precaution towards the land side, I resolved on an assault, whilst the Indians penetrated his camp.*⁴

Brigadier-General Hull, however, prevented this movement by proposing a cessation of hostilities for the purpose of preparing terms of capitulation.

¹ "Life of Sir Isaac Brock," by F. B. Tupper.

² In order to free his communications and line of supplies, and secure their safety.

³ Second in command of the American Army.

⁴ The lines in italics have been placed so by me to draw attention to them.

*Major-General Brock to his Brothers.*¹

LAKE ONTARIO, September 3, 1812.

You will have heard of the complete success which attended the efforts I directed against Detroit. . . . Some say that nothing could be more desperate than the measure; but I answer that the state of the province admitted of nothing but desperate remedies.

I got possession of the letters my antagonist addressed to the Secretary at War, and also of the sentiments which hundreds of his army uttered to their friends.

Confidence in the General was gone, and evident despondency prevailed throughout. I crossed the river contrary to the opinion of Colonel Proctor, . . . &c.; it is therefore no wonder that envy should attribute to good fortune what, in justice to my own discernment, I may say proceeded from a cool calculation of the *pours et contres* . . . Let me know, my dearest brothers, that you are all again united. The want of union was nearly losing this province without a struggle, and be assured it operates in the same degree in regard to families.

It has always been felt, and rightly so, throughout Canada that the success of the campaign of 1812 was due largely to what Sir James Macaulay termed "the talismanic influence and ascendancy of Brock over his fellow-men—to the Nelsonian spirit that animated his breast."²

As to this, my father writes:³—

I do most sincerely believe that no person I have ever seen could so instantly have infused, under such discouraging circumstances, into the minds of a whole people the spirit which, though it endured long after his fall, was really caught from him.

The repulse of the first invasion of Upper Canada

¹ "Life of Sir Isaac Brock," by F. B. Tupper.

² Speech at Queenston Heights, 30th July 1840.

³ Letter to F. B. Tupper, Esq., 19th January 1846.

at Detroit was due chiefly to the foresight, the energy, and the correct judgment of General Brock; that of the second invasion, at Queenston Heights, was due very possibly to the example of his courage and the resolution to avenge his death.

On this account, and because he gave his life for his country, Brock will ever remain the hero of Upper Canada.

A brave soldier, an able leader, and a good man, who honoured by his life and ennobled by his death the soil on which he bled.¹

¹ W. F. Coffin, "Chronicle of the War of 1812."

CHAPTER III

CLOSING YEARS OF THE WAR, 1813-15

Called to the Bar—Appointed Acting Attorney-General—Duties during the war—Situation in Canada—Legal questions arising, and trials of prisoners for treason—His services acknowledged by Sir Gordon Drummond—The Peace—Ceases to be Acting Attorney-General—Becomes Solicitor-General—Determines to qualify for English Bar—Armistice on the Niagara frontier—Letter from Dr. Strachan—Further connection with the Militia—Occupation of York, 1813—First legal opinion given by him—Exertions and privations of Canadian Militia—Patriotism shown—More knowledge of this war desirable—Loyal and Patriotic Society—Occupations and amusements at York, 1813-14—Sir Frederick and Sir William Robinson—Defensive measures advocated by my father—Importance of command of the Lakes—Letter of the Duke of Wellington—Effect on England and Canada of the Wars of the American Revolution, 1775-83, and of 1812-15—Letter from Sir Gordon Drummond as to application for leave—Sails for England in the sloop-of-war *Morgiana*—The voyage, cod fishing off the Banks—Journey to London.

From my Father's Memoranda.

I HAD not yet been called to the Bar, and could not be till next term (Michaelmas 1812); but though I went over to York then for that purpose, the few Benchers of the Law Society were so occupied with military duties, and so dispersed through the province, that there was no convocation.

In those days, when York (now Toronto), the seat of Government, was but a small village, with scarcely 700 inhabitants, there was not much to distract the attention of law students; and those who did not read must have been firmly resolved to be idle. I had read much less than I should have done, but much more than I believe was usual, and so had perhaps the reputation of being studious.

On the last day of Michaelmas term, 14th November, I was called to the Bar by a special Rule of Court; but it was not till Hilary term, 1815, when the war was nearly concluded,

and the Militia had been relieved by large reinforcements of regular troops, that the Law Society resumed their usual meetings with a legal quorum, and thenceforward there was no interruption.

A statute was passed in 1815, which was drawn up by the late Dr. Baldwin, for sanctioning what had been done irregularly during the suspension, and preventing any injury to those who had been unable to procure admission properly as barristers or law students while the war was going on. For the credit of the profession in those primitive days, all ought to read this Act,¹ for it is a record honourable to the men and boys of that time.

Sir Roger Sheaffe, who had succeeded Sir Isaac Brock in the command and in the civil government, had made my appointment (to be Acting Attorney-General) in my absence. I had only seen him once as he passed our station on the river, and again during the action at Queenston, and had no acquaintance with him. When I waited upon him, which I did the day I landed, he told me that he had placed me in the office at the suggestion of Mr. Justice Powell, who was an old and intimate friend of his.

From that time until the end of the war in 1815, I continued to be the only Crown officer in Upper Canada, the Solicitor-General being still detained a prisoner at Verdun in France.

In my first interview with Sir Roger Sheaffe, I had a case submitted to me rather formidable for a beginner, viz., whether the inhabitants of the Michigan Territory, which was conquered when Hull and his army were taken, could be compelled to render service to the British Crown as militiamen while the war was still going on. It was the first legal Opinion² I had been called upon to give.

The first brief I held in any case was at the Assizes at York (Toronto) in March 1813, when, as Acting Attorney-General, I preferred an indictment against one Shaw for murder, who was properly acquitted.

¹ See Appendix A., I.

² For this Opinion, see page 60.

The conquest of the Michigan Territory gave rise to various questions of public law respecting the duties and rights of its inhabitants, in which the Government acted by my advice.

During the war, as the military service went on and difficulties accumulated, various doubts were started about the exercise of martial law, statutes had to be framed to meet the exigencies of the time, and military officers had to be sustained in the Civil Courts against actions brought by the inhabitants of the country for acts done, not always very discreetly, under the pressure of the public service.

In all these defences I happily succeeded, and I have a letter from General Sir Gordon Drummond acknowledging in warm terms the nature of the services which I had rendered.¹

In December 1812, the York Militia had been withdrawn from the Niagara frontier. When spring came, the enemy, having command of the Lakes, brought a large force to Toronto, and succeeded in taking possession of it, which they held for a few days, when they next attacked Fort George at Niagara, which they also took, and established themselves there, the British force falling back to St. Catharines. Through that summer and in the following year the enemy held possession of a large portion of the Niagara District. Some of the inhabitants (chiefly those who had come in before the war from the United States) being disaffected, gave what assistance they could to the enemy, conveying information, and aiding in plundering their loyal neighbours. Others enlisted in a corps that was raised for the service of the enemy by a Mr. Willcocks (formerly, it was said, an United Irishman), who was at the time one of the members of the Assembly of Upper Canada, and who was shot in the ranks of the enemy in an attack upon Fort Erie.

General de Rottenburg, who succeeded Sir Roger Sheaffe in the government of Upper Canada, had as many of the

¹ Referring, most probably, to a letter from Sir Gordon Drummond, of 26th March 1817, to the Under-Secretary of State for the Colonies, given in Chapter V.

traitors apprehended as could be got hold of; and after I had examined and reported on all the cases, Sir Gordon Drummond, who became Governor in December 1813, directed a special Commission to issue for their trial.

When I had made all the necessary preparations, and was ready to proceed with the trials, Sir Gordon Drummond became so strongly impressed by representations made to him by military officers and others that it would be impossible to obtain a conviction from juries of the country, and was so perplexed with the difficulties which he imagined must attend the proceeding with these trials while the enemy occupied part of the same district, that he wrote to me expressing his conviction that it would be unwise to persevere, and that the Commission must be abandoned, at least for the present.

I remonstrated, stating the injurious effect this would have upon public feeling, and venturing to assure him that it was impossible the prosecutions could all fail. He allowed the trials to proceed; and out of twenty-one prisoners tried for high treason, seventeen were convicted upon the clearest evidence.¹

In these trials there were no Crown officers to assist me, I had no one to share the responsibility with me of Public Prosecutor, and the enemy were all the time in possession of a part of the district in which the Court sat. I mention it as a curious fact that, so far as my department as Attorney-General was concerned, the whole expense to the Government was, I think, about £450. What would have been the cost in England?

Thus by the ordinary course of law, by the result of fair and legal trial by juries of the country, in which the defendants had all those opportunities and advantages of defence which the law, peculiarly indulgent in such cases, has provided for them, the Government were enabled to make those examples which completely secured the province against treason and

¹ Kingsford, in his "History of Canada," vol. viii. p. 471, gives the names of eight of these prisoners in whose cases the extreme penalty of the law was carried out.

rebellion during the remainder of the war, and which it was very generally imagined and imprudently asserted could only be effected by the exercise of less constitutional jurisdiction.

Executions of traitors by martial law would have had comparatively little influence; the people would have considered them as arbitrary acts of vengeance, but would not have acknowledged them as the natural effects of justice.

Peace came in 1815, and we had happily got well through all difficulties. The Solicitor-General had obtained his liberty and returned from France to England. The Government in England, very justly, promoted him to be Attorney-General, and made me Solicitor-General,¹ my appointment as Attorney-General having been only provisional and temporary. I was not yet in the Legislature, no election having occurred since I became of age; and, desiring to see England, and to free myself from the disadvantages of a rule, which was said then to prevail in the Colonial Office, to appoint no one to be Attorney-General, or Chief-Justice, of a colony who was not a member of the English Bar, I obtained leave of absence from Sir Frederick Robinson, who was then our Lieutenant-Governor, and went to England in September 1815, with the intention of keeping as many terms in Lincoln's Inn as my leave would allow.

The Government kindly gave me as long a leave as they could, and the Secretary of State extended it, so as to enable me to keep, I think, eight or nine terms at Lincoln's Inn; but I was obliged to return before I could complete twelve terms, which was the requisite number, and I could not, at any rate, have been called to the English Bar till I had been of five years' standing in the books, though my twelve terms could have been kept in three years. I thought myself fortunate in getting so near the accomplishment of my object. The Secretary of State was most indulgent in granting so long a leave, and I suppose was induced to do it by the letters which Sir Gordon Drummond and Sir George Murray, under whom I had served, wrote on my behalf.

¹ His commission as Solicitor-General is dated February 6, 1815.

An armistice of thirty days upon the Niagara frontier was agreed to, after the battle of Queenston Heights, but at its conclusion the war was resumed, though the campaign for that year was virtually over.

On returning to the army (after escorting the prisoners to Kingston), and being informed of his appointment to be Acting Attorney-General of the Upper Province, my father appears not to have gone back to York, with a view to being called to the Bar, as promptly as was expected.

Dr. Strachan writes to him :—

YORK, *November 9, 1812.*

DEAR JOHN,—All your friends are astonished that you have not come over to the term in order to be admitted to the Bar. Not being aware of what may have detained you, I doubt not but you have a satisfactory reason. My object in writing is to request you to get leave of absence *instantly*, and come over with the first vessel. Do not delay a moment for baggage. You have no time to lose, as the term is nearly expired. . . .

We are all well, and salute you affectionately,

JOHN STRACHAN.

After proceeding to York, my father wrote thus to General Sheaffe :—

December 12, 1812.

In the flank company of Militia to which I belong, there are two subaltern officers, besides myself: and, if I should be ordered to remain here, may I be suffered still to retain my commission, so that I shall have some certain character to appear in, when any particular occasion shall call for the assistance of all.

He was evidently instructed to take up his civil duties as Attorney-General, though he apparently

retained his commission in the Militia force. He was gazetted captain, 25th December 1812, 3rd Regiment York Militia; major, 21st January 1820, 2nd Regiment York Militia; colonel, 1st January 1823, 2nd Regiment East York Militia. On March 11, 1813, his name appears in Militia orders as one of a board of officers appointed "to examine into and report on all claims for disbursements or for services performed for militia purposes in the Home and Niagara districts."

Though he never again took the field, he witnessed in 1813 the occupation of York, which was taken by the enemy during the time when the American fleet was superior on Lake Ontario.

On this occasion he accompanied Colonel Chewett and Major Allan, who had been deputed by General Sheaffe to make the best terms possible with the United States officer in command.¹

By the terms of the capitulation, the troops, regulars and militia, at York, became prisoners of war, and the Americans secured all public stores, naval and military.

Private property was to be respected, but this condition was not duly observed, and some of the public buildings were burnt to the ground.

For some time to come, my father's duties and occupations were more or less closely connected with the war, though of a civil nature, and some of the work which devolved upon him as Attorney-General must have been onerous and perplexing for one so young.

He has mentioned that the first legal opinion he

¹ "Memoir of Bishop Strachan," by Bishop Bethune, 1870, and Kingsford's "History of Canada," vol. viii., p. 259, &c.

had to give was whether the inhabitants of the *Michigan Territory*, which was conquered when Hull and his army surrendered, could be compelled to render military service against the United States as militia while the war was still going on.

A rather curious point was here involved. In the capitulation between Brock and Hull no mention of the *Michigan Territory* was made, although the proclamation issued by Brock, immediately after the capitulation and on the same day, commences with the words: "Whereas the *Territory of Michigan* was this day by *capitulation* ceded to the arms of His Britannic Majesty."

My father's opinion is thus recorded:—

December 22, 1812.

I am of opinion that they cannot. By the capitulation of the 16th August 1812, *Fort Detroit* only, with the troops, regulars as well as militia, were surrendered to the British forces. The consequent proclamation issued by General Brock does include the *Michigan Territory*, but that is merely an instrument *ex parte*, proceeding from the capitulation; and whereas it contradicts it, it can have no effect.

He continued to take a great interest in everything connected with the welfare of the Militia, whose privations during the campaign of 1812 had been great.

It has seldom been otherwise with our troops when called upon, after many years of peace, to enter upon a campaign. Arrangements for equipment, clothing, and transport had to be hastily carried out, and were far from satisfactory.

General Brock writes:—

February 12, 1812.

I have not a musket more than will suffice to arm the active part of the Militia from Kingston westward.

And on July 3rd—

The King's stores are now at so low an ebb that they scarcely furnish any article of use or comfort. Blankets, haversacks, and ketties all to be purchased, and the troops, when watching the banks of the river, stand in the utmost need of tents.

Again on July 12th—

The Militia assembled in a wretched state with regard to clothing. Many were without shoes, an article which can scarcely be provided in the country. Should the troops have to move, the want of tents will be severely felt.

The 2500 stand of small arms captured at Detroit were of infinite value.

Friends in York, however, were not forgetful, and did all they could on behalf of the soldiers.

Dr Strachan writes thus to my father while he was still on the Niagara frontier :—

November 22, 1812.

MY DEAR JOHN,—In consequence of a hint in the letters of Mr. G. Ridout and Mr. Robert Stanton to their respective fathers, the gentlemen of York met to-day in the church for the purpose of subscribing towards the comforts of the Militia belonging to this district on actual service, especially the flank companies.

Our subscription, though not yet paid, amounts to £150, and we wish your and Captain Heward's advice how to dispose of it for the most advantage of the men. Your brother, Captain Robinson, thinks that the captains of the York Militia should make a requisition upon the Quartermaster-General for flannel sufficient to make two shirts for every one

that wants them, and thread, &c., to make them up, together with a pair of stockings for each, and we will supply the captains with the amount. If there is any difficulty in making them up, we can get it done here instantly. The Militia will be much pleased when they know with what alacrity the subscription proceeded.

To Lieut. JOHN B. ROBINSON, Brown's Point, by Niagara.

In December 1812 the "Loyal and Patriotic Society of Upper Canada" was formed in York.

Its original object was a double one:—

1. The aid and relief of the families of militiamen in distress in consequence of the absence of husbands and relations in defence of the province; and of militiamen themselves, disabled in the service.

2. To reward merit and commemorate glorious exploits by bestowing medals or other marks of distinction for extraordinary instances of courage or fidelity shown by either the regular or militia forces.

Of this Society Chief-Justice Scott was president, and the directors who attended the first meeting were Judge Campbell, the Reverend Dr. Strachan, John Small, William Chewett, my father, William Allan, Grant Powell, and Alexander Wood (secretary).

A report of the proceedings of this Society was published in 1817.

It not only shows the liberality of the subscribers to its funds, but details all the hard cases of loss and suffering relieved, with the estimated value of the houses and property burnt or destroyed by the Americans.

The Society was strictly a voluntary and private one, and received no aid from Government funds. Contributions came from England, Jamaica, Canada, Nova Scotia, &c. Sir Gordon Drummond and Sir

III LOYAL AND PATRIOTIC SOCIETY 63

Roger Sheaffe sent liberal subscriptions, that of the former being especially so, viz., £500 (his prize money for the capture of Niagara).

The Militia garrison at York—all ranks—gave one day's pay.

In all, £17,000 was collected.

After dealing with the cases of distress caused by the war, the hospital in Toronto was built in 1820 with the balance remaining in hand. Here those who had been wounded or lost their health in the service, and many others, obtained relief.

Kingsford, in his "History of Canada," vol. viii., page 235, thus speaks of this Society, in the administration of which my father took a great and active interest:—

It is a source of pride and satisfaction to know that the object to effect which the "Loyal and Patriotic Society" was formed was zealously, ably, and unceasingly kept in prominence, and that the duties it entailed were admirably performed.

Though 61 gold and 548 silver medals were struck in England for this Society, they were, in the end, never issued, both on account of the difficulty of selecting those to receive them, and because it was in many quarters considered an undue assumption for a private society to confer medals for public military service, this pertaining to the sovereign alone.

The design and fate of these medals is given in Appendix A., II.

There was a determined resolution throughout Canada to carry on the war, and every endeavour was made to contribute to the comfort of the troops.

In an exhortation pronounced after the sermon,

or rather in continuation of it, at York on 22nd November 1812, Dr. Strachan says :—

The time for forbearance is now past, and we must come forward with courage and alacrity. We must not be anxiously inquiring for flags of truce, for conditions of peace, for respites from the war, but we must prepare for the event. . . .

England expects all her children to do their duty. It is ours, at this moment, to comfort those who are fighting our battles and defending everything dear to us at the hazard of their lives.

It has been justly said by more than one writer upon the war of 1812–15 that the exertions and patriotism of the Canadian Militia as a body have never been properly understood beyond Canada.

The reason of this probably is, that at the time of the war public attention in England, and in Europe generally, was engrossed by the struggle with Napoleon, and also that the sense of defeat upon the American Continent caused in England by the result of the War of Independence, and by certain reverses or failures in 1813 and 1814, upon the Lakes, at Plattsburg, and at New Orleans, was so general, that it has led many to the very erroneous impression that the whole war we are now alluding to was, in some way or other, a reverse.

Thus the victories of Detroit and Queenston in 1812; that of Chateauguay; the wonderful night attack at Stoney Creek, one of the most successful in history; the repulse at Chrystler's Farm; the capture of Fort Niagara; the defeat of several separate invasions of Canada; and the complete triumph in the end of the British arms, have never met with the general recognition which is their due.

What is much wanted is that the history of every

portion of the Empire, and of how it has been built up and maintained, should be made a special subject of education in England and also in the Colonies.

My father, writing in England in 1839, says:—

It is often a subject of lamentation in the Colonies that so little seems known in England of their actual condition, but I doubt whether there is any reasonable ground for a complaint on that score.

The people of this country, like their brethren in the Colonies, probably study those things most which appear most immediately and directly to concern them; and, after all, I daresay they know quite as much of us as we do of the British Colonies in other quarters of the world.

Still, unquestionably, this is a branch of knowledge which admits of being better cultivated.

It is admittedly, however, better cultivated now than it was in 1839. In the sixty years which have elapsed since the above words were written, a great change has taken place. Colonial subjects are now studied as they never were before: the affection between England and her Colonies has deepened; their pride and interest in each other is increasing day by day; and much is being done to cement more closely the bonds which unite the Empire. We may even go further now and hope for a time when there will be a union, based upon mutual respect, of the whole Anglo-Saxon race, though serving under more than one flag.

During 1813 and 1814, my father's name appears as one of the "Church Wardens and Town Wardens of the Town of York." Also, though more serious occupations must, while the war was going on, have left him little time for the amusements natural to his age, the following memoranda, found among his

papers, show that he shared in these, and acted as one of the managers of the York Assemblies in January 1814:—

Subscription for the York Assemblies.

To be held once a fortnight.

The subscribers to meet at Gilbert's, on Tuesday the 4th inst., at 2 o'clock.

Military gentlemen stationed at York are permitted to subscribe either for the night at 12/6 Halifax C^y, or for the remainder of the season.

Subscribers are requested to call on Mr. J. Robinson, one of the managers, to pay the amount of the subscription, 10 dollars, and receive tickets for the season.¹

JOHN B. ROBINSON, } *Managers.*
GRANT POWELL, }

A ball had been previously given (in December 1813) to the ladies and strangers of York, to celebrate the announcement of the capture of Niagara by storm on 19th December 1813.

The names of the subscribers to these early entertainments in Toronto may be of interest in Canada, so are, together with some other details as to them, given in Appendix A., III.

During the year 1814, peace having been made with France, the British Government was able to send out to Canada several of the regiments which had fought under Wellington in Spain and the south of France—a force amounting in all to about 16,000 men.

One of the brigades in this force was commanded by General (afterwards Sir Frederick) Robinson;² and

¹ The first Assembly was held at O'Keefe's Tavern on Tuesday evening, 11th January 1814, dancing commencing at seven o'clock.

² See Appendix B., III.

during the war his brother, Commissary-General (afterwards Sir William) Robinson, had charge of the commissariat department for some time.

My father thus made the acquaintance of both these sons of Colonel Beverley Robinson between the years 1813 and 1815 in Canada, and met them on several occasions, receiving no little kindness from them.

On the 24th December 1814, peace was, by the Treaty of Ghent, signed between Great Britain and the United States of America.

I will mention at this point, as it bears upon the war, that my father, when in England in 1839, was requested to put on paper the measures which, from his long acquaintance with the country, he considered would most tend to give security and confidence to Canada.

Writing then to Lord Normanby, Secretary of State for the Colonies, 29th March 1839 (*i.e.*, after the experience of 1812-15 and of the occurrences at Navy Island in the rebellion of 1837-38), he advocated the following measures for defence:—

1. That to a moderate extent those naval establishments should be restored upon the Lakes Huron, Erie, and Ontario, which were continued for some time after the peace of 1815, and which it will probably never be safe to dispense with hereafter.

2. That the attention of the Government should be given to forming a naval depôt at Penetanguishene, on Lake Huron, that being a post which may be easily secured against attack, and to which there is now no difficulty, since the completion of the Welland Canal, in transporting the heaviest stores by water.

3. That there should be established certain strong posts

in Upper Canada, as depôts for arms and ammunition, in which garrisons could be constantly kept sufficient to guard them, and upon which the Militia could rally in case of insurrection or invasion. For instance, some points on the line of the Rideau Canal, Kingston, Toronto, Burlington Heights, London, Lundy's Lane, Chatham, Penetanguishene,—small garrisons being kept up at Niagara and Amherstburg.

4. That some colonial corps be raised for a long period of service in the British North-American Colonies only.

5. That at some two points in the province guns and artillery stores shall be kept sufficient for the defence of the province against any sudden emergency—*e.g.* at Kingston and Burlington Heights.

6. That whatever may be done in the establishment of posts, erection of barracks, &c., shall be done in such a manner as to prove that the Government is pursuing a deliberately settled plan of defence, with the intention of maintaining the dominion of the Crown permanently. I mean by this that mud forts and wooden barracks are not the description of defence calculated to give confidence on one side or discourage restless spirits on the other.

My father also says, in "Canada and the Canada Bill" (1840):—

Fourteen or fifteen years ago, when the Duke of Wellington was in office, he determined to erect a work in a commanding position near the Niagara frontier, which would have included an arsenal, and formed a rallying-point for the Militia of the country. The site of the intended work was purchased, and measures were in progress for commencing it; but a change in the affairs of this country (England) led to an abandonment of the design, and the land was relinquished to the former owner. If such a defence, however limited in extent, had been completed, and had been garrisoned by 200 men, who could probably nowhere else have found a cheaper quarter, the movement at Navy Island (during the rebellion of 1837-38) and its whole train of consequences would have been prevented.

Elsewhere (see chap. iv.), in connection with the projected removal of the capital from York (Toronto), he also touches upon the importance and defensibility of York at this time.

Certainly one great lesson taught by the war, and by the way in which success during it fluctuated with the command of the Lakes, is the vital importance of this command to Canada.¹

In connection with this, the following letter from the Duke of Wellington to Sir George Murray² should never be lost sight of:—

To Lieutenant-General Sir George Murray, K.B.

PARIS, 22nd December 1814.

. . . Whether Sir George Prevost was right or wrong in his decision at Lake Champlain is more than I can tell, but of this I am very certain, he must equally have retired to Kingston, after our fleet was beaten, and I am inclined to believe he was right.

I have told the Ministers repeatedly that a naval superiority on the Lakes is a *sine quâ non* of success in war on the frontier of Canada, even if our object should be solely defensive, and I hope, when you are there, they will take care to secure it for you.—Believe me, &c.,

WELLINGTON.

It may be of interest to give my father's opinion as to the effects which the separation of the American Colonies from Great Britain in the Revolutionary War, the war of 1812–15, and some other circum-

¹ I am aware that the maintenance of any men-of-war upon the Lakes in time of peace is now regulated by treaty with the United States; but, not forgetting this, there is still much in the above suggestion deserving of serious consideration now, having regard to the difficulty of securing the passage of gunboats through the canals and to the American establishments on the Lake borders.

² "Despatches of the Duke of Wellington," Gurwood, vol. xii., p. 224.

stances, have had upon Canada, in respect more especially to the maintenance and strengthening of British connection.

Writing in 1839,¹ he says :—

By those who are sufficiently humble to believe in the existence of a superior intelligence, it is very frequently remarked, as they pass through life, how much better matters have been ordered for them by Providence than they would have been ordered by themselves.

Let any one look attentively at the map of North America, and mark what were once the possessions of Great Britain upon that Continent, and what portion of them she still retains. Then let him consider how frequently, and even within the present century, historians and statesmen have lamented the loss of those immense colonies (such as no nation ever before possessed) which form now the Republic of the United States. We have heard by turns the policy condemned which led to the revolt, and the military blunders deplored which rendered it successful. . . .

But no one who desires that the British power should continue for ages to maintain its ground in North America can *now* think these events unfortunate.

They (the Colonies) must soon have outgrown the conditions in which they would have required protection; they have already long outgrown it; and the conflicting interests of trade, with the inconveniences which mere distance occasions in the exercise of an actual superintendence, would sooner or later have produced desires strong enough to overbear the feelings of attachment and the sense of duty . . . more especially in Colonies settled as these have been.

But is it not clear that if the event had been delayed, those other possessions upon the American Continent which Great Britain still retains would have become peopled with colonists of the same description, and that when at last the struggle came, all would have gone together ?

¹ "Canada and the Canada Bill," written and published by him while in England, 1839.

If we admit, as I think we must, that the circumstance of the older colonies having severed the connection at so early a date has been in fact the means of saving the present British provinces to the Mother Country, it is scarcely less certain that the war of 1812, which was engaged in by the United States mainly for the purpose of subjugating the Canadas, has had the effect of binding them much more strongly to the Crown.

Nor are these the only circumstances, supposed at the time to be unfortunate, in which events have strongly tended to the preservation of British power on that Continent (America).

Every one knows that at the conclusion of the American Revolutionary War in 1783, by some strange mismanagement of the British negotiators, there was ceded to the late American Colonies not merely their independence, but with it an immense region to which they had no claim—I mean that Western and North-Western territory which is now becoming the abode of millions.

This, too, has been reckoned a misfortune, but a little consideration, I think, will convince us that, after all, it is not to be regretted.

A country of such boundless extent, of such variety of climate and production, to a great part of which the Mississippi and not the St. Lawrence is the natural outlet, would hardly have been maintained for a long period in dependence on the British Crown.

. . . In the event of war, the territory would have been much too remote a field for British forces to have acted in with effect, for they would have been too distant from their resources.

. . . Being divided from the United States by no natural boundary, the amalgamation of a people speaking the same language would long before this time have proceeded to such an extent as to decide, almost silently, the question of country.

. . . I do really believe, therefore, that the Englishman who desires that his country should retain a permanent footing upon that Continent (America), and the British-American colonist who earnestly hopes, as the bulk of them do, that the connexion may continue while the British name lasts, have

both of them reason to rejoice in the facts I have adverted to, and to be more than contented that matters now stand precisely as they do. . . .

To pass on now from the subject of the war. When, after the peace, Mr. Boulton returned to Canada from his imprisonment in France, and was appointed Attorney-General, relieving my father, who was nominated to be Solicitor-General, from the duties he had been provisionally performing, the latter's project of proceeding to England for the purpose of travelling and qualifying for the English Bar was assisted in every way by Sir Gordon Drummond, the Lieutenant-Governor of Upper Canada, who wrote the following letter on his behalf to Sir George Murray, then about to succeed him as Lieutenant-Governor:—

CASTLE OF ST. LOUIS, QUEBEC, *May 1, 1815.*

MY DEAR SIR GEORGE,—Allow me to introduce to your favourable notice Mr. Robinson, the Solicitor-General in your province, who is a young man of most exemplary character and talents, that afford every prospect of his becoming both an ornament to the province and a most zealous and able supporter of the interests of the Crown.

. . . I should not have hesitated for a moment to have met his views in regard to visiting England for the laudable purpose of being there called to the Bar.

I shall therefore hope his application will meet your countenance and support, and I beg you will believe me to be, my dear Sir George, your faithful and humble servant,

GORDON DRUMMOND.

Lieut.-General SIR GEORGE MURRAY, G.C.B.

But though he then obtained leave of absence, unexpected and urgent business delayed his departure, and it was not until some few months later that he left Canada, with leave for six months from

the 1st of September 1815, granted by Sir Frederick Robinson, then Provisional Lieutenant-Governor of the Upper Province.

His voyage to England in the sloop-of-war *Morgiana*, Captain Newton, in which he was given a passage from Quebec to Portsmouth, was remarkable as being one of the fastest, if not the fastest, ever made under sail.

While staying at Quebec waiting for a favourable wind, a violent contrary gale having set in, he was assured that the *Morgiana* could not sail for some length of time, but suddenly at night the wind changed; signal guns from the ship had failed to attract attention, and in the morning he found that the *Morgiana* had sailed without him.

He had hurriedly to engage a pilot boat floating in the stream, for £6, and follow the vessel to the Brandy Pots, 38 leagues, where she would certainly stop for wood.

We now quote largely from his journal.

Sunday, 24th September 1815.

. . . Mrs. Charles Stewart, the daughter of the late Donald McLean of York, with her warm friendly heart, insisted on putting into the boat some porter, wine, and bread and cheese; the pilot had some warm clothes and provisions, and thus without a mouthful of breakfast, and with a cold which made it almost impossible for me to speak, I set out. The night was not dark, but hazy and very cold. The old man and I steered by turns, as he required some sleep.

At length, after a run of about twelve hours, they overtook a large ship anchored just at the entrance of "The Traverse," some 66 miles from Quebec, and hailing her, found her to be the *Morgiana*, but were carried past her.

They did not discover us until it was too late to throw out a rope, and such was the irresistible force of the tide that we shot past her in an instant. We all took to our oars, but it was in vain; we were borne away rapidly, and our only course was to run across to the nearest shore till the tide slackened. We came to anchor about a mile out; the swell tossed our little boat about prodigiously, and the cold was so great that we could sleep but little. Just before daylight we renewed our efforts. The wind had increased, and blew violently, but by the help of the tide, which was now with us, we got on board at daylight. My cold was much increased by my exposure, and I slept badly. In the afternoon we made the Brandy Pots, and came to anchor.

The rest of his voyage was a prosperous one, and with Captain Newton and his officers, all of whom were most attentive, he passed a very pleasant time of it.

The *Morgiana* is an uncommonly snug fine vessel of her class. She was built at Bermuda in 1812, of cedar; is a sloop-of-war of eighteen guns. Her crew consists of a master and commander, two lieutenants (George Robinson and William Ridgway), one master (Mr. Ramsay), surgeon (Dr. Cosgrave), a clerk, purser (Mr. Wallace), master's mate, three midshipmen, carpenter, sailmaker, quartermasters, boatswain, gunner, 125 seamen, and 20 marines. Captain Scott formerly commanded her. Captain Newton, until he joined this ship last year, had the *Nimrod*, a sloop-of-war, off the coast of America. He took many small craft, few of much value.

Off the Great Bank of Newfoundland the captain determined to stop and fish for cod.

The following extract describes a good day's fishing:—

Every ship's company are provided with fishing lines by Government, one line to each mess; and it is curious to see the anxiety of each person for the success of his mess. The captain

fished for our mess and caught five large cod and two halibuts, which he gave away. Lieutenant Robinson was the great fisherman of the gunroom mess. He was very successful, and caught eight or ten very fine codfish, besides an immense halibut. The taking of this monster excited as much bustle and noise of the whole ship's crew as the carrying away a mast.

We got out the jolly-boat, and with great difficulty took her in. Cut up and weighed in pieces, she weighed 243 pounds.

The codfish taken here were all uncommonly large and in fine season. Some of the lines caught from twelve to twenty each.

The ship became a strange scene during the day. A range of lines all along the windward side, and two or three large fish constantly hauling up; the jolly-boat manned and rowing off to take up those too large or insecurely hooked to be pulled up the ship's side, and also to pick up such as drop from the hook after they are raised out of the water; for from some cause they generally remain floating on the surface, though some sink.

The decks were all bustle, full of fish; some fellows cleaning the fish, others salting, others hoisting them up the rigging to dry. The sailors make incisions on the back denoting the number of the mess the fish belong to. What each man takes is considered sacredly his, and the officers claim none; so that, if they are unlucky in fishing, they buy or beg. Here, however, we had no need.

We fished in about forty fathoms of water, and kept the hook near the bottom, which made it no trifling job to haul up a fish.

From the "Banks" in nine more days, with a following gale the whole way, so that they were never compelled to vary one point from their course, they were in soundings in the English Channel, having made on an average of this time nearly nine knots an hour.

At 11 A.M. (October 16, 1815) we anchored at Spithead, having had just twenty-two days' run from Quebec to Ports-

mouth. Deduct two and a half days we were at anchor in the river getting wood, and the day we fished at Newfoundland Bank, we were only *eighteen and a half days from Quebec to Portsmouth*—a thing almost unexampled.

The next morning, at 7 A.M., my father set off in the "Waterloo" light coach from the Crown Inn at Portsmouth for London.

The waiter scraped towards me, and I answered his signal with 3s. He then begged leave to remind me of the chambermaid. I told him she was "provided for." "Boots, sir, if you please!" Now I had put my boots on as I took them off; therefore, as there must be some end to imposition, I observed that neither I nor my boots had been introduced to him.

I found that, though the coachman *expected* a token beyond his fare, and the waiter had gotten one, neither one nor the other would presume to lay hands upon my trunk. That was a separate concern, of which I was soon made sensible by the amusing hint, "Remember the porter, sir!" Thus I was obliged to detail another shilling. This, however, only had virtue sufficient to bring my trunk to the side of the "Waterloo," when all that had anything to do with it before were now perfectly *functi officio*, and a worthy fat creature kindly put it on the boot, and most politely addressed me with "Please remember the porter to the coach, your honour."

My generosity fell one-half, and I had the conscience to offer him only 6d.

Certainly, however, when you have got through this ceremony, you travel like a gentleman. The style of everything is respectable. Jonathan takes you the same distance, through worse roads, for half the money, and if he does not tickle you with "your honour," neither does he ask or look for shillings.

But then he drives you in his shirt-sleeves, and himself, his horses, harness, and carriage are all types of *independence*,—independence of comfort, appearance, and decorum.

Travelling by Petersfield, Godalming, and Kings-

ton, he got, at the latter place, his first view of Father Thames. It struck him, accustomed to the great rivers and lakes in America, as small. "I do aver that in this place, only twelve miles above London, it barely rates with the Don—Jonathan would call it a *Creek*;" and then, passing by Richmond Park, and across Wimbledon Common, through Wandsworth, and over Westminster Bridge, he drove up the Strand by Charing Cross, where he had a "moonlight glimpse of the equestrian statue of Charles I., remarkable from being the first erected in the United Kingdom," and drew up at the Golden Cross Inn, where he remained for the night.

I have given the above journey to London, as it is interesting to compare the mode and expense of travelling in 1815 with that of the present day.

The inside coach fare was £1, 15s. from Portsmouth to London, plus 9s. extra for one trunk ("which was a little above the ordinary size"), *i.e.* in all £2, 4s., in addition to tips, &c., and meals on the way. The time occupied on the journey, including stoppages, must have been about twelve hours. The distance by road, owing to the windings, was no doubt some miles greater than the present distance by rail ($73\frac{1}{2}$ miles), over which one now travels, first-class, by express, in two hours, for 12s. 2d.

The next day, Mr. André, 120 New Bond Street, supplied him with "a hat for £1, 16s., and 5s. 6d. for a common oil-cover," and he and his two little daughters surveyed the guineas my father had brought from Canada with him with much astonishment.

"That is a very strange sight, sir, here; I've seen nothing like them this long time."

After a few days he settled down in lodgings at 30 Craven Street, Strand, where a friend, Lieutenant Pearson, of the Navy, was living, and the period of two years which he now spent in England and on the Continent—for his original leave of absence was extended—was both a useful and happy one.

For the next nine months he remained chiefly in London, and at the end of that time went for a short trip on the Continent.

His position as Solicitor-General of Upper Canada, and the introductions he had taken with him, enabled him to see more of English life and society than so young a man, without any near relations in the country, could well have expected.

The Solicitor-General (Sir Samuel Shepherd) showed him much kindness; and, through him, the Attorney-General, and other legal men of standing, he was able to see everything connected with the English courts and their proceedings.

Throughout this time he read steadily for his profession, and was constantly meeting old friends in the Army and Navy, with whom he had been thrown in Canada during the war, and also Canadian acquaintances.

A letter from Sir Frederick Robinson to Mr. Merry, then Deputy Secretary at War, led to the great happiness of his life, *i.e.* his marriage; and with the Merry family and their relations he spent much of his time.

CHAPTER IV

LIFE IN ENGLAND

OCTOBER 1815 TO AUGUST 1816

Drury Lane Theatre: Kean, Pope—Covent Garden: Miss O'Neill—Kemble—Sir Samuel Shepherd—Sir W. Garrow—Sir W. Grant—Sir Samuel Romilly—Sir J. Mansfield—The Exchequer Court—Old Bookseller—Mr. Ridout—Lord Mayor's Day—Lord Ellenborough—Dinner at Lincoln's Inn—Covent Garden: Miss Stevens, Matthews, Liston—Court of Common Pleas: Copley, Sir V. Gibbs—The Merry Family—Chapel Royal, Whitehall—Illuminations for the Peace—Westminster Hall: Browbeating witnesses—Buonaparte—Card-playing—Woolwich: Colonel Pilkington—Henry J. Boulton—Oxford—Blenheim—Evening parties—Letters from Sir Frederick Robinson—His views and Dr. Strachan's as to removing the seat of Government from York to Kingston—Memorandum as to this—Advised to remain in England—The Canada Club—Covent Garden Theatrical Fund dinner—Sir R. Sheaffe—Mr. Justice Grose—Lord Erskine—House of Lords—House of Commons—St. George—Lelievre—Sparring: Crib, Belcher—The Ring: Carter, Lancaster—Mrs. Garratt—Marriage of Princess Charlotte—Literary Fund dinner—The Old Bailey—Mrs. Siddons—The Booths—Norwich—Campbell the poet—Harwich—Ipswich—Miss Forth.

From my Father's Journal.

October 19, 1815.—In the evening I took it into my head to stroll to Drury Lane Theatre. The tragedy was "Othello," and the great, the famous Mr. Kean, personated the swarthy hero.

The audience clapped and applauded where his performance was most *outré* and unnatural. His figure, diminutive, thin, and ungraceful, could be supposed to resemble the Moor in nothing but its blackness.

In general he was boisterous, when he should have been tender and subdued.

Pope in Iago I thought better.

The after-piece, "The Deserter," was infinitely better done.

Mrs. Bland in Jenny was excellent. Knight in Simkin was nature itself, and Munden in Skirmish performed very well.

I went on Saturday evening to Covent Garden. Miss O'Neill in Isabella is far beyond any actor in tragedy I have seen. Liston is an excellent comic performer.

21st October.—Called at Sir Samuel Shepherd's¹ with a letter to him from Miss Russell, and to Lady Shepherd from Mrs. Lowen. Sir Samuel had that moment returned to town from his annual excursion to the country. He was dressing, and in his flannel jacket, but desired to see me without ceremony, and gave me a most hearty kind reception. He said he promised himself the pleasure of seeing me at his own house very often.

. . . John Kemble having returned to town, I felt great anxiety to hear him, his name being familiar to me from my infancy. I went with Towers Boulton to hear him in "Coriolanus." His figure and face and his action became the character admirably, but his hollow voice and short breath are painfully unpleasant.

Sometimes he utters a commonplace sentence, such as "How are you?" or "I hear you," with such a misplaced vehemence of voice and extravagant action that it is quite ridiculous.

30th October.—I called to-day about twelve on Sir Samuel Shepherd to mention to him my intention to enter myself of one of the law societies, and my view in doing so; and also to learn his opinion as to the probability of my obtaining leave of absence. . . .

He was just going into the country, but, with the greatest friendship and politeness, entered into the fullest consideration of the subject with all the anxious interest of an old friend or relation.

The result is that, by his advice, I will, at all events, enter my name immediately, that my time may be at once going on, and I shall have gained something, if I have at last to return before I am admitted. I bought of the steward a book of the rules, &c.

¹ The Solicitor-General.

3rd November.—Called at the Solicitor-General's office. He and his sons are my referees, and the Attorney-General joins in the approval. The Sol' itor-General and Mr. Kemble are my bondsmen to the Society. All this was entirely unsolicited, and Sir Samuel was pleased to say that it was no more than I was entitled to expect from Sir William Garrow¹ and himself. . .

. . . Went with Charles Murray to hear the Master of the Rolls, Sir William Grant, dispose of Chancery petitions. I was much gratified and pleased that I had gone. He says little on the matters brought before him, but decides promptly, without, however, any appearance of haste, and with perfect composure and good temper.

Sir Samuel Romilly is a very different man from the idea I had conceived of him. Exceedingly plain, open, and candid in his manner, with a most conciliatory voice, really the most so of any I have heard, a respectful and gentlemanlike manner, though warm and interesting — his countenance peculiarly engaging.

6th November.—At twelve went to Westminster to see the Courts open—the first day of term. This was my first sight of Westminster Hall or any of its appendages. The Judges had not yet arrived. We found the hall full of gentlemen and ladies and men and women waiting in anxious expectation to see the Judges and Chancellors pass to their respective Courts. The young lawyers, with their wigs and gowns, parading through the hall with a lady on each arm, made rather a grotesque appearance.

Soon the Judges came, and followed each other into their respective Courts. Sir James Mansfield, the present Chief Justice of the Common Pleas, is very aged, and his whole frame seems to be fast giving way to infirmity. He totters in his step and moves feebly. Some years ago he was remarkable for a stern firmness of manner.

Finding it impossible to crowd into the other Courts, we went into the Exchequer, where I saw on the Bench Chief Baron Thomson, Graham, Richards, and Wood. The Court

¹ The Attorney-General.

of Exchequer is better accommodated than the others. After the Court was open, a man made a great noise, addressing himself to the Court, and saying he had come for justice, and talking in a most rude, indecent way. The Chief Justice told him to be silent, but he paid not the least attention. The officer was then told to remove him, and the order was repeated, I daresay ten times. The officer seemed very irresolute.

The man did everything but strike the keeper, and continued to reflect upon the Court. He was at last got out, but was not confined.

I scarcely could believe I was in an English court of justice and in the presence of four Barons of the Exchequer.

From hence we repaired for a short time to the Chancery Court, where the Lord Chancellor¹ was sitting on a seat elevated far above the Bar, and apparently, like his namesake in Upper Canada, quite unconscious of what the Councillor, Mr. Bell, was striving to enforce with all his Yorkshire eloquence.

8th November.—Went into two or three bookstalls. The vanity and importance of one old man amused me much. In a dark, dirty room in Chancery Lane, he stood surrounded by old moth-eaten, dog-eared editions of Greek and Latin classics, fathers, and authors of the Middle Ages.

“Sir,” said he, putting up his spectacles, and looking round his shop, “this I call bookselling, and I call myself a bookseller. Sir, I don’t call those men who sell modern publications booksellers: I call them haberdashers, pins and needle men. They sell books, sir, as they sell tape. They require no learning. If you asked them for a Puffendorf, or a Claudian, or an Herodotus, they wouldn’t know what you were talking about.”

9th November.—Mr. Ridout had asked me to come to his house on Lord Mayor’s day to see the procession, so on our return I took Pearson with me, and we went there about half-past three.

His house is No. 4 Crescent, New Bridge Street, and is the best place to see the procession from, as the Lord Mayor and

¹ Sir John Scott, afterwards Earl of Eldon, born 1751, died 1838.

all leave the water at Blackfriars Bridge, and getting into their carriages pass up Bridge Street to Guildhall. From the upstairs window we had a most distinct view. The crowd was immense: carriages without end. The procession itself was little worth seeing: the mob spoiled all. There was no order,¹ no previous arrangement. Coal waggons, hackney coaches, &c., blocked up the street. There were several dragoons, wearing helmets and cuirasses taken from the French at Waterloo, and some complete suits of armour, one of brass and three of steel.

13th November.—I attended the Court of King's Bench, and heard an argument between Mr. Park and Mr. Garrow. Lord Ellenborough has a dry, original manner with him—something sarcastic.

I dined at Lincoln's Inn Hall to-day with C. Murray for the first time. There were about 100 dining. The dinner was a boiled leg of pork on a pewter dish, and a second course of roast fowl; beer in white earthen pint mugs. The moment they swallow their dinner, they disperse. I was much amused at some of the young men's want of patience. One of them having vociferated, "Waiter, send us a mess," very often without effect, very pompously calls out, "Waiter, send Mr. Colden here. Do you hear, send Mr. Colden here?" "Mr. Colden's dead, sir!" This stopped the young gentleman for some time.

In the evening went to Covent Garden to hear Miss Stevens sing in the "Beggars' Opera," and Mr. Matthews, the celebrated comic performer, in "Love, Law, and Physic." I was much pleased with Miss Stevens and with Sinclair—I mean his singing, for he is nothing remarkable as an actor.

Liston, as Lubin Log, the citizen from Tooley Street, is the most perfect picture of ignorant vulgarity that can be conceived.

Matthews' comic song, "The Stage," makes one die almost of laughing.

14th November.—I went to the Common Pleas, and heard some lengthy arguments from Serjeants Best, Vaughan, and

¹ London had then no police force as at present.

Copley.¹ Sir V. Gibbs is a man of penetrating mind and clear understanding.

The following entry gives his first meeting with my mother :—

16th November.—Walked up to Gower Street. Left my card at Franklin's, and called at Mr. Merry's. Mrs. Merry was very good and very kind, and there was an exceedingly fine, pretty little girl—a Miss Walker—there; very pleasing and engaging in her manner and appearance.

19th November (Sunday).—Henry Boulton, C. K. Murray, and I went to church at Whitehall Chapel. We were stopped by the sentry at the door on account of our coloured neck-cloths, and went home and changed them. When in church, we found no place open to receive us, and, after looking about for some time, walked up to the sexton, who was standing behind the pulpit, and told him we wanted a seat. He whispered, "The seats are my living, gentlemen!"—a hint which could not easily be mistaken. I gave him a shilling, and we were shown into a pew. In this chapel are hung up around the walls the trophies of modern victories,—French flags and French eagles: the latter are gilt or, perhaps, gold, about five inches in height, perched on black staves of about six feet long. Several of the flags were much torn and blown to pieces with powder, &c. They were the fruit of our victorious arms at Saragossa, Madrid, Salamanca, Badajoz, Vittoria, Gaudaloupe, Martinique, &c.²

Here, too, on the west side . . .

Here follows the description of the Colours taken on the Canadian frontier in the war with America of 1812-14, already given in Chapter II. :—

25th November.—According to arrangement with Mr. Samuel Foster, I walked down to the Bolt-in-Tun, Fleet Street, and

¹ Afterwards Lord Chancellor Lyndhurst.

² All these were in 1835 removed to the Royal Hospital, Chelsea. The Eagles are of metal (probably gun-metal), gilt.

took the Sevenoaks coach to Southend. I remained at Mr. Foster's until Monday, and was treated with the utmost kindness by the whole family.

Mrs. Foster I looked at with astonishment. I could hardly believe her the mother of twenty children, fourteen now living. She looks young, rosy, and active. They had at home Samuel (the Attorney), Captain Tom Foster of the Navy, Lieutenant Henry Foster of the Horse Artillery, and Edward in the mercantile line. Two young ladies, Caroline and Mary, and the youngest child, Arabella, about eight.

Henry was wounded at Waterloo with a grape-shot in the foot. I saw the shot: it remained nine days buried in his heel.

. . . They seem a most happy family.

27th November.—In the evening I walked out to see the illuminations for the Peace, signed on November 20, 1815.

. . . The olive branches, laurel leaves, &c., were beautifully represented by the different coloured lamps. The crowd of spectators was very great. It was to me a novel and striking sight.

5th December.—Went to-day to Westminster Hall.

In an action for trespass I was shocked to see the gross prevarication of three successive witnesses. It exceeded any similar exhibition I have seen in Canada, where we have rascals enough, and sad ones.

I attribute it, in great measure, to the manner in which causes are tried and witnesses examined here. The style is to browbeat and insult, and uniformly to question the witnesses' veracity, without respect to his feelings.

Garrow's manner of examining a witness serves to confound a rascal, and often, I fear, to perplex an honest man. I wonder the abuse is tolerated by a grave Chief Justice on the Bench to the extent it goes.

The first witness having delivered his evidence, Mr. Garrow rose to cross-examine him.

"Well, sir, you say, when this disturbance began, you were in the room in plaintiff's house, writing. I suppose you were doing business for him. You're a lawyer, I take it, from your eloquence?"

Witness. "Sir, I'm an Englishman, and every Englishman is supposed to understand the law of his country. . . ." (A loud laugh, rather against the Attorney-General.) He was going on—

Lord Ellenborough. "Ah! stop there. You've said very well. You'd better not spoil it by saying more."

Mr. Garrow. "Pray, sir, may I ask you what employment?"

Witness. "Sir, I'm a tailor."

Mr. Garrow. "A tailor! Ah! So, then, when you told us you were an Englishman, we are to take it with some allowance. You mean you are as much of an Englishman as a tailor can be supposed to be. We know what proportion that is. . . . My valuable tailor, do give us a yard or two of truth. Don't give us so much cabbage," &c., and a deal of such unbecoming trash.

One witness, describing his position at the time of the fray, said, "He sat with his *back facing* the door."

My good landlady got to-day some of Buonaparte's hair, which she showed me. It came enclosed in a letter to Mr. Finlayson from the surgeon who accompanied Buonaparte to St. Helena, by the *Redpole*, just arrived from thence. I am to have some, though there is but little; and considering the undoubted fact of its being really the great little man's, it is quite a curiosity.

12th December.—Spent the evening in Somerset Place at Mrs. Hesse's. There was a large party, from twenty to thirty ladies, mostly old dames. A loo table was formed, of which party I made one, and had the pleasure of losing about 15s. The itch for gambling—making money at cards—which is very observable at these parties, surprised me. Really they seem to think amusement by no means the object, and are as sharp as cats.

16th December.—Went to Woolwich to pay a visit to Colonel Pilkington,¹ commanding the Engineers there, who received me very cordially.

¹ Colonel Pilkington, R.E., who had served in Canada during the war of 1812-15.

The evening was passed very pleasantly, and the Colonel and I sat up till one, talking of Canadian people and Canadian concerns. He was in Canada in 1793, and really looks wonderfully young for a man who talks of Niagara and York before they knew what a house was.

Henry John Boulton, then at Oxford, who was to drive a friend's tandem back to Oxford from London, took him with him, and they set off at 9 A.M.

18th *December*.—Oxford is a delightful place taken altogether. The High Street affords several interesting views of Colleges venerable from age and captivating from the association of ideas. Everything you see receives additional interest from the impression constantly on your mind that you are now in that quiet seat of learning and surrounded by those walls which for centuries have sent forth men most eminent in every important walk of life. . . .

We drove in a gig to Woodstock; I was delighted with Blenheim. As we could not be admitted to the house till three, we walked over the park till that hour came. It is eleven miles round. The lake abounds with waterfowl, and the park is alive with deer. We suddenly encountered the old Duke himself (now seventy-seven years old), whom this fine day had tempted to try the sports of the field. He was in a little carriage, like a child's coach, drawn by a donkey, and was attended by a number of servants. When the dogs pointed, the gun was put into his hand, and he pointed it, but the game always got out of reach before he made up his mind to fire. The gamekeeper was very civil, and unlocked a gate for us.

From Oxford he returned by coach to London, passing through Slough—

Where the first person I met was Donald Macdonell. He had just got out of the Bath coach, and was on his way from Hungerford to Windsor. What, I wonder, are the chances that in a kingdom of about twelve million population, with crowds of coaches constantly traversing the same road, two

individuals who had gone to school together about 4000 miles off should meet at a little village where they were neither to stop more than a few minutes.

He has a commission in the 99th Regiment. On my return, found a most friendly letter from General Sheaffe, and a kind note from Colonel Pilkington asking me to spend Christmas with them.

Christmas Day.—Went to Church at the Foundling, and afterwards to Woolwich (to Colonel Pilkington).

28th December.—Dined with Hullock, and found a large party. One of them asked me if we drove *reindeer* in our sledges in Canada!

5th January 1816.—Dined at the Merrys', and accompanied them to Mrs. Hincks', a relation of the Robinsons,¹ who received me very cordially. There was a large party. I first saw here a specimen of the present English fashionable parties.

The gentlemen drop in, *ad libitum*, with their hat in their hand, or under their arm, as if they should say, "I am all ready to go off if I don't like you," and their behaviour speaks this exactly. They saunter, snuff, and stare about as if they were all strangers to one another, look at the ladies' dresses, and when they have satisfied their curiosity, make a bow and go out again. The tone seems to be a striking and laboured affectation of indifference to everything. We came home about twelve.

Sir Frederick Robinson had now arrived in England from Canada, having been brought over in connection with the court-martial ordered upon Sir George Prevost, which in the end, owing to the latter's death, never took place.

We give below two letters he wrote after his arrival in England to my father:—

THORNBURY, NEAR BRISTOL,
4th January 1816.

DEAR ROBINSON,—. . . I am most exceedingly happy to have found you out, and hope to have the pleasure of introducing

¹ Sir Frederick Robinson's family.

you to some more Robinsons ere we quit this country. My mother and sisters are anxious to see you. The former, though in her eighty-ninth year, is in high health and spirits, and the latter are now pretty well. It gives me much pleasure to find you derive satisfaction from my friend Merry's attention. . . .

. . . Do not mention my address to any one, as I am living in this retired place to be out of the way of every one and everything relating to the court-martial until the time of trial.
—Believe me, very truly yours,

F. P. ROBINSON.

J. B. ROBINSON, Esq., 30 Craven Street, Strand.

THORNBURY, 12th January 1816.

MY DEAR ROBINSON,—Your father was as intimate in my father's house as I was, and my mother and sisters not only recollect him with pleasure, but would be most happy to renew the acquaintance, and cement the relationship in the son, but it will not fall to my lot to introduce you to them, as I have obtained permission to return to Upper Canada as soon as I please, in consequence of the death of Sir George Prevost. I shall avail myself of it, and go by the very first opportunity that offers, whenever that may be.

I think the Governor has done a wise thing in introducing Strachan into the Executive Council. I consider him both zealous, and capable of all that may be required of him. My idea is that, if it is the intention of Ministers to preserve Upper Canada, they must make a military post of York, and, in that case, the seat of Government need not be removed. The fact is, more money has been thrown away upon useless fortifications than would have served to have made the place impregnable had the works been properly situated. As it is, they might as well be at Albany.—Faithfully yours,

F. P. ROBINSON.

Sir Frederick's mother (Susannah Philipse), born in 1727, married Colonel Beverley Robinson, 1747, and died at Thornbury, near Bath, in 1822, in her ninety-sixth year.

It seems to bring the colonial days of Virginia closer to our own times that, while she might well have been acquainted with some who had known Christopher Robinson, who died in 1693 and was the first of the family to emigrate to Virginia, the widow of her grandson,¹ who was sixteen years old at Susannah Robinson's death, is still (1903) living at Frenchay, not far from Thornbury, in her ninety-seventh year.

One can hardly realise that it is possible that one now living could have known another who was fifty-seven years old when (in 1784) the United Empire Loyalists settled in Upper Canada.

The question of the removal of the seat of Government of Upper Canada from York (Toronto) to Kingston, alluded to above in Sir Frederick's last letter, was about this time exciting much interest in Canada. Dr. Strachan, who was now a member of the Executive Council, wrote strongly to my father, begging him to do what he could to prevent the step being carried out, and the latter subsequently embodied his own views and those of Dr. Strachan in a memorandum addressed to Lord Bathurst, Secretary of State for the Colonies, from which we give the following extracts:—

15th February 1816.

. . . It is urged that York is, in its situation, incapable of defence, while Kingston is naturally strong, and has been besides well fortified, and, being our principal naval and

¹ Colonel W. H. Robinson, 72nd Highlanders. Several of this family attained a great age. Mrs. Beverley Robinson's sister Mary (Mrs. Roger Morris) died in her ninety-sixth year; Sir Frederick Robinson in his eighty-ninth; and his daughter, Maria (Mrs. Hamilton Hamilton, whom I knew well), in her ninetieth (in 1884). She remembered her grandmother, Mrs. Beverley Robinson, perfectly.

military post, will be best protected of any place in Canada during a war.

Even looking closely at this ground there is, I submit, my Lord, room for much doubt. While we retain the superiority on Lake Ontario, no town in Canada is so perfectly secure as York, because no hostile army can reach it by land without first forcing our frontier at Kingston, Niagara, or Sandwich, and marching in either case through a great extent of populous country; and hence York, in any event during a great part of the year, while the navigation is obstructed by the ice, is removed from all danger. In neither case has it anything to apprehend, but from a regular, organised army.

Kingston, on the other hand, enjoys no such security, but is liable to the invasion of an overwhelming force.

The possession by us of Lake Ontario, which secures York, forms no obstacle to such an invasion, because the Americans could cross in boats over the river St. Lawrence, and the winter, which puts the former out of their reach, gives them an easier entrance into the latter.

Besides, York, in the opinion of many military men, is very capable of defence, and its weakness is said to be owing to the injudicious position of the works constructed, not to its natural incapacity of being defended.

Moreover as, if we are superior on the Lake, York is entirely secure, so if we are worsted there, York must be kept, because all supplies for the Niagara frontier, and the country north and west of it, must pass through it. So it must stand or fall with the province or, at least, with the more valuable and extensive part of it.

If it be determined that York is neither sufficiently secure, nor to be made so, and that the seat of Government must on that account be changed, ought it not to be removed to some place where, while it preserved the advantage of a central situation, it would be out of the line of all military operations,¹ and unquestionably secure while the province was ours—for example, on the shore of Lake Simcoe, or on some point

¹ The Dominion seat of Government has since been moved to such a position—viz., Ottawa.

of the backwater communication, where no army could reach it that had not overcome all the obstacles the frontier would present, and where no army would think of going until every military object was achieved.

I beg to assure your Lordship that nothing but a strong impression, erroneous though it may be, that on grounds of public expediency the measure is imprudent, would have tempted me to intrude upon your Lordship's time and attention.

About this time Dr. Strachan evidently began to lean to the idea that it might be to my father's advantage and interest to remain in England, and push his career there.

On the 29th February 1816 he wrote to him from Canada as follows:—

. . . I am pleased to find that your reception is so good from the Crown lawyers. It does them honour. Unless you have set your heart upon spending your days in this country, I rather think that prospects might be made to open upon you in London by the time you can profit by them, but I must leave you to yourself in this matter.—Your best friend,

JOHN STRACHAN.

And on the 7th May 1816 he addressed him the following interesting letter:—

. . . If you see your way clearly, you must try your fortune at the English Bar. You must remember that I mentioned the probability of your becoming attached to England. From your knowledge of men and manners, and the part you have been forced to perform, and likewise your education, your acquirements are greater and more practically useful than those of some of the most eminent barristers. They have made greater progress in the study of mere law; but that knowledge has not been enlivened by its application to actual characters.

If you attach those friends to you whom you have made, of which I have very little doubt, it will be easy for them to bring you out, and the publication of the State trials here, with the Solicitor-General's *revision* of them, if he will take the trouble, may prove of much advantage to you.

This is a point on which you must deliberate with care, as it is the most important of your life. If you resolve to remain, you must attend to economy and avoid all encumbrances. If it be objected that your chance is precarious, I answer, "Not so much so as the chance of any Englishman of your age." You have been better introduced already than a Peer's son could expect. You have talents: you have industry. The first few briefs obtained, your fortune is made. As to your being happier here, I question it. We have all the cabalings and heart-burnings of the largest Governments, and from our limited society, they poison social intercourse. Not so at home. Your circle is large, and it is easy to avoid those whom you do not wish to meet. You say, "Had Providence cast your lot in England;" I say, your chance in that case would not have been half so good. The great difficulty of young men, natives of England, of the first talents, is to get *acquainted*. This difficulty you have surmounted.

A tempting offer will be made you, or it will be attempted—viz., to place Mr. Boulton on the Bench and make you Attorney-General. Should this be effected, prudence will bid you accept, ambition will hesitate.

Of your attachment to your friends and relations here, I entertain the most favourable opinion; but we must separate in our progress through life, and we must separate at the last.

I shall be pleased with what you decide; but I wish you to adopt the old plan. Set down the pros and cons on paper, and be governed neither by prejudice nor feeling, but by the strongest rational probabilities.

God bless your exertions, and whatever may befall you, so long as you preserve your integrity, you will always find the same sincere friend in

JOHN STRACHAN.

When, a few months later, Dr. Strachan became

aware of my father's approaching marriage, he wrote to him as follows, and no doubt in his heart rather regretted his decision not to remain in England :—

YORK, 30th September 1816.

. . . I can now solve the great change of sentiment which appeared in your letter, your eloquent description of the difficulties you would have had to surmount in coming to the Bar in England, with the great sacrifices you must make, &c., likewise your warm eulogium on the happiness you might enjoy in this country.

You will see by my last that I was not convinced, but I relinquished the argument.

To return to my father's Journal :—

13th January 1816.—Accompanied Mr. Acheson to-day to the Canada Club at the Freemasons' Tavern, and had a seat on the President's right—Mr. Auldjo. There were about thirty present—Vice-President Mr. John Forsyth, Mr. Robert Dickson, Mr. Ellis, Mr. Henderson, Mr. Logan, Dr. M'Kinnon, Mr. Oviatt, Mr. Maitland, Mr. John Blackwood, Uniacke's brother-in-law from Halifax, Mr. Angus Shaw, and several others whom I did not know. Canadian affairs were much the subject of conversation, and Canadian boat songs and Indian speeches from Shaw and Dickson formed an agreeable part of the entertainment.

Dickson and I were conversing on the subject of the defence of Mackinac last war, when he asked me if I knew Captain Robinson who was up there when the Americans blockaded it, and when I told him he was my brother, he entertained me with the most unreserved encomiums of him.¹

¹ The brother alluded to was Captain Peter Robinson, who has before been mentioned as having commanded a volunteer rifle company at the capture of Detroit in 1812. At Michilimackinac (or "Mackinac," as it was often called), an important post on the Straits between Lakes Huron and Michigan, which the Americans, who had lost it in 1812, made several vain efforts to retake in 1814, he appears to have been active in encouraging the defence. He made his way out of Mackinac, through the American blockading fleet, in August 1814. All efforts to reduce the post failed.

30th January.—To-day, by virtue of my guinea ticket, I dined at the great Covent Garden Theatrical Fund dinner at the Freemasons' Tavern, Great Queen Street. Its object was to form a provision for the support of decayed actors, their widows, and children.

The first actors of Covent Garden Theatre acted as stewards, and having dined early in the day, occupied themselves in walking up and down with their rods, attending to the party, looking after the waiters, and keeping everything in order. They were Young, Liston, Charles Kemble, Matthews, Fawcett, Farley, Conway, Taylor, Abbot, Pope, Emery, and several others. Matthews and Emery sang their inimitable comic songs.

The Duke of York presided. At one end of the same table the Duke of Kent, at the other the Duke of Sussex. On the President's left was the Lord Mayor, Lord Yarmouth, Lord C. Seymour, and some distinguished Members of Parliament. On his right, Lord Alvanley, MacMahon, private secretary to the Prince Regent, Lord Erskine, a son of Percival's, Fitzroy Stanhope, and several others whose names I did not hear. Mr. Brummel, the famous blood, who said on one occasion, "Damme, I'll cut the Prince, and bring old George into fashion again," was also there—a finicking-looking buck enough.

It was a singular gratification to me to see Lord Erskine.

I was much pleased with the personal appearance of the three dukes. In fact they were, beyond all question, the three men of most noble appearance at the table.

The Duke of Sussex has a countenance and manner very prepossessing, full of benignity, and cheerful and lively good humour. The Duke of Kent looks and speaks like a soldier; the Duke of York is a fine commanding person, and has more regular symmetry of features than his brothers, but no particular expression that pleases or strikes.

The Duke of York made a short speech in a very hesitating and confused manner.

The Duke of Kent's address was well conceived and dexterously managed, and had really a great effect. I was the more pleased because I had always heard the Duke of Sussex spoken

of as the orator, and that the Duke of Kent was not at all his equal. The Duke of Sussex soon followed. He has a prepossessing face, but his voice is weak. He began very quaintly, but failed, in my mind, very much. His language was very perplexed and involved. He was much applauded, because he said some things well, and a good heart showed itself throughout.

These three of the Royal Family are popular, and it cannot be otherwise, when they join so perfectly heart and hand with their fellow-subjects in every humane, benevolent, or useful institution.

The total amount collected at this dinner was a little over £650.

31st January.—Called at Sir Roger Sheaffe's, where I found Norton. We had a long talk about Canadian matters. We talked over the unfortunate business at York, which he seems to like to dwell upon.

Derenzy came in; and thus, in Craven Street, London, were four persons¹ met together who had all been in the Battle of Queenston, and who little thought at that time of seeing one another here.

Dined at the Merrys' with Mr. Robert Lukin and James Lukin, Colonel Drinkwater, who wrote the "Siege of Gibraltar," and several others.

9th February.—Went to Hyde Park and put on a pair of skates. You give 8s. in pledge till you return the skates, and 1s. per hour for the use of them.

10th February.—Last night it froze more severely, people say here, than has been known for many years. A decanter of water and a tumbler of water were frozen solid in my bedroom.

. . . Not a bad joke of Mr. Justice Grose, who on circuit was dozing rather whilst the list of the jury was calling over, and John Thomson being called and not answering, the clerk

¹ Derenzy was a captain in the 41st; Captain Norton commanded the Indians, and Sir Roger Sheaffe was in command of the whole British force at the Battle of Queenston. The latter also commanded when York (Toronto) was taken in 1813.

repeated the name. Some one answered, "He's dead, sir." The judge, starting up, says, "There's no end to these excuses; fine him 40s."

Lord Erskine has a small estate near London, and has for some time past been employing several hands in making and disposing of brooms from this estate. Last week he was actually summoned before a bench of magistrates, and fined 20s. for selling brooms without taking out a hawkers and pedlar's licence. He observed to their Lordships that, if the law affected him, it certainly must be "a sweeping clause in the statute."

There are ridiculous caricatures of the late Chancellor selling his brooms stuck up in the print-shops.

19th February.—By an introduction of Mr. Finlayson, I got admission without a Peer's ticket into the House of Lords, although it was a night of very interesting debate upon the 'Treaties and our connections with our Allies; in fact, upon our present political situation. I went at six, and remained till nearly one o'clock.

Lord Liverpool opened the debate with a long, though clear, able, and well-arranged speech.

His manner is pleasing, his voice harmonious, and action energetic.

Lord Grenville (in opposition) followed him in a speech of much the same length.

I think his manner carries more weight than Lord Liverpool's. It is more grave, manly, and dignified: less appearance of art, and more smooth and uninterrupted. He speaks more like one in earnest.

They were the first specimens of speeches, anything in fact like orations, that I have heard. They were such as to excite admiration of the talents, knowledge, and eloquence of the speakers.

Lord Holland (nephew of C. J. Fox) supported Lord Grenville in a most curious speech of two hours. His action was violent in the extreme. He screamed, he hollo'ed, he choked with impetuosity and vehemence, and yet was not in fact angry. In short, his speech was an unaccountable medley,

and though he said many good things, they answered no purpose, as neither he nor the House could see precisely to what it all tended.

Lord Harrowby supported Lord Liverpool in a very clear, able, and impressive speech.

6th March.—At three I went to the House of Commons. The debates were interesting: on the subjects of the Property Tax and the Army Estimates.

The Chancellor of the Exchequer makes a poor figure. Lord Castlereagh maintains his ground exceedingly well, always cool, and never to be irritated by the most vexatious attacks. He answers all objections with calmness and temper, and with much humour and point.

I heard also Rose, Brougham, Lord Milton, Goulbourn, Wynne, Fitzgerald, Chancellor of the Exchequer for Ireland; and George Tierney, an original fellow.

14th April (Sunday).—By pressing invitation from Mr. Adams (W. Dacres), spent the day with him at his house at Sydenham. I took a horse, and after service rode to Sydenham. Mr. Adams has a beautiful estate of 150 acres under good cultivation, and the grounds about his house are laid out with great taste.

15th April.—After breakfast, I left Mr. Adams, and returned to town. Henry Boulton and I dined at a restaurateur's with St. George, his brother, and Lelievre,¹ and at nine young Acheson called for us to take us to the Lord Mayor's Easter ball.

The crowd was insufferable—about 4000 people. The ladies were very seriously alarmed for their safety on account of the pressure of what may be fairly called the mob. The Dukes of Kent and Sussex and the Recorder in vain harangued the gentlemen to beg them to keep back. With the greatest difficulty room was kept for the Duke of Sussex and a lady to dance a minuet.

¹ Probably the Quetton St. George and Captain Lelievre whose names appear as subscribers to the York Assemblies in 1814—See Appendix A., III. Lelievre was a captain in the Royal Newfoundland Fencibles.

The whole Mansion-House was swarming with grotesque city bucks and belles. There was one negro gentleman, several mulattos, and a Turk or Persian. The Lady Mayoress cut a queer figure with her hoops. No refreshment of any kind was provided. Almost choked with heat and thirst, Henry and I found our way down into the kitchen, where we found a civil gentleman all over gold lace, who was willing to give us a glass of water for a trifle.

We left the jamming and squeezing at half-past twelve.

16th April.—I went with William Merry to the Fives Court in St. Martin's Lane to see sparring by the crack hands of the day. Crib, the champion of England; Richmond, the black; Belcher, Oliver, Eels, Scroggins, West Country Dick, &c.

It was to me a novel scene, purely English, and well worth witnessing. The neatness and quickness of Belcher are quite astonishing. Notwithstanding their gloves, the blows coming with such force sometimes stagger them, and, indeed, they often knock each other down; but no serious injury is done.

The spectators are a strange group of coachmen, butchers, innkeepers, and gentlemen, who all take a surprising interest in what is going forward, and affect to talk in the genuine slang style.

24th April.—There was a regular boxing match on Molesey Heath, near Hampton Court, on the opposite side of the Thames, and I thought it a duty incumbent on me, as a stranger, to witness this exhibition, so purely English, which displays national manners and peculiarity of feeling in so striking a manner.

So Henry and I took a gig of Ansel, the livery stable keeper. We drove through Putney, Richmond, Twickenham, and Bashey Park. Imagination cannot picture a more delightful drive. The leaves and blossoms were just beginning to expand, and everything breathed of spring.

We passed crowds of citizens on foot, in carts, on horseback, in gigs, coaches, &c., all streaming to the grand *rendezvous*. We stopped at Mr. Twining's (at Hampton), an acquaintance

of Henry's and old friend of his father's. We promised to return to dine with him; crossed the Thames on a crowded wherry, and had to wait about an hour or more before the fight began.

It was on a level green. Carts and waggons formed a circle of about 150 yards diameter perhaps, in the centre of which was the ring. Two shillings was given for a standing place on a waggon, which afforded one an excellent view. The mob were all driven back so as to form a ring immediately inside the circle of carriages, and we looked over their heads. Numbers of men with horsewhips kept the multitude in order by frequent and very unceremonious cuts over the face, back, and legs, which were all suffered patiently and without a murmur or symptom of resistance. Many thousands attended, and yet by this violent and rough method of keeping order, all confusion was prevented, and every one had a good view—but Jonathan wouldn't brook this.

The great fight which drew the public together was between Carter, a celebrated boxer, and a black, lately from Virginia, who had beaten several white men of bruising fame, and boasted himself a match for any white in England. He was a very stout, powerful fellow, but Carter beat him with very little trouble. He took several severe rounds first, however.

A much tighter combat next took place between Lancaster, a known pugilist, and a coal-heaver. They were both men of great courage and obstinacy, but the former was at length beaten.

Another fight succeeded, not so well contested, and then the matter ended, and the cockneys, carts, gigs, coaches, &c., returned to town.

We walked to Hampton Palace and viewed the gardens and grounds, which are beautiful, though too flat.

After dinner Mr. Twining took me over Garrick's grounds, which are really exquisitely pretty. The Thames here is a very *beautiful* river. The grounds are diversified by artificial hill and dale, and planted with fine trees. They are now large trees, like forest trees, and yet Mrs. Garrick says she remembers the planting of every one of them except one. She is ninety-



John Beverley Robinson
Solicitor General, Upper Canada.
after a miniature by T. H. B. 1840.

two, still active and lively, and frequently attends Drury Lane Theatre, being much delighted with Kean's acting.¹

We returned to town by nine, and had a very pleasant drive.

2nd May.—This evening at ten the Princess Charlotte of Wales was married to the Prince of Saxe-Coburg. About two, or perhaps earlier in the day, Pall Mall and the Park were crowded with men and women hoping to catch a glimpse of one or both of the Royal parties. When I returned home at about eleven, there was still an immense crowd in Pall Mall before Carlton House. A party of Life Guards were on duty. I was standing near a fine young man, mounted on his charger, with his beaver and Waterloo medal, when a bit of brick thrown with great violence from the crowd struck the side of his head, on the chains that pass along the cheek. He showed no symptom of resentment, nor even changed his position, though the blow might have ruined his eyesight. Their situation on these occasions is most mortifying to brave men.

10th May.—Dined at the anniversary dinner of the Literary Fund for the support of poor authors at the Freemasons' Tavern. About 200 present. The Duke of Kent was President.

The Bishop of Cloyne, who is a very queer, squinting old gentleman, made a short speech, in which the most striking remark was that the object of the society was "to help those men of *ability* who had not the *ability* to help themselves"—sufficiently quaint.

The most original amusement of the evening was the recitation by William Thomas Fitzgerald of his twentieth Annual Ode. This is the poet whose style is parodied in the "Rejected Addresses." The ode had some merit, and was received in a very flattering manner. I had some conversation with him before dinner.

¹ Mrs. Garrick, widow of Garrick, the celebrated actor, died in 1822, aged ninety-eight.

Within the next few days my father visited Windsor and Eton, where he "saw a great number of fine little fellows busily occupied with cricket."

29th May.—Went to the Old Bailey, and, by the Solicitor-General's introduction, got a place next Mr. Shelton, the Clerk of Arraignment. The judges, Bailey and Park, were there. Soon after I received a note from Sir James Shaw, on the Bench, requesting my company to dinner at five with the judges and magistrates. We had an excellent dinner in the Sessions House. The party was exceedingly pleasant and convivial, and without restraint or reserve.

Mr. J. Park mentioned an Irish bishop who married at sixty, and lived to see his eldest son a bishop.

31st May.—This evening the celebrated Mrs. Siddons, who for forty years has reigned undisputed Queen of Tragedy, acted Queen Catherine in "Henry VIII." for the benefit of her brother, Charles Kemble. I had often regretted it as a loss I was doomed to that I should never hear Mrs. Siddons, who several years ago took a formal leave of the stage.

Mr. W. Dacres Adams was so kind as to consider me in his arrangements for the evening.

I went with Adams, Colonel Adams his brother, three or four ladies, and Campbell, author of "The Pleasures of Hope" and "Gertrude of Wyoming,"—a particular friend of the Adams's. I was introduced to him, and we had a great deal of conversation during the evening.

There is something uneasy and fidgety in his manner that you would not expect in the author of "Erin-go-Bragh." He has a fine eye, and his conversation is entertaining. He appears young yet, about thirty-five perhaps.

In the box next us was Lord Lynedoch, also Mr. Matthews, author of "Pursuits of Literature," and in another Rogers, the author of "Pleasures of Memory." The house was crowded in every part.

I was pleased with Mrs. Siddons, but found more to admire in Kemble's Wolsey; some passages were almost overpowering.

The audience would not for a long time suffer the tragedy to proceed beyond the end of the fourth act, as if, after Mrs. Siddons in that last affecting scene, nothing would be tolerated.

The other piece was "The Prize," in which Liston and Matthews were sufficiently ridiculous.

On June 10th, Colonel Pilkington kindly sent up his servant and horses to London for him, and he rode down to Woolwich again and spent a day or two there.

On my way over Blackheath, I passed the Blackheath pedestrian Eaton walking one of his hourly miles—part of his 1100 to be performed in 1100 hours—one mile each hour. Monstrous absurdity!

Between this and the end of July, he visited Norwich to see my mother's relations there, the Booths; and also paid two or three visits to Hastings, where my mother, with the Merrys, was then staying, visiting Bexhill, Pevensey, &c.; and on the 1st August returned to town preparatory to setting out upon a six weeks' tour on the Continent.

2nd August.—By invitation of Mr. Campbell, I dined with him at his house at Sydenham, with Mr. Adams and Mr. Crauford. Mrs. Campbell is a fine-looking woman. They have one son, Thomas, apparently a smart ingenious lad; they lost another child. Mr. Campbell was born in 1778; his father lived to a great age, upwards of ninety. We spent a very pleasant evening. I slept at Adams's and breakfasted there.

On August 8, 1816, he set off by coach from London for Harwich.

The harbour of Harwich, formed by the mainland on which the town lies, and the peninsula on which Landguard Fort

stands, very much resembles the Bay of York¹ in Upper Canada, the fort and a round tower being placed so as exactly to remind me of the blockhouses on Gibraltar Point. After dining I took a packet to Ipswich and went to the "White Hart" Inn.

6th August.—Took a stroll through Ipswich.

I recollected having brought over with me a letter from Miss Russell to a Miss Forth of Ipswich, so, all in my travelling habit as I was, I knocked at Miss Forth's door in the churchyard of St. Mary's Tower. We had a long chat about Canada and Mr. and Mrs. Russell. Mr. Russell's father was clerk of the Cheque in Harwich, and died there.

In the evening he returned, by post chaise, to Harwich.

¹ Now Toronto.

CHAPTER V

TRAVELS ON THE CONTINENT, TO THE ENGLISH LAKES, AND IN SCOTLAND, ETC.

1816-17.

Helvietsluys—Rotterdam—The Hague—Canal travelling—Leyden—Haarlem—Amsterdam—Broek (the model village)—Utrecht—Antwerp—Brussels—Waterloo—Paris—Louis XVIII.—The Mât de Cocagne—Count de Chalus—Talma—Chamber of Deputies—St. Germain—View from the terrace—French politeness—A London mob—Mr. Adams—The Reverend George Boulton—Coventry—Kenilworth, &c.—Opening of Parliament—Matlock—Yorkshire scenery—Windermere and the English Lakes—Falls of the Clyde—Glasgow—Captain Jarvie—Aberdeen—Mr. Strachan—Mr. Forsyth—Jeffrey—Captain Barclay—Mr. (Sir Walter) Scott and Abbotsford—Kelso—Alnwick.

ON August 7, 1816, my father embarked at Harwich for Helvietsluys, and travelled thence through Holland, partly by canal, to Antwerp, Brussels, and Paris, returning to London on 15th September.

In April and May 1817 he visited the English Lakes and Scotland; in June was married in London; and in August 1817 he and my mother sailed for Canada.

In the early part of last century but few travelled abroad, either from England or Canada, compared with the numbers who now yearly do so; and the period of his travels was rather an exceptional one. Louis XVIII. had been recently restored (after Waterloo) to the French throne; and the spoils of Napoleon's wars were just being returned from Paris to their former owners in Holland and elsewhere. Everything he saw extremely interested him. British troops still occupied parts of France; at Valenciennes he met with Major Holcroft, who had been with him

in the campaign of 1812 in Canada, and other old friends were with the army of occupation.

While, therefore, I have omitted much from his Journal which is merely descriptive of cities, towns, churches, and picture galleries, now well known, lying as they do in the beaten track of everyday travel, I give below what I think may still be of interest.

He was charmed with the scenery of the English Lakes, and delighted with his trip to Scotland, during which he paid a visit to Sir Walter (then Mr.) Scott at Abbotsford.

I may add, too, that I have curtailed these extracts the less because travelling, especially at the age my father then was, is a part of education, opening the mind and enlarging the ideas.

Nothing can convey so well as these extracts themselves what he saw and how it struck him, or indicate better his observing powers.

I now continue from his Journal:—

7th August 1816.—An English gentleman,¹ 6 feet high, with brown surtout, drab breeches, and long gaiters, set off with me from Helvietsluys.

“I see, sir, from your trunk,” he said, “that you are from the other side of the Atlantic. Do you happen to know a gentleman there, who is the most particular friend I have in the world—Uniacke?”

“Perfectly well; we travelled once together from Quebec to York.”

This introduced us to each other, and as a travelling companion he is very agreeable and very well informed.

9th August.—At half-past twelve we embarked (from Rotterdam) for Delft on our way to the Hague, on board a

¹ Mr. Latham, who travelled with him afterwards as far as Brussels.

trekshuyt or canal boat. These are the most convenient things, and the whole system is admirable.

For instance, from one city to another, these trekshuyts sail most punctually at their stated times, every half-hour, or every two hours, &c. Each city has its different gates for the different departures, as the Hague Gate, the Amsterdam Gate, the Utrecht Gate. At the inn a porter attends, whose charge is known; he takes your luggage to the gate you set out from, and you follow him. Without any bustle or confusion your luggage is put on board, and at the stated minute you set off.

The trekshuyt is a long narrow boat. The after cabin is exceedingly comfortable. It holds about eight passengers, is lined and furnished with a velvet cushion for each passenger, and a little table in the midst, on which you may write. There are small windows which open, and give you the advantage of air and prospect. The other larger cabin is very clean, but provided only with long benches. It holds about forty passengers, who pay one half the price of the others. The top of the boat, that is, the roof of the cabin, is neat and clean, consisting of broken shells, cemented with pitch. In fine weather this is the most pleasant berth. One miserable horse, harnessed with ropes and old straps, carries along all this equipment precisely at three and a half miles per hour, not varying a minute.

The method of putting letters into the canal boats is an ingenious one. A little boy or girl waits at some bridge under which the boat passes, and has, in his or her hand, a hollow stick with a plug. He puts his stivers for postage into the hollow piece, plugs it up, and drops it with the letter attached to it into the boat. The boatman takes his money and the letter, and throws the stick ashore to the boy, who is running along the bank. Parcels are handed out and taken on, tolls paid, &c., without impeding the progress of the trekshuyt.

Arrived at the Hague at five, and went to the "Two Cities," a very excellent inn. Here, at the Hague, we saw an admirable collection of French paintings—the restored spoils of the Louvre. They are not yet all unpacked, and were lying mixed in the rooms. The famous *chef-d'œuvre* of Paul Potter—the

cattle piece—is perfect nature. No words can do justice to it.

By a little address, we persuaded the old man who was arranging them to venture into a room he was afraid to show, and containing a most precious collection of the best. Here we saw numbers of the most famous paintings of Rubens, Vandyke, and the best Dutch and Flemish artists. How delighted I was for two hours! Several candle-light scenes were wonderfully fine.

10th August.—At half-past twelve we embarked in a *trekshuyt* for Leyden (9 miles).

We were told by Messrs. Campbell and Boyce that the banks of the canal from Delft to the Hague were the most beautiful part of Holland; but we found, as everybody must find, that they bear no comparison with that from the Hague to Leyden. Here the constant succession of neat and indeed beautiful villas for many miles forms a prospect that one regrets seeing but to leave.

The broad street of Leyden, called the *Altenbourg*, is justly celebrated as one of the finest things of the kind to be seen in Europe. As a street, I have seen nothing that can compare with it except the High Street at Oxford. It is perhaps double the width of that at Oxford, and three or four times its length, resembling it in its curvature, and thus presenting you with a number of striking views. . . .

It is astonishing how they preserve everything in Holland by their extreme cleanliness and care. The Dutch have a great passion for dating everything, their houses, boats, bridges, waggons, gates, &c. All the cushions in the Town Hall, for the magistrates to sit on, were dated—one in 1732. The first *trekshuyt* we entered bore the date 1745, and on inquiry we found the boat to be really so old. Most of the houses, I observed, were dated 1600 to 1750.

In the library of the University there was an exquisitely beautiful manuscript copy of Virgil of the fourteenth century, illuminated. What delighted me most were two manuscript volumes of Hugo Grotius's "Commentaries on the New Testament," in his own hand. The librarian told me that the

University gave 200 guelders for each volume, *i.e.* about £40 for the two, which I would willingly pay for them, and take their bargain.

We were admitted by great good fortune to see a most capital collection of Flemish paintings belonging to a private gentleman. They were the property of a Catholic priest, Mr. Ocko, who died very recently. A portrait of the wife of Claude Lorraine by Morcelses was more beautiful and natural to my eye than anything I ever beheld. She seemed to start into life as you looked at her.

There were some small pieces of Gerard Dow which seemed beyond the possibility of the art. I recollect one representing a cottage family at dinner, which I could have looked at for hours. . . .

From Leyden he went by curricule, with Mr. Latham, to Haarlem, where they stopped at the "Lion d'Or," and visited the cathedral.

. . . There is a striking difference between the appearance of these immense monuments (the cathedrals) of other days in England and here, and the manner in which they are at present kept and made use of.¹

In England one could imagine that they were edifices erected in distant ages for a different race of men. We seem to use them something like the fox, looking out of the ruined hall as described by Ossian, not because they are the things we *want*, but because we found them ready made to our hand.

Now in Holland everything is kept in repair—and boundless as the space is within their vast churches (formerly cathedrals) there is no appearance of ruin.

Of course, all this renders it less venerable to the sight and interesting to the mind, but their churches seem to correspond more to their present wants and agree perfectly with their straight-haired Domini and the demure, plainly dressed, quiet comfortable-looking congregations. Throughout Holland I recollect no symptom of a people who had gone further in

¹ It must be remembered that this alludes to the England of 1816.

elegance and magnificence than seemed to suit the present generation. Nothing in their country seems ever to have been otherwise than it is, except from the gradual effect of time. Nothing suffering from neglect or disuse.

At Amsterdam, to which he went by *trekshuyt* from Haarlem, he was much struck by a small painting in the museum of the Stadt-house—a “school by candle-light” by Gerrard Dow.

How strikingly correct are the shades of light . . . the very facsimile of a burning taper has been produced by the painter.

The carved wood in the New Church (at Amsterdam) is really exquisite, the most superb thing of the sort I have seen, except perhaps the gallery of the Middle Temple Hall, and in St. George’s Chapel at Windsor. . . .

From Amsterdam he visited the village of Broek, which was then, and I believe still is,¹ a curiosity among the villages of the world on account of its extreme neatness, deemed even in Holland to be carried to the extent of absurdity.

The streets are divided by little rivulets paved in mosaic work with variegated shells. A dog or cat is never seen to trespass upon them. Carriages are not permitted to enter the village. The houses are about 300 in number. The shutters of the front windows are generally closed, and the principal entrance is never opened but on the marriage or death of one of the family. The inhabitants scarcely ever admit a stranger within their doors.

In our walk through we saw no human being but one or two who were busy in scrubbing and polishing what appeared as clean as it could be.

The village forms one of those things from which one man may go out in raptures, and another may ridicule as an imitation

¹ I saw it in 1874, and it was then much as my father describes it here.

of a toy-shop, but all must acknowledge that they had before formed no idea of the reality, and unless they had seen it they would never believe that such an appearance could be given to a town containing 300 families pursuing the common avocations of life.

It is said that the people of Broek once turned a stranger out of their town for sneezing in the street. How odd that for 300 years the inhabitants of this town should have kept up an appearance which as distinctly marks them from their own countrymen as from the rest of the world. . . .

Returning to Amsterdam, the trekshuyt was again taken to Utrecht.

What respectable-looking people conduct these boats. Our present helmsman has a big wig like a Chief Justice, black breeches and stockings, and silver buckles as large as my hand.

From Amsterdam to Utrecht, the canal is lined with villas, so that it all seems a continued pleasure ground.

The little summer-houses on the banks with the flower gardens and statues, the delightful woods and the variety of carriages along the road which borders the canal, the number of little tea-parties in the summer-houses, and the general appearance of the whole being devoted to peaceful undisturbed enjoyment, form a most pleasing impression on the mind of the passing traveller, who, walking on the top of his trekshuyt, glides through, receiving and returning the respectful salutations invariably offered by the little groups who, strolling through the gardens and groves, or drinking their coffee in the neat little casinos, give life and variety to the picture.

Three or four miles of this evening's journey are worth coming from England to see.

From Utrecht, the diligence was taken through Breda to Antwerp.

He was much impressed by many things in Antwerp, especially by the Cathedral of St. Jacques,

with its "Descent from the Cross" by Rubens, and "The Marriage Feast" by Vandyke.

. . . The "Museum" contains many paintings, lately returned from the Louvre. Among them is the "Crucifixion" by Rubens, thought by many, and among others by Sir Joshua Reynolds, to be the first in the world for colouring and composition.

What struck me most in it was the wonderful correctness of execution in the spear piercing our Saviour's side. The impatient agony of the two thieves, and our Saviour's placid countenance are admirably portrayed.

We went after church (Sunday, 18th August 1816) with Madame Soivyns to see a capital private collection of paintings belonging to a gentleman in the Place de Mer. At the head of the staircase was a small statue of Cupid with this elegant little French couplet under it:—

" Qui que tu sois, voici ton maître,
Il l'est, le fut, ou le doit être."

Before dinner I put in practice my intention of ascending the spire of the cathedral, and a tremendous undertaking it was. I went to the highest gallery just under the cupola, 620 steps from the bottom. My old guide stopped short at the last landing-place, 120 feet from the top, and indeed the last twenty or thirty feet were terrific, for it is all open work—old gothic arches with every appearance of ruin and decay and held together with clamps of iron. The wind seemed as if it would blow one through the arches, and the noise was awful.

He left Antwerp by diligence for Brussels, and, on the 20th August, visited the field of Waterloo.

The little eminence to which Bonaparte several times advanced while the attempts were being made to force the British line is much nearer the scene of action at the moment than I had imagined.

The morning was bright and beautiful. The harvest men were gathering their crops of rye in that field where little more than a year ago had been decided the fate of nations, and

which now exhibited scarce a mark by which the traveller could discover that it had witnessed the desolation of such mighty armies. The field of battle, and the woods which skirt it, is one of the prettiest scenes I observed in the Netherlands, and would be admired for its natural beauty alone.

The journey from Brussels to Paris was made alone, by cabriolet, his friend Latham having separated from him at Brussels, to go to Spa. The route lay through Braine-le-Compte, Soignies, Mons, Valenciennes, and Cambray.

Valenciennes contains now a great body of British troops. I met Major Holcroft in the streets, who could not believe his eyes, and wondered, as well he might, how and why I had found my way there. I inquired for my old schoolfellow, Poole England, and found I should most likely see him at Cambray.

Major (then Captain) Holcroft, Royal Artillery, above alluded to, had command of the "Car" Brigade of Artillery (a volunteer artillery company of farmers' sons with their draught horses) at the Battle of Queenston Heights in 1812.

Poole England (whom, as he had been detached from Cambray to some place nearer the coast, he missed seeing) lived to be a General Officer and Commandant of the Royal Artillery. He saw active service in the expedition to the Weser (1805-6), at the Cape of Good Hope, 1806-7, in the Peninsular War, 1813 and 1814, and died November 6, 1884, aged ninety-six.

Arriving at Paris on the 24th August 1816, my father remained there three weeks, stopping at the Hotel de Breteuil in the Rue de Rivoli, where he had, he says, "two very convenient little rooms, snugly furnished, looking into the Tuileries Gardens."

After dressing I observed the gardens crowded with gay company. In a few minutes Louis XVIII. made his appearance at an upper window of the palace. I was standing immediately opposite, and should certainly have known him by his portraits I have seen. Hats were all taken off, and I joined in the cry of *Vive le Roi*, which was not as hearty as I expected it would have been, not like John Bull's shouting when he is really delighted. He soon hobbled away, showing much infirmity in his motions. The Dukes of Berri and of Angoulême and the Duchesses afterwards presented themselves at the window, and soon retired.

The world probably contains nothing that equals in splendour the area comprehending the Tuileries Gardens and Palace, the Louvre, and Palais Royal.

It is uncomfortable walking through Paris, foot-passengers throng in the middle of the road and coaches drive everywhere. It's all *sauve qui peut*, and you require to be constantly on the watch. I saw few elegant carriages, and, excepting the palace itself and surrounding objects, there is more real splendour in a full levée at Carlton House or the Queen's Palace.

At 2, I walked in the Champs Elysées. The whole place is full of booths, stages, and thousands and thousands of well-dressed people.

The most curious sight is the Mât de Cocagne, which furnished the wits lately with a very good subject for a caricature. It is a great pole of forty to fifty feet high, at the top of which is a bush, and to the branches are tied silver cups and other temptations for adventurers. The pole is greased, and the great amusement is to see hundreds, one after the other, attempt to gain the top. Often, when they are nearly up, they begin to slip, and then it is out of the question to stop, and away they go.

The "caricature" above alluded to is a famous one by George Cruikshank, 1815. The gouty and infirm king has by great efforts reached the summit of the pole, and is about to grasp the crown. He is

supported from below by Wellington (who props him up with his sword point, to his great discomfort), and on the shoulders of Austria, Russia, and Prussia. His pockets are laden with money-bags and holy water, to satisfy the claims of the émigrés. His position is evidently an unhappy one. Napoleon watches him from across the sea, and is saying, "I climbed up twice, without any help."

I couldn't help thinking when I entered the Champs Elysées to-day of Sterne's exclamation, "All the world had gone a May-poling." Every face seems determined to be pleased. Here, as everywhere, a great proportion of the loungers were military. I saw a party of young soldiers who were dancing hand to hand in a large ring, and singing a national song of which the burden, of course, was *Vive le Roi*. Probably some of these same men only last year deserted a usurper's standard. One would think to-night that there were but the words *Vive le Roi* in the French language. I daresay there have been more *Vive le Rois* said and sung this day and night in Paris than there have been "God save the King" through the last reign. Poor Louis can't feel much elevated by the shouts of this Paris mob.

Passing near the Louvre in a cabriolet to-day I met the Count de Chalus. He was quite astonished to see me, and seemed greatly pleased to find a person from Canada. He gave me a long account of his own private interests, and of the politics of the court respecting persons in his situation. He says that those who adhered most obstinately to the royal party during the Revolution, and like himself abandoned their country until the restoration of the monarchy, are named ultra-royalists, and are not provided for or employed in the same manner as those who, having been servants of Buonaparte, contributed by their defection to the king's success; but he says it is unavoidable.

The Count de Chalus, here referred to, was one of the Royalist émigrés to Canada after the French Revolution. In Book 285, Record Office, Upper

Canada, 1793, Major-General the Count de Chalus and servants are entered as residing at Niagara, and subsequently Colonel le Vicomte de Chalus and Madame Vicomtesse, and Major Quetton de St. George are entered as having resided at Windham.

28th August.—I went to the Théâtre Français. The piece was *Andromache*, and the famous Talma was Hector. His action is graceful, his voice admirably tragic, manly, and deep-toned.

From the little opportunity I had of judging of Talma—by what I saw of his manner and his countenance, and heard of his voice—I should think he must be a much greater treat to a Frenchman than Kemble to an Englishman.

Later on he saw Talma again in the part of Hamlet, as adapted to the French stage, and writes:—

One feels naturally great prejudices at the tragedy of Shakespeare being moulded into rhyme and stripped of those marks and touches of nature which, if they could be rendered into another language, would scarcely be understood. The admirable soliloquy is not attempted, and they dispense with the players and the grave-diggers, who would be rather grotesque in regular hexameters. You would suppose it could excite little feeling in the representation, but it was far otherwise.

His manner is graceful, manly, and chaste, without cant or grimace. The audience were extremely affected. I think, had I been a Frenchman, I could have wished for nothing better in tragedy. With all the disadvantages of not understanding him with ease, I am very sure I was never altogether so satisfied with the performance of a tragedy on the English stage as I was with this. Ophelia was a wretched stick.

I have now heard Talma, Kemble, and Mrs. Siddons play, and seen Vestris dance, rather better fortune than I had anticipated.

3rd September.—Went to the Chamber of Deputies in the Palais Bourbon. Below the President's chair is the place for

the orators, for the members do not, as in the English House of Commons, speak in their places; but, if they have anything to say, they must mount the rostrum, and, after having made their bow to the President, turn their back upon him, and address themselves to the Deputies.

I doubt whether this system is not a wise one, for it gives more solemnity and form to the meeting, and precludes those conversation pieces which take up so much time in the British House of Commons. Besides, I daresay many a man gets up in his place and talks a great deal of nonsense who would hesitate about making a formal exhibition and putting himself in a situation where something like an oration would be expected from him.

He enjoyed especially his visits to Fontainebleau, St. Cloud, Versailles, &c., and the views over the country obtainable from the heights near them; and more than all, the prospect from the terrace in front of the Palace of St. Germain.¹

I remained a long time feasting my eyes on its beauty. At your feet is a vineyard clothing the natural declivity to the banks of the Seine; behind are the gardens and palace of St. Germain; on your right the heights of Marli, covered with trees; the palace and park of Malmaison; before you, the Seine meandering through the whole extent of the prospect; upon its banks the towns of Croissy, Le Pic, Ruit, and Nanterre; in the distance Mont Valerien and Montmartre, and the venerable spire of St. Denis Cathedral; on the left, Montmorency and its delightful vale. While I was looking at this charming valley, a storm of rain and mist swept over it. At the same time the sun shone bright upon the heights of Marli, and as the cloud retired and restored the beauties of the Vale of Montmorency, nothing in scenery, though it might be more grand, could be more beautiful and pleasing.

. . . I was much struck with the graceful, easy manner of French men and women of all ranks. You see nowhere any

¹ See also page 130.

mark of embarrassment or awkwardness, nor is their manner at all an impudent one, or an affected imitation of the higher classes.

It sits as easily on them, and seems as much their own, as that of the most finished courtier.

I observed a common, plain-looking countryman in his home-spun jacket, straw hat, and long queue, meeting another peasant with his wife, and bowing as he approached, with all the easy grace imaginable, "Madame, j'ai l'honneur de vous saluer, et monsieur," and throws out his hand to "monsieur" with the careless air of a man of fashion.

If an honest English farmer were to attempt this sort of thing, he would certainly look ridiculous, not but that his hearty shake of the hand and honest bluntness may be quite as pleasing.

. . . One cannot help observing the striking difference between the French and English in another way.

Most of the requests which in English are simply, "Ring the bell," or "Knock," or "Shut the gate," have in Paris the termination, "S'il vous plait," or the initials S.V.P.

12th September.—I breakfasted this morning with Mr. M'Leay and Mr. Ritchie, secretary to Sir Charles Stewart, the English Ambassador, a fine young man, botany mad, and all on fire to visit the interior of Africa to gather leaves and mosses. . . .

On going to the diligence office I found the stages to Rouen full. While I was inquiring, a gentleman came in to hire a carriage to Dieppe, and he readily agreed to join, so I engaged a carriage for three, for he had a servant with him, and we had to pay 100 francs. . . . My travelling companion I found very pleasant, and as much a Frenchman as English, which proved convenient. His name is Beauvais. His sister is mother of George Auldjo of Montreal, and he knows many of my Canadian acquaintances. Sir Alexander M'Kenzie married his niece.

Sailing from Dieppe on the evening of the 14th September, he reached Brighton after a passage of

twelve hours, on the morning of the 15th September 1816.]

London, 21st November.— . . . I saw lately an inconsiderable example of a London mob. After a seditious meeting in Spa fields, some hundreds collected at night, and, proceeding to St. James' Square, broke some of the windows of Lord Castle-reagh's house. Then returning they moved up St. Martin's Lane, broke into some baker and butcher shops, and carried off the bread and meat; and sticking some loaves on long poles, marched riotously about Leicester Square and up to Seven Dials. I was in the midst of them, and greater cowards I never saw. They were in continual fear of the military, and two dragoons could have put them to flight. The peace officers succeeded in suppressing them. . . .

31st December.—I went down to-day with Mr. Adams in his carriage to Sydenham and dined with my good friends there, who always give me a cordial welcome.

Our dinner party, besides the many ladies of the family, consisted of Sir Herbert Sawyer, the admiral who commanded on the Halifax station some years ago; Captain Wise of the *Granicus*, whose gallant conduct was conspicuous in the late attack on Algiers; and Mr. Scott, the celebrated surgeon of Bromley. Mr. Campbell, the poet, joined us in the evening. Captain Dacres, Mr. Adams' cousin, who lost the *Guerrière*,¹ was to have dined, but was prevented. I had a good deal of conversation with Sir Herbert Sawyer on American matters. We spent an extremely pleasant day, and at least ended the old year happily.

1st January 1817.—Breakfasted with Mr. Adams, and returned to town with Captain Wise, who offered me a seat in his gig. Dined with the Merrys, and thus finished my New Year's Day.

¹ In the action between the British frigate *Guerrière* (once a French vessel), 48 guns, crew 244, and the American frigate *Constitution* (56 guns, crew 460), August 13, 1812, Captain Dacres fought his ship until she was so damaged that she could not afterwards be kept afloat, and only then lowered his flag.

4th January.—Commenced my journey to Northamptonshire to pay the Reverend George Boulton, Rector of Oxenden (brother of Mr. D'Arcy Boulton, Attorney-General of Upper Canada), my long-promised visit.

. . . They gave me a very cordial welcome, and from Mr. Boulton's extreme and indeed wonderful resemblance in manners and conversation to his brother, and from the cheerful good-humour of the whole family, I soon felt myself perfectly at home.

20th January.—I rose at daylight (to return to London), and found all the young ladies downstairs and a comfortable breakfast waiting for me. . . .

On the return journey he stopped at Coventry, where a fellow-traveller, Mr. Ing, showed him what was to be seen. He also visited Kenilworth, Warwick Castle, Stratford-on-Avon, and Stowe, reaching London on the 25th.

28th January.—Parliament met to-day, and I went there at one o'clock.

At two o'clock, the Prince Regent entered and delivered the speech from the throne in a good strong voice, and with proper effect.

The whole scene is very splendid. The great number of well-dressed ladies, foreigners of distinction, peers in their robes, bishops in lawn, judges and serjeants in their wigs and scarlet, &c. The Prince must have dreaded very much this necessary ceremony, and not without cause, as was proved by the disgraceful outrages committed on his passage back through St. James' Park. The window of his state carriage was broken in by great stones thrown by the mob, and perforated (as is imagined) by bullets. The horses were attacked; Colonel Barton, who commanded the Guards, pelted, &c.

One thousand pounds reward is offered for the discovery of any person who threw the stones, but nothing is yet found out.

About this time my father ceased keeping his Journal regularly, resuming it again during a trip,

vid Matlock, to the English lakes and Scotland in April and May 1817, in the form of letters to my mother, to whom he was then engaged.

Writing of Matlock, he says:—

We set out to scramble to the top of High Tor. Did you know that this mountain is called "The Height of Abraham," from its striking resemblance to the Heights of Abraham at Quebec. I was not disappointed. The prospect was awfully grand, but not so good as several views we snatched as we laboured up the side.

The Yorkshire scenery struck him as especially beautiful. He writes of the route from Sheffield to Leeds, through Wakefield, "I have seen no tract of equal extent half so rich and lovely. I must give up my favourite Kent, and give, above all, the preference to Yorkshire."

KENDAL, 8th April 1817.

This morning I was detained determining my tour, and preparing for pedestrian feats by sending off my baggage to Ambleside to wait for me. At breakfast I met a young gentleman who had been detained a prisoner in the United States during the late war, and knew some of my old friends who were his companions in captivity.

From this point—generally walking, but sometimes on horseback or driving—he visited all the points of most interest on Lakes Windermere, Conistone Water, Grasmere, Derwentwater, and Ulswater.

In writing to my mother from Windermere, he says: "The poetical fit, as I told you, has been coming on ever since I beheld the Vale of Otley, and all the charms of Yorkshire," and he sends her some verses, of which I give the opening and concluding lines.

*Lines on an April visit to Windermere on a fine evening,
immediately after a storm.*

THE clouds are fled, the storm is o'er,
The winds are hushed that swept thy shore,
'Tis evening, and thy mountains gleam
Beneath the sun's departing beam,
The mists the clouds had scattered wide,
Are gilded as they mount their side.
More lovely now each charm appears,
'Tis beauty smiling through her tears.
Sweet lake, whose bosom clear, serene,
Reflects each feature of the scene,
One who ne'er thought to wander here,
A stranger greets thee, Windermere.

Born in a land where winter reigns
Stern as o'er bleak Siberia's plains,
Where summer's bright and genial sky
Might rival that of Italy,
I oft have stray'd & here deep'ning wood
Frowns o'er St. Lawrence' noble flood,
Or where Niagara's torrents roar—
Sublimest work in nature's store.
On Abr'ham's plains where Britain's pride—
Lamented Wolfe—in victory died.
But could I hope to wander here,
On thy sweet margin—Windermere?

O Sun! in all thy various course,
E'en in those regions where thy force
Is fiercest felt, where shine most bright
Thy glories—splendid orb of light!
Where suppliant nations bow the knee
And own no other God but thee.
Or in those milder climes where reigns
Thy temper'd influence o'er the plains,
Where hills and dales and meads are seen
Like Albion's, in eternal green,
Say—do'st thou ever rise to cheer
A brighter scene than Windermere?

Farewell each cot, each cove, each hill,
 In mem'ry shall I view thee still,
 Each isle thy ambient water laves
 Each tree that o'er thy bosom waves,
 And ev'ry charm that centres here,
 Farewell—farewell—sweet Windermere.

You may smile at your lucky escape when I tell you that, in some former attacks of the poetical fit, I have been very nearly exercising my troublesome talent on a subject whose beauties lie much nearer, my heart than those of Windermere, but I have managed to restrain my wicked propensity.

It was prudent evidently to make the first experiment on the poor senseless lake, which cannot feel the insult.

After seeing Ulswater, he returned to Penrith before taking the coach to Carlisle.

So ended my tour of the Lakes. Were I required to give an opinion, I should hesitate much in deciding which is the prettiest. Windermere has its island, and its mountains are extremely majestic.

The Coniston Water is beautiful, and its surrounding mountains are grand, but there is a nakedness about it. The Derwentwater has exquisite beauties. The whole shore from the town to the Borrowdale Pass along Lowdon—the fine islands—the wood opposite Keswick—the Crosthwaite Church at the top—Skiddaw behind, and the town of Keswick seated on the bank, form a combination of charms.

But then again Ulswater, with all its grand scenery around it (certainly not so wild and romantic as the others), and its fine, free, bold expanse of water, has such an air of beauty of civilisation, that I believe I should lean to it in my judgment; but it has one sad want—*islands*—at least in its principal expanse.

On the whole, my trip to the Lakes gratified me extremely. Our large rivers rolling among their numerous islands afford many hundreds of scenes of much the same nature, but we have no Skiddaw or Helvellyn, and the grand characteristics of Westmoreland were a novel sight to me.

I was much pleased with the people of the country—I mean the farmers and shepherds. What shoes they use among these mountains; what ponderous frames of wood and iron. Do you know I should not be surprised if the phrase of a son “stepping into his father’s shoes” was taken from Westmoreland and Cumberland, where the shoes may literally descend as an heirloom from generation to generation.

Passing through Gretna Green into Scotland, he visited the Falls of the Clyde.

After I had ascended the hill on my return home, the view of the Clyde below me, and of Lanark beautifully situated on the opposite bank was extremely pleasing. Indeed, I was surprised I had not heard the scenery about here more particularly spoken of. It excels many places I have seen described in most glowing colours, and I shall never withhold my assent from any Scotsman when he expatiates on the beauties of the “Vale of the Clyde.”

At Glasgow he met an old brother officer, Captain Jarvie, who, jointly with his father and brothers, was proprietor of the Anderton Rope Works there.

How little we thought four years ago, when we were marching about Canada, that we should ever meet in Glasgow. Poor fellow, his arm is a useless burthen to him, and another serious shot he received in his leg, when York (Toronto) was attacked just this month four years ago,¹ has changed him much from the braw, sturdy chiel he used to be. I spent the morning in perambulating the town under his guidance.

From Glasgow his route lay by steamer down the Clyde to Dunglass, whence he saw Dumbarton Castle; then along Loch Lomond to Luss, from whence he ascended Ben Lomond; then by Aber-

¹ Captain Jarvie appears to have served in the Incorporated Militia at the taking of York in 1813 and was also in the campaign of 1812.

foyle to Loch Katrine, Callander, Stirling, and Edinburgh.

Saturday, 19th April 1817.—At eight this morning I left Stirling in the mail for Edinburgh. This is a charming and delightful country. I am quite in love with it. It has far exceeded my expectations. . . .

Before seeing anything in Edinburgh, he determined to pay a visit, though a hurried one and involving a long journey by coach, to Aberdeen.

I could be well content to go no further north, but I cannot bear the idea of being within twenty-four hours of the place where Dr. Strachan, my best and dearest friend, was born and educated, and where I believe he has a brother still residing, without making an exertion to see it.

Setting off at 8 A.M. from Edinburgh, he reached Aberdeen after twenty-one hours in the coach. He left to return the next day at 3 P.M., and was in Edinburgh at noon the day following, two nights (forty-two hours in all) of coach travelling.

At Aberdeen he found Dr. Strachan's brother, who showed him over the Grammar School, where Dr. Strachan had been educated, and some other places in the town.

I recognised a little, and but little, of his brother's manner in him, for they have been separated nearly twenty years. After a good deal of gossiping on subjects equally interesting, I really believe, to both of us, he led me round, through and about Aberdeen.

Dempsey's Inn, at which I stayed, is by far the most comfortable lodging in every way that I have found in Scotland—I think I may say better than any I have found in England. The fish here is delicious, particularly the haddocks, or, as the Scotch call them, *haddics*.

Of the oatmeal cake he found in Scotland, he says:—

I like it very much; I tasted some in England, but it was soft, tough, and sour. The Scotch understand it better; theirs is crisp and sweet.

On the night journey from Aberdeen to Edinburgh, a gentleman I had seen at breakfast at the inn insisted on my taking his large greatcoat. I assure you I *felt* his kindness all the way to town, for in this northern climate a night on the top of a coach, with a cold wind blowing right off the sea, is not at all delightful. Another insisted on my putting on a pair of overalls he had with him, part of his old military equipment, and pressed it with so much anxiety that I consented; and thus, equipped by *subscription*, I was independent of the cold.

At breakfast my obliging friend was very anxious to know how I had passed the night. There was something in the frank openness of his manner that struck me very forcibly from its resemblance to something I had been used to, and I could not forbear saying, "I am convinced, sir, from your manner and voice, that I have travelled before now with some near relations of yours a long distance from hence—I won't ask you what your name is, but what it is not. It is not *Forsyth*, is it?" "Yes, sir, my name is Forsyth." "Have you not some brothers in America?" "No, they are cousins; but I wonder you should have been so much struck with the resemblance."

I had been intimate with several of his family, two of whom, when I was a schoolboy, on my different journeys home during the vacation, had taken the same care of me that he was doing now. This was rather a singular occurrence, and has been a fortunate one for me, as he is as kind and attentive as the oldest friend could be, and knows everything and everybody here (Edinburgh), for he was educated at the Edinburgh University, and has hosts of friends in the town. He and I took up our lodgings at M'Gregor's Hotel in Princes Street.

24th April.—Jeffrey¹ had begged me to go down early in

¹ Francis Jeffrey, afterwards Lord Jeffrey, Judge of the Court of Session.

the day to see him, and after my return (from Leith) I should have gone, but Captain Barclay, the gallant and unfortunate naval officer, who lost his squadron and the use of his remaining arm on Lake Erie last war, did me the favour to call, and had so many questions to ask about his good friends in Canada, that I could not easily leave before three.

The British squadron on Lake Erie, under the command of Captain R. H. Barclay, was after a most gallant contest with a force superior in guns and men, compelled to surrender to the American fleet on the 10th September 1813.

It may be interesting to add that Captain Barclay (as well as Wilkie, the celebrated painter), had been pupils of Dr. Strachan at the parish school of Kettle before the latter went to Canada.

My father had brought with him from London letters of introduction to Mr. Jeffrey, mentioned above, the editor of the *Edinburgh Review*, and then one of the recognised leaders of Whig society in Edinburgh; and also (from Campbell, the poet) to Sir Walter (then Mr.) Scott.

To resume from my father's Journal:—

Jeffrey has a very pretty place called Craig's Crook, about three miles from town, which he has taken a twenty years' lease of. Accompanied by Mrs. Jeffrey, we took a long walk before dinner around the estate. It commands from different points charming views of Edinburgh and the Forth. . . .

Before dinner we talked of Scotch law and Scotch Judges, Lord Selkirk's settlement, &c., and a variety of matters. With Mrs. Jeffrey I was rather at home, for she is from New York,¹ and we found we had many acquaintances in common.

A Mr. Thomson, editor of Burns's poems, Dr. Gordon, and a brother of Mr. Jeffrey's dined with us.

¹ Mrs. Jeffrey was a Miss Wilkes, of New York.

I had heard from several people that Jeffrey's conversation was like a well-written book, and really his language flows from him as rapidly and as naturally as the Clyde rolls down the Cora-Linn. In this respect he is a curiosity. But, after all, my admiration of him is not unbounded; for, between ourselves, I think him merely a clever man, and should be sorry to be bound by his judgment, or to act on all his principles. . . .

. . . Jeffrey assured me—and no one can know better than himself—that the public have that opinion of Campbell's poetical talents, from the great excellence of the few specimens he has given, that a bookseller would give 4000 guineas for a poem containing 200 pages that he would authenticate with his signature. How provoking that the man will not write, but compile. . . .

After three or four days spent in seeing Edinburgh, he writes:—

I had thought of staying here till Monday, and hearing a sermon on Sunday from Mr. Alison¹ at the Cowgate Chapel, but I have been getting more and more impatient every half-hour to move southwards, and have just determined to set out at eight in the morning for Melrose. . . .

From Melrose he walked to Abbotsford (26th April 1817).

I set off with Mr. Campbell's letter and my Ben Lomond stick in my hand. As I passed a stone quarry half a mile from Abbotsford, a merry simple-looking Scotchman jumped out of it, left his work and followed me, eager to give me every information. "This place belongs to Mr. Scott, doesn't it?" "Aye sure, *Walter Scott, Walter Scott.*"

This good man I learnt afterwards was Mr. Tom Purdie, the "facetious Tom Purdie," as his master called him, the poet's factotum and superintendent general.

At Abbotsford, Mr. Scott came in saying:—

"It gives me the greatest pleasure at all times to see a friend of Thomas Campbell, and you could not have come more

¹ The Rev. Archibald Alison, father of Sir Archibald Alison, the historian.

opportunely, for we are just sitting down to dinner; so walk in without ceremony and see what we have got." After due expressions of extreme regret at the unseasonable interruption, I walked in, and was introduced to Mrs. Scott. They have merely come here themselves for a week or two, leaving their children in Edinburgh. My attention was roused by the most striking specimen of the canine tribe, by name "Maida," that I have ever seen, a most beautiful and immense Highland stag-hound, with close hair and mane like a lion, with his back six inches at least above the table, and larger altogether than a *Highland steed*.

Greyhounds were *strewn* about the room, and Mrs. Scott's favourite spaniel seemed quite to fancy himself one of the company.

Dinner progressed charmingly, and at last, when Mrs. Scott withdrew, he squared round to the fire and we sat down to our bottle of Madeira. . . .

His conversation is that of a plain, unaffected, thinking man, as remote as possible from anything dogmatic or pedantic—full of information, dealt out in a simple easy manner; not like Jeffrey's, elegant, refined, unhesitating, and almost oratorical; nor playful, pointed, and sparkling like Mr. Campbell's.

At Sydenham, besides Mr. Adams's little boys, there are often other children in the room, and whenever Mr. Campbell opens his mouth, their own conversation is suspended at once, and they all look at him with a spreading grin, sure that something is coming out very funny; and very rarely indeed does he close his mouth without affording them ample excuse for increasing that grin to a titter.

Mr. Scott, good-humoured, and replete with recollections of every kind, and drawn from every source, says many good things in a plain way, and whenever he describes reminds you of some of his poems, giving you all the little traits, the combination of which makes up the picture, with such striking and felicitous minuteness that if you look at him and watch his countenance and manner you fancy you are looking at the picture he is drawing.

I shall never forget his description of one of Bird's paint-

ings which he once saw, and which struck his fancy, called "The Arrival of Good News." He put himself into all the attitudes, and assumed the different characters of every figure in the curious group. The post-boy chuckling as he took his dram; the drunken old soldier; the country lads quizzing him behind his back; the old village politician who had hold of the important Gazette, and was reading it aloud to the company, very much annoyed by the officiousness of his next neighbour, who as fast as *he* read the news, was bawling it into the ear of a deaf man, whose stupid stare and bewildered eye showed how imperfectly he caught it. . . .

As we dined early he took me out afterwards over his estate. After a long walk about the fields and along the river, suspended to point out many projected improvements, and to tell at greater ease many a good story, and now and then to use the little ivory whistle in calling the greyhounds from worrying the hares which abound in the plantations, we returned homewards, and took a minute survey of the new addition which is building, and which, when finished, will form in fact the principal part of the house. "I managed a long time," he said, "with the rooms I am in, till one day last summer, Sir Henry M'Dougall's fat butler actually stuck fast between the table and the wall, and then I thought it high time to think of enlarging."

He is putting up a dining-room of 27 by 17, which, except in cases of an extravagant kind, will prevent any similar accidents in future. . . .

He had told me while we were walking that I *must* stay all night, so I made myself easy for the evening, and it was spent in the most sociable and familiar manner possible.

The poet went over all his peregrinations in the Netherlands and France in 1814, and related all the particulars of his visit to Waterloo three weeks after the battle. It pleased me to find that in going over the same country, he was most struck, and dwelt with most enthusiasm on the very two things that had made, and have left, the strongest impression on my own mind—the Cathedral at Antwerp, and the view from the terrace of St. Germain. . . .

He told me that if I would spend another day with him, he would take me to see some little lake in the vicinity, which he seemed to admire, but I was sensible my visit must be an intrusion, and felt it a duty to lessen as much as possible the sum of the evil. . . . The next morning I set out on my return to Melrose, accompanied by my kind host, who walked a great part of the way with me; and at parting begged me when I saw Mr. Campbell to remember me most kindly to him, and tell him "how extremely thankful he was to him for affording him an opportunity of seeing me." (*Vidi—I have seen; I thought to myself.*)

As my father was only a young man when he wrote the above as to Jeffrey, Scott, and Campbell, and his acquaintance, with the two former at all events, was but a slight travelling one, it is interesting to compare the impressions set down in his Journal with those penned by one¹ who knew them intimately; and which I give below:—

I saw much (during the winter of 1816–17) of the Whig society of Edinburgh, which at that period enjoyed a high, and in some respects a deserved reputation. . . .

There was considerable cleverness, much fun, and great *bonhomie* and joviality in this society, and at Craigcrook in particular (Jeffrey's country house near Edinburgh), where Jeffrey gave vent to the kindness of his disposition, and the rich flow of his talk, nothing could be more fascinating than the conversation which frequently prevailed. . . .

Sir Walter Scott's memory was extraordinary, as it is in almost all men of the highest intellectual character; his power of observation perhaps unrivalled; his humour great. The whole stores of his mind thus acquired, relating chiefly to men, manners, and former customs or events, were poured out in company, or in his own house, with great power of narrative and with infinite humour and effect. But the greater part of

¹ Sir Archibald Alison.

the charm which captivated all who approached him, lay in the manner of telling. . . .

In ordinary society Campbell did not appear by any means to the same advantage as Jeffrey, though he possessed incomparably more genius and sensibility. The former made no attempt at display in conversation, but the occasional splendid expression, the frequent tear in the eye, bespoke the profound emotion which was felt. The latter spoke lightly and felicitously on every subject—with equal facility he could descant on literature, philosophy, poetry, politics, or the arts; but the very copiousness of the stream, and the readiness with which it was poured forth on all occasions, proved that no reluctance was felt at unlocking its fountains, and that they lay near the surface. No deep wells of thought or feeling existed in Jeffrey. . . .¹

My father always looked back with pleasure to his having met Scott and Campbell. Engravings of both, that of the latter given to him by Campbell, hung in his library at Beverley House.

From Melrose, after seeing the ruins of the Abbey, he returned to London, *viâ* Kelso, Berwick, Alnwick, Newcastle, Durham, York, and Cambridge, stopping a little time at some of these places.

The town of Kelso I am in raptures with, and really believe I should choose it for a summer's retirement in preference to anything I remember in England or Scotland. It is a fine, clean little town. The Tweed and Teviot abound in trout, and the walks around are not to be surpassed in beauty and pleasantness.

At Alnwick he had friends in Mr. and Mrs. Smith, and Major and Mrs. Derenzy.²

¹ Autobiography of Sir Archibald Alison, by Lady Alison (1883).

² A sister of Mrs. Smith was married to Colonel Pilkington, R.E., whom my father often saw at Woolwich. Major Derenzy had served in the 41st Regiment in Canada in the War of 1812-15.

It was rather odd, and rather fortunate, that my clever calculations should have brought me to Alnwick on the very day on which Lord Percy was married. The ceremony, as you know, took place yesterday in London (29th April 1817), but it was celebrated at Alnwick by the usual rejoicings.

The Duke's tenants began to assemble at an early hour in the market-place, where an ox was put on about ten o'clock to roast for their repast in the afternoon. This was the first ox I had ever seen roasted whole.

. . . When Mr. Smith gave the signal, about a dozen butchers hewed this great ox to pieces on a scaffold in the centre of the market-place, and it was then thrown in bits among the crowd. Several cartloads of rolls were disposed of in the same way, and about 1200 quarts of ale were distributed.

He was much struck with King's College, Cambridge.

The ornamental Gothic carving of the interior is inexpressibly rich. The addition of the Crown to the usual Gothic ornaments of the Rose and Portcullis has the finest possible effect.

On the 6th May he returned to London, having had most exceptionally fine weather throughout his tour.

It may be a century before the month of April will be found so propitious to the vagabond life I have been leading. Not a town have I seen whose streets were not dry, not a lake or landscape on which the sun was not shining, nor, except the snow-storm on Helvellyn, did I ever ascend an eminence to view the prospect it commanded, without enjoying it to its utmost limit, unobscured by fog or clouds. . . .

His Journal closes with this entry:—

17th May 1817.—Poole England,¹ now a reduced Captain

¹ See page 113.

of Artillery, breakfasted with me. Our first meeting since we were children.

When not long after this my father returned to Canada, it can be gathered from the preceding chapters that his experience, both professionally and generally, during the five years which had elapsed since the breaking out of the War of 1812, had been of a more varied kind than was usual at his age. Soon after the war he had been placed in a post where he had both work and responsibility thrown upon him, and had been compelled to decide and act for himself. This, with what he had afterwards seen of the world, was no doubt of much service to him.

CHAPTER VI

MARRIAGE—APPOINTED ATTORNEY-GENERAL—WORK AT THE BAR AND IN THE HOUSE OF ASSEMBLY

1817-23

Marrings—Return to Canada—Appointed Attorney-General—Letters from Sir F. Robinson, Sir Gordon Drummond, and others—Contest between Lord Selkirk and the North-West Company—Appointed to represent York (Toronto) in the House of Assembly—Sent as Commissioner to England on the subject of the fiscal relations between Upper and Lower Canada—Address of both Houses with respect to this—Called to the English Bar—Interest in emigration—Declines grants of Government land, and the Chief Justiceship of Mauritius, &c.—Advocates a confederation of all the British American Provinces—Sir P. Maitland—Mr. Copley—The Duke of Wellington—Urged by Dr. Strachan to remain permanently in England—Return to Canada.

ON the 5th June 1817, my father was married to Emma Walker¹ at the New Church of St. Marylebone in London.

About two months afterwards, on 1st August 1817, they sailed for Canada, and after an exceedingly bad and long voyage reached York on 1st November, and settled down at Beverley House,² which had been purchased from Mr. D'Arcy Boulton, who built it at some date previous to the breaking out of the War of 1812-15.

In this house, subsequently enlarged, they lived until their death, and here all their children were born.³

¹ The daughter of Charles Walker, Esq., of Harlesden, Middlesex, whose sister Elizabeth had married Mr. William Merry, and brought up this niece a great deal with her own family.

² Where my brother, Christopher Robinson, now lives.

³ See Appendix B., V.

Before he reached York a vacancy had occurred on the Bench in Upper Canada, which led to the appointment of Mr. Boulton, then Attorney-General, to a Judgeship, and my father was nominated to succeed him as Attorney-General, his commission being dated 11th February 1818.

The following letter from Sir Gordon Drummond to the Under-Secretary of State for the Colonies recommends him for this post in succession to Mr. Boulton :—

BATH, 26th March 1817.

DEAR SIR,—Having just been informed that an application has recently been made by Mr. Boulton, the Attorney-General of Upper Canada, to be promoted to the vacant seat on the Bench in that province; and that a communication has been forwarded to His Majesty's Government by Lieutenant-Governor Gore recommendatory of that measure, I beg leave to remind you of an interview I had the pleasure of having with you some time since, in which I urged the appointment of Mr. Robinson, the Solicitor-General of Upper Canada, to the situation of Attorney-General in the event of Mr. Boulton vacating that office.

It is with peculiar satisfaction that I avail myself of this opportunity of bearing testimony to the distinguished talents of Mr. Robinson, which were frequently displayed while he was acting Attorney-General at the period of my administering the government of Upper Canada, in successfully conducting a great number of trials for high treason, as well as in frustrating several perplexing prosecutions for trespass, &c., which were brought by some troublesome disaffected individuals against the Government whilst exercising the powers they were compelled to assume in defence of the province.

And I have no hesitation in saying that should the promotion of this gentleman to the vacant office of Attorney-General be deemed expedient by Earl Bathurst, he will fulfil the duties of that appointment with no less credit to himself

than advantage to the public service.—I have the honour to be, dear Sir, your most obedient humble servant,

GORDON DRUMMOND.

H. GOULBURN, Esquire,
Under-Secretary of State for the Colonies.

The letters below are also of this period (1817–18).

From Sir Frederick Robinson¹ to J. B. Robinson (alluding to his Marriage).

TOBAGO, 30th August 1817.

My congratulations will come on a day after the usual time, but nevertheless I will congratulate you with all my heart, and hearty wishes for a long continuance of domestic happiness to you and your wife. I wish I could witness it personally, but I fear you will have returned to Canada long before I shall be able to leave this for England.

Were I in any other country or climate than this, I would endeavour to bribe you to come to me, but as it is I cannot venture.

I will, however, tell you that there is no great improbability of my having a situation in the land to dispose of; and, at all events, if any young lawyer would come well introduced to me, I would ensure him a large and rapid fortune, there being a press of business with very high fees. It is more than probable that you have seen my daughters Annie and Augusta² on their return to England. They will give you a full account of this island. We never have a headache among us, and begin to think people may vegetate here as well as in other countries.

Pray present my most affectionate regards with those of my daughters to your wife. We do most sincerely wish you every happiness. Remember us also most kindly to the Merrys.

From Elizabeth (Mrs. William) Merry to Emma Robinson.

GOWER STREET, 28th November 1817.

MY VERY DEAR EMMA,—The view of your handwriting was

¹ Then Governor of Tobago.

² Annie married the Reverend W. Wilson, but left no children; Augusta died unmarried in Tobago.

the most delightful sight I have beheld for a length of time. There seemed to be no end to the week after week without a line from you, the latest intelligence being from the Downs the 4th August.

But that is over, and your delightfully welcome packet came to hand on the 10th, and I rejoice to hear you are happily arrived after your dreadful voyage.

. . . It is well there are some few years between now and the time you talked of again coming to England, as I fear, with the present impression on your mind, your inclination would not lead you to encounter again what you must have suffered. . . .

From Sir Frederick Robinson to J. B. Robinson.

TOBAGO, 7th July 1818.

. . . We are all anxious to hear from you, and to know the truth of the report of a young Attorney-General¹ having arrived to assist you in your office.

. . . If this should ever reach you, pray lose no time in giving me a particular account of yourself and family, together with one of my quondam Government, which I am still as much interested in as ever. Let me know what changes have taken place and how things are going on, dwelling a little on the settlement on the Rideau, as well as that at the head of the Bay of Quintè.

I shall never be so interested in any Government as I was in that of Upper Canada. There was much to be done, and everything was interesting.

We have read a great deal in the papers about Lord Selkirk's affair,² which is as extraordinary a case as ever appeared in the history of new settlers. It appears in a different complexion, I think, to what it did when I first heard of it.

My whole flock unite in best regards to you and yours.

¹ Alludes to the birth of James Lukin Robinson, born 27th March 1818.

² See following pages as to this.

I hope your wife will enter into a correspondence or rather renew one with my daughter Maria,¹ and I trust I shall soon hear from you.

For the next few years my father's work at the Bar and in the House of Assembly, as Attorney-General, and also Member for York (now Toronto), which he became in 1821, was hard and constant.

Legal proceedings of a troublesome kind grew out of serious disturbances which had taken place in the North-West Territory of Canada between the Hudson's Bay and the North-West Fur Trading Companies in the years 1815, '16, and '17, the former of these having claimed the right to certain tracts of land and exclusive trading in them not admitted by the latter.

The fiscal relations also between Upper and Lower Canada became strained, which led to my father being sent to England as Commissioner with respect to them, and he was then able to complete his terms and be called to the English Bar.

Proposals for the union of the two Canadas, and also of all the British American Provinces, were raised when he was in England, and he then advocated the latter measure to the utmost of his power.

The question of emigration to Canada was one which much interested him; and with respect to his work altogether within the period between 1818 and 1823 he thus refers in his Memorandum:—

I had now some responsible and difficult duties to discharge.

¹ Afterwards Mrs. Hamilton Hamilton, married to Hamilton C. J. Hamilton Esq., of the Diplomatic Service, and died at Brighton in 1884.

Large estates had been forfeited to the Crown by the treason of their possessors; and many more, under a provincial statute, by the owners abandoning the province during the war and withdrawing to the United States. I had to frame the statute for vesting these estates in commission, providing for the satisfaction of all lawful claims upon them, and for the sale of the estates and appropriation of the proceeds.

The contest between Lord Selkirk and the North-West Company in the Hudson's Bay territory occasioned great disturbance, many acts of violence, and some bloodshed, in the years 1815, 1816, 1817. The offences committed there were, under a British Act of Parliament, made triable in Upper Canada. This threw upon me, as Attorney-General, a responsible and arduous duty. Many indictments had been preferred at the instance of Lord Selkirk against partners, clerks, and servants of the North-West Company for alleged felonies, which, under the statute I have referred to, were sent to Upper Canada to be tried. These were disposed of at our ordinary criminal court.

The Royal Commissioners sent into the Indian territory had collected an immense mass of evidence, and made a report, which furnished the foundation of my proceedings.

Lord Selkirk had been, in his youth, brought up to the legal profession; and he assumed very much to control the conduct of such criminal proceedings as he desired should be instituted on his behalf against the agents and servants of the North-West Company. He seemed to have been, in a great degree, permitted to do so in Lower Canada, but in Upper Canada I declined to allow any further interference with my discretion and duties as public prosecutor than appeared to me to belong properly to his position as a complainant.

The North-West Company, on their part, complained of many illegal acts committed against them, some of them of a most extraordinary character; but they were content to leave the method of dealing with them to the proper public authorities, without attempting to dictate.

On a view of the whole immense mass of evidence, it appeared to me to be obviously the proper course, instead of

indicting, as Lord Selkirk desired me, for murder and larceny and arson, to look upon all that had been done by his Lordship and his associates, in a high-handed contest of this nature, as so many efforts on their part to ruin their opponents, by possessing themselves of their effects and supplanting them in their trade. I accordingly presented an indictment of that character, prepared after much labour and with great care.

The efforts of his Lordship to prevent the bill being found by the Grand Jury were in every point of view extraordinary, but were unsuccessful.

Nevertheless, as soon as the indictment was found, Lord Selkirk, instead of remaining to abide his trial, withdrew to England, where he addressed to the Government,' and made in his place in Parliament, the most ungenerous complaints against the Government of this province, and especially the Attorney-Genral, whom he charged with all kinds of injustice and oppression.

This occasioned a call from the Secretary of State upon the Governor, Sir Peregrine Maitland, for a full report of all that had taken place in the proceedings within his Government.

It became my duty to furnish this, and I was happy in being called upon to do so, though the details filled eighty pages, besides a large appendix, in which, among other things, the whole correspondence that had taken place with Lord Selkirk was inserted.

Not long after,¹ Lord Selkirk died, one consequence of which I could not but regret, for nothing more was ever heard in Parliament upon the subject, and all that had been made public was his Lordship's unfounded accusation. The statements and proofs by which its injustice was exposed never went out of the Colonial Office.

These proceedings kept me laboriously employed for many months, and they compelled me to relinquish one of my ordinary circuits. I confined myself to the official scale of charge for ordinary prosecutions, according to which the

¹ Lord Selkirk died at Pau, 8th April 1820, having gone there from England in bad health.

indictment for conspiracy stood in my account charged at £2, which probably did not pay for the parchment on which it was engrossed, and all that I did in the whole of these prosecutions did not impose upon the Government any greater burthen, nor produce to myself any greater recompense, than about £40, which, I think, did not reimburse what I had expended in stationery, postage, and copying clerks. I mention this not as giving me any ground of complaint against the Government. If I had applied for a more adequate remuneration, it would not have been refused, but I abstained from doing so, perhaps foolishly.

Before passing on to other matters, I will supplement my father's references to the disturbances in the North-West Territory by a fuller explanation of what had occurred there; and close with a letter he received from the Secretary of State for the Colonies in May 1819 in connection with these events.

The contests which took place in the years 1815, 1816, and 1817 between the rival Hudson's Bay and North-West Companies recall the warfare on the Scotch and English borders in the Middle Ages.

Lord Selkirk had, in 1812, formed a settlement at Red River, on land conveyed to him by the Hudson's Bay Company.¹

Between this Company and the North-West Company of Montreal, there was, no doubt, independently of any action on Lord Selkirk's part, commercial rivalry—if not enmity.

Both Companies had arms and fortified posts, for security against Indians and the safety of their

¹ Consisting of large tracts over which, before his acquirement of the land, the North-West Company had, it is stated, comparative freedom in hunting, &c.—(See "Dictionary of National Biography"—"Selkirk.")

goods; and in 1813, after war had broken out with the United States, arms, ammunition, and a few light field-pieces were granted by Government to Lord Selkirk for the defence of his settlement, which was later on joined by a body of disbanded soldiers of the regiments of De Meuron and Watteville.

The Earl of Selkirk occupied a peculiar position in the North-West Territory. His high rank, his authority as chief of the settlement, and his status as a magistrate—enabling him to issue his own warrants—all combined to give him an exceptional influence and power in the country. Apparently, the North-West Company did not so much harbour grievances against the Hudson's Bay Company as against him, one of the partners of the former company speaking of the committee of the latter as being a "mere machine in the hands of Lord Selkirk," whose influence was said to be a controlling one.

The interests of *bonâ fide* agricultural settlers would doubtless be fairly opposed in some respects to those of a fur-trading company; and in a wild country, such as the North-West then was, those who, like Lord Selkirk, have authority and power must not hesitate to put down outrages with a strong hand; but what the North-West Company complained of was that Lord Selkirk's settlers and followers were virtually traders themselves, conspiring by every means to compass their ruin, and that his authority was oppressively exercised to interested ends.

It can be readily understood how in this situation of affairs, bitter hostility, followed by armed conflict and crime, soon grew up, and plunged the country

into what was little short of a state of constant war, extending over three years.

Without entering in detail into the accusations made on each side, it may be mentioned that the adherents of the North-West Company charged Lord Selkirk and his followers with, among other violent acts, forcibly occupying their post at Fort William, under a warrant granted by Lord Selkirk himself, remaining in possession some months, imprisoning their officials, and robbing them of eighty-three muskets.

On the other hand, Lord Selkirk asserted that the North-West Company had employed against his settlement field-guns robbed from the stores of the colony, been guilty of the massacre of Governor Semple of the Hudson's Bay Company and some of his men at Red River—who had been killed in one of the raids which had taken place—and were bent upon the destruction of his settlers, which rendered this seizure of their post and of their arms justifiable. He brought in fact charges of murder, burglary, and arson—all capital offences at that time.

At one period Lord Selkirk arrested some of the partners of the North-West Company, sending them down to Montreal; and at another he refused to submit to the execution of a legal warrant served on himself, and imprisoned the officer serving it.

This latter act resulted in positive instructions from the Secretary of State in England that the Crown officers in Canada should prosecute him for this open defiance of the law.

Eventually an indictment was preferred before a Grand Jury at Sandwich, in the Western district, against the Earl and others for resisting the execu-

tion of a legal warrant, and other offences. The contests had caused much excitement, and roused a great deal of partisan feeling throughout the country. While the charges were pending and before the jury, efforts were made (to what my father considered a highly reprehensible extent), by the publication of one-sided accounts in pamphlets, &c., which were circulated with mischievous industry, to bias public feeling, and discredit the testimony of those who would be witnesses.

In one of these, issued by Lord Selkirk's side, appeared copies of all depositions of importance which Lord Selkirk or other magistrates had taken for the prosecution of various other charges, for which men were afterwards to be tried for their lives.

The Judges and the Crown officers were freely aspersed, and accused of partiality or incompetence.

After sitting for four days the jury could not agree, and although the Bill was not thrown out, the Judge then decided to adjourn the Court *sine die*.

In October 1818 prisoners accused by Lord Selkirk of the gravest crimes were tried at York, and acquitted; and in two civil actions brought against the Earl for false imprisonment verdicts and substantial damages were obtained by the complainants.

In 1819, although a bill of indictment had not been found at Sandwich against Lord Selkirk and others, one was so at York; but, as explained by my father, owing to the withdrawal of the Earl to England, his death, and other causes, the grounds of the prosecution were never very thoroughly understood by the general public. The accusations on both sides which had to be investigated were

numerous and intricate, and their examination must have been very tedious and difficult.

Lord Selkirk's own statement of his case is contained in a letter to the Earl of Liverpool, dated 19th March 1819, and published, together with a correspondence which went on between his brother-in-law, J. Halkett, Esq., and the Colonial Office, in the years 1817, 1818, and 1819, upon the subject of the Red River Settlement.

Whatever may have been his responsibility for the occurrences in the North-West Territory, he was an active coloniser, and did much for emigration and the settlement of Prince Edward's Island and the North-West ; and one must sincerely regret that he became involved in these disturbances, of which the turmoil and worry only closed with his life.

The end of all these troubles was that, not long after his death, the Hudson's Bay Company and the North-West Company amalgamated.

The following letter from the Secretary of State for the Colonies to the Lieutenant-Governor of Upper Canada expresses the opinion of the Crown as to the manner in which my father had discharged his duty as Attorney-General in connection with the above events :—

DOWNING STREET, 11th May 1819.

SIR,—I have had the honour of receiving your despatch of the 6th January, transmitting copies of letters addressed to you by the Earl of Selkirk and the North-West Company.

I have not failed to lay these papers before His Royal Highness the Prince Regent, and I should not do justice to the Attorney-General if I were to forbear expressing the satisfaction which I have derived from his detailed explanation, and desiring you to assure him that the temper and judgment with

which he has conducted himself during the whole of these long and difficult proceedings have received His Royal Highness' entire approbation.—I have the honour to be, &c.,

BATHURST.

My Father's Account continued.

In 1821, I became the representative of the town of York in the Assembly.

The Upper Province was then in great difficulty from the Province of Lower Canada refusing, unreasonably, to concur in any measure, such as had been adopted by consent from time to time, for dividing the duties levied on importations at the Port of Quebec.

This obstructed for several years the receipt of three-fourths of our revenue. The political leaders in the Assembly of Lower Canada denied our right to any share of the duties. We were thus extremely embarrassed, owing many thousand pounds to wounded militia pensioners, and to the wives and children of those killed, besides other debts.

I then framed the first Act that was passed for borrowing money upon provincial debentures, with all those provisions necessary for guarding the public and the holders of the securities; and these have been followed from that time to this—so that I had the *glory* of laying the foundation of our public debt, which has grown from our modest beginning of £25,000 to (in 1854) the respectable amount of four millions.

In 1822 the evils arising from the detention of our revenue by Lower Canada became intolerable, and I was appointed by the Government, upon the joint addresses of both Houses of the Legislature, to proceed to England as Commissioner on behalf of the province, to procure, if possible, the interference of Parliament for securing the just division of revenue between Upper and Lower Canada.¹

In this mission I had the good fortune to succeed, and obtained the passing of the Statute 3 & 4 Geo. IV. ch. 119—

¹ His commission to perform this duty is dated 22nd January 1822.

or rather, I mean, of that portion of it which relates to the division of duties by arbitration, which part of the Act was wholly framed by myself, and after examination by the Crown officers in England, was passed without any alteration.

Both branches of the Legislature concurred in addresses of thanks to me for the service I had rendered, and I was liberally indemnified for my expenses and loss of time.

I here give addresses of both Houses in connection with the mission above alluded to. His selection for so important a duty and the appreciation of the way it had been carried out must have been gratifying to him. He was then very little over thirty years of age.

Address desiring his Appointment agreed to in January 1822.

To His Excellency Sir Peregrine Maitland, Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding His Majesty's Forces therein, &c.

May it please your Excellency :

The Legislative Council and House of Assembly while concurring in a report, and in an address to our Most Gracious Sovereign on the subject of our provincial relations with Lower Canada, have also united in a desire that on an occasion of such vast importance to the interests of this province some person of talent and consideration may be appointed to lay this address at the foot of the Throne.

The Legislative Council and House of Assembly, while they disclaim all desire of interfering with an appointment which, by their joint resolution, rests solely with your Excellency, and repose the fullest confidence in your Excellency's wisdom to select a person fully qualified for this important mission, on considering the magnitude of the subject, have agreed in opinion, from the experience of the extensive infor-

mation of his Majesty's Attorney-General on the affairs of this province, that the duties suggested by the report will be fulfilled by him in the manner most conducive to the attainment of the important end they have in view.

Vote of Thanks of the Legislative Council passed on his return to Canada, 5th March 1823.

Resolved unanimously :

That the thanks of this House be given to JOHN BEVERLEY ROBINSON, Esquire, for the distinguished ability, zeal, and discretion manifested in the discharge of the important trust confided to him as Commissioner to bear to the foot of the Throne an humble address on the fiscal relations of this province with Lower Canada, and in so successfully obtaining the object of our prayer.

JOHN POWELL, C.L.C.

In forwarding this resolution to him in England, Chief-Justice Powell added :—

You will not question how grateful to me is this consummation of my early judgment, or the sincere pleasure with which I communicate this honourable testimony.

The House of Assembly had previously (17th January 1823), in answer to the speech of his Excellency the Lieutenant-Governor at the opening of the session, expressed itself as “perfectly disposed to concur in his Excellency's opinion as to the able manner in which the Commissioner had conducted the important negotiation with which he was entrusted.”

Some friends in York were anxious also to offer a further acknowledgment of his services in the shape of a public testimonial in proof of their “private attachment and public respect,” but this he begged might not be done.

Account continued.

While in England on this occasion, I completed my terms at Lincoln's Inn, and was called to the Bar there in Hilary Term, 6th February 1823.

I was of use, at the same time, in England in various other public matters, particularly on the question of Emigration, and was detained by them longer than would have been necessary by the mere business that took me over.

To mark the sense which the Government in England entertained of the services I had rendered in all these matters, the Under-Secretary of State informed me that an instruction would be sent to the Colonial Government to make me a grant of the waste lands of the Crown, which used to be ordinarily granted to members of the Executive Council—either 6000 or 10,000 acres, as the Government might approve of.

On reflection I declined it, from an impression that, being a member of the Legislature, it would be better for me to accept of nothing which, from the jealousy it might create, or on any ground, might lessen my weight in the Assembly, and disable me from serving the Government as efficiently as I otherwise might.

In August 1823 I returned to Canada. Before I departed (in April 1823) I received a letter from the Under-Secretary of State, written by desire of Lord Bathurst, informing me that the arrangements which Lord Bathurst had in contemplation to make at Mauritius would occasion a vacancy in the office of Chief Judge in that colony; that the salary attached to the situation was £3500 sterling a year, with an allowance at the rate of 120 dollars per month for house rent; that if I should prefer the situation to that then held by me in Upper Canada, Lord Bathurst would feel disposed to submit my name to his Majesty for the appointment; and that his Lordship directed him to add that he felt much pleasure in availing himself of that opportunity to mark his sense of the zeal and ability with which I had discharged the duties of Attorney-General in the Province of Upper Canada.

I was in a subsequent note informed that, according to the

rule in the Southern and Eastern Colonies, I could retire if I pleased after seven years' service, upon an allowance which was not yet definitely fixed, but which I would be safe in assuming would not be less than £1500 sterling.

I declined this also—not wisely, perhaps, as I have had occasion since to feel¹—and chiefly for the reason that I believed my services as Attorney-General and a member of the Legislature in this large and important colony were much more useful than they were likely to be in Mauritius. We perhaps grow more selfish as we grow older; but I certainly did, in those days, think more of public duty than of private interests.²

I interrupt my father's account here by inserting his letter to Mr. Wilmot Horton, declining this appointment:—

April 1823.

MY DEAR SIR,—I beg you will assure Lord Bathurst that I am very grateful for the communication contained in your note of the 15th April.

Attachments of a public and private nature lead me to prefer my present situation in Canada to one more lucrative in another colony, in which I should probably take less interest and might therefore be less useful; but I do not on that account more lightly value this additional proof of his Lordship's kindness and confidence, rendered the more gratifying from the circumstances of its being unsolicited and from the terms in which it has been conveyed.

Suffer me also to use this occasion of offering you my sincere thanks for the kindness you have constantly shown me. . . .
—I remain, &c.

¹ In saying this he no doubt refers to the reduction which subsequently took place in the official income of the Chief Justice of Upper Canada.

² The *Law Journal* of Upper Canada (March 1863) remarks as to his having declined this appointment:—"His decision in this matter has shown more forcibly than any act of his life how great a love he bore to his native land, and establishes the fact that his public acts were influenced solely by motives of the purest patriotism, and not by any sordid or selfish hope of personal advancement."

Account continued.

In 1823, while I was in England, a gentleman, who had formerly been in Canada, but was then holding an influential position in Oxford, wrote to me that if I would come down from London on their great occasion which was then approaching, he would engage that I should receive the honorary degree of D.C.L.; that he had spoken of it in the necessary quarters, and had ascertained that there would be no difficulty, the ground on which it would be conferred being, in addition to my official position as Attorney-General, my strenuous and consistent support of the rights of the Church of England in Upper Canada.

I answered that I did not feel that I had sufficient pretensions to the distinction, and declined, which I have sometimes since regretted, considering my subsequent connection with our College here.¹

Among other public questions in which my father interested himself at this time in England, he took up very strongly that of a Legislative Union of the whole of the British-American Colonies, urging it upon the attention of the Colonial Office.

In 1822 a Bill had been introduced by Mr. Wilmot² into Parliament for uniting the two Legislatures of Upper and Lower Canada together, the other provinces not being included, but opinion was much divided as to the advisability of the measure, and it fell through.

Writing in his diary on 5th January 1823, my father says:—

Spoke (to Mr. Wilmot) upon a design of uniting all the

¹ As Chancellor of Trinity College University, Toronto. Not long after the above was written, and when on a visit to England in 1855, the honorary degree of D.C.L. was conferred upon him at Oxford.

² Afterwards Sir Wilmot Horton, Under-Secretary of State for the Colonies at this time. He was Governor of Ceylon 1831-37, and took an active interest in all Colonial and emigration questions. He died 1841.

North-American Colonies, and I am to write remarks on the subject, having several times *pressed* it upon his consideration. My plan would go further than the suggestions I have seen, and would make the Colonies effectually an integral part of the Empire if adopted.

The "remarks" alluded to above were embodied in a letter addressed to Lord Bathurst, Secretary of State for the Colonies, and afterwards published in pamphlet form¹ in London, under the title of "Plan for a general Legislative Union of the British Provinces in North America," accompanied by extracts from a paper on the subject written in 1807 by Chief-Justice Sewell.

In this pamphlet my father, speaking of the feeling of the English population throughout the Canadas with respect to the union of the two Canadas only, without the other provinces, says:—

Many of them regard the union as a measure of *doubtful tendency*, and are really unable to come to a decided opinion as to the preponderance of good or evil likely to result from it. Of these some think the experiment may be made with safety; others are apprehensive that it may produce much mischief and inconvenience; and, though they are not convinced that the union might not, on the whole, and *in the end*, be beneficial, they are so much in doubt about it, that they would rather not run the hazard of disturbing the present state of things.

But there is a remedy within the power of Parliament for all these perplexities. The measure alluded to is the uniting the British North American Provinces into one grand Confederacy.

He then gives the details of his plan, with the number of members to compose the Legislative

¹ Dr. Strachan also published a pamphlet in 1822, urging a union of all the British-American Colonies, in lieu of the proposed limited union of the two Canadas.

Council to be delegated from each province, &c., to the "New Albion" or "British North America," and continues:—

The actual consolidation of the British Empire would be at least a grand measure of national policy. To recapitulate, it is believed that to unite the British North American Provinces by giving them a common legislature and erecting them into a kingdom, would be gratifying to all those Colonies—it would put an end to all danger and inconveniences from petty factions and local discontents, and secure the public counsels of all the Colonies from foreign influence.

But the Government in England were not disposed to take up the matter of the more extended Union, and rightly or wrongly considered that, so far from the measure advocated being one which would be gratifying to all the Colonies (as my father then believed it would, if properly brought before them), the proposal would not be entertained by them.

This view may have been right—though that is uncertain—and without doubt no scheme of union or federation can be pressed to advantage upon indifferent or reluctant provinces.

The subject was in any case dropped for the time, though my father (see next chapter) returned to it again the following year, and once more without success.

Looking back now to this period it seems at least to be regretted that this union was not more favourably entertained and actively pressed during the years between 1822 and 1830, when the feeling between Lower and Upper Canada—the one province chiefly French and the other British—had

not assumed the character which, under pressure of political influences, it did later on.

It seems possible that could such a union of all the British-American Provinces have been carried at this time, the Rebellion, which delayed it for many years (as after this the maritime provinces were less disposed to join the Canadas), might not have occurred, and political changes, becoming inevitable, might have been introduced into Canada, as they were in England, if not without contention, at all events without bloodshed.

Mr. Dent, writing of the union of Upper with Lower Canada which took place under the Union Bill of 1840,¹ and alluding to my father's opposition to it, says:—

Mr. Robinson had sixteen years before been an advocate of such a union as he now opposed, but had subsequently seen reason for changing his views.

This arises no doubt from a misapprehension of what my father did advocate. What he urged in 1822 and again in 1824–25 (see next chapter) was not such a union as took place in 1840 (*i.e.* of Upper and Lower Canada only), but a union of all the British North American Provinces, which became a recognised necessity in 1867, after the former measure had led to a political *impasse*.

On this visit to England in 1822–23, my father was accompanied by my mother and eldest sister, then a child, his two boys being left in Canada, but of these years and 1825 (when he was again in

¹ "Canada since the Union of 1841," by John Charles Dent.

England) comparatively few references to occupations and interests other than those of a public character have been preserved.

Writing to Sir Peregrine Maitland, 16th July 1822, he thanks him for some letters of introduction, and thus alludes to his first meeting with Serjeant Copley (afterwards Lord Lyndhurst) and with the Duke of Wellington, whom he met frequently in subsequent years :—

I am much indebted to you for your kind letter of 20th April. Sir William Robinson had before introduced me to Serjeant Copley, and I had the pleasure of meeting at his house a few weeks ago some of your nephews and nieces, who had, of course, many questions to ask about Canada.¹

From Earl Bathurst, in the intercourse I have had with him, I have experienced the greatest kindness. He and the Countess invited us to dinner, and it was no small gratification to me to meet there the Duke of Wellington, Lord Liverpool, the Duchess of Richmond, and others.

At this time Dr. Strachan again strongly pressed upon my father the advantages which, in his opinion, would attend his remaining altogether in England and entering into professional and parliamentary life there; and the question of his doing so was more than once the subject of discussion and correspondence with Sir Wilmot Horton and others.

But there were difficulties in the way. He had now a family² growing up around him, and the change must have been, in any case, one from a comparative certainty to an uncertainty.

¹ This interest arose from Sir Peregrine Maitland, Lieutenant-Governor of Upper Canada, 1820-23, having married Lady Sarah Lennox, daughter of the Duke of Richmond who had been Governor-General of Canada, 1818-19.

² For particulars as to his children, see Appendix B., V.

These and other considerations, among which it may be truly said was his affection for Canada, led to his never acting on their advice.

One of Dr. Strachan's letters to him on this subject is of more than usual interest, and I now give some extracts from it:—

From Dr. Strachan.

YORK, 10th June 1822.

MY DEAR JOHN,—I was much gratified by your letter of the 11th April to myself. You will be able to reward the province for the confidence it has reposed in you, and acquit yourself in a manner creditable to yourself and satisfactory to your feelings. I need not trouble you with any remarks on the two important general Bills you mention. To the first, regarding the West Indies, there may be some objections offered of a very weighty nature, but I presume that the fear of the total ruin of our sugar islands compels Government to throw their ports open to the Americans. I hope the Colonial ships will be allowed to trade from island to island and from colony to colony, while the Americans are forced to clear from a port in their own country to one of ours and straight back. I am aware that all restrictions whatever are condemned by Dr. Smith and his disciples, but it is my decided opinion that till all nations throw aside the shackles of commerce we cannot afford to make ours entirely free.¹

I was much pleased to find that you have been so much consulted upon this change of policy; but especially upon the Canada Bill, for the draft of which we are exceedingly anxious. I am also glad that you are to draw it up. Here appears the advantage of having you at home. Mr. Caldwell and the Solicitor-General of Lower Canada will perceive that you are solicitous for the interests of both provinces, and desire only such provisions in the proposed laws as cannot be justly found fault with. I trust and hope that nothing will happen to

¹ It is curious that now, eighty years after the above we ds were written, the question of whether free trade, or only partial free trade would be the best in the interests of the Empire, should be attracting such serious attention.

thwart or impede the progress of the Bills in their passage through Parliament. I participate most sincerely in the anxiety you must feel upon this occasion, and I most fervently pray that the prosperity hitherto vouchsafed you by a kind Providence may always continue.

As anything I could say respecting your public measures would be now too late to answer any purpose, I will revert to your own affairs. I am against your returning before you are admitted to the Bar.

. . . I thought it better to stop here and to talk to Hillier¹ on the subject. He says the General thinks of a middle course—that you leave Mrs. Robinson in England, come out to attend the session of Parliament, with your documents, &c., and deliver them yourself, and explain what you have effected. After the close of the session you may return to England and remain as long as you think fit. I must admit that some very considerable advantages attend this plan. You anticipate very truly that I will speak of your remaining in England though I first bring you back to Canada. As Attorney-General here, you will have for many years to come the whole weight of public business on your shoulders. You will have all the Bills to draw; your best motives will be questioned and belied, your words and expressions twisted, your conduct slandered, and all this without any redeeming advantage. After many years of painful, thankless labour, and perhaps many difficulties and mortifications from changes in our administration, new Governors, &c., you may be promoted to the office of Chief Justice. This is, however, by no means certain, for by a change in the Ministry, you may suffer the mortification of having a person set over your head. But we will suppose no such disappointment, and that you are Chief. You have then our House to keep in order,² and to maintain peace between us and the Assembly.

I am willing to allow that this prospect was once a fair

¹ Colonel Hillier was private secretary to General Sir Peregrine Maitland, the Lieutenant-Governor of Upper Canada.

² The Chief Justice of Upper Canada was at this time *ex officio* Speaker of the Legislative Council.

object of ambition, but things are now changed, and an opportunity presents itself to you of acting on a more brilliant field. Turn we then to England.

You are there on a vast theatre. You get admittance to the Bar; a single cause of general interest and importance is all you want to place you in that rank which would enable you to command everything reasonable; and a short time at the Bar will open for you the doors of the House of Commons, where your talents will be duly appreciated. Your entrance into the House will be attended by situations of confidence and emolument, and you will be able in a short time to do more for your family and friends than you can ever do in Canada; and all this with less trouble—ininitely less—than you will have to surmount here. I have myself some ambition to be known as the tutor of a second Pitt, for I really think that you possess more real knowledge than he did when he *began* his political career. You know more of men and manners, of the different views and interests of the various divisions of the Empire, have greater insight into human nature, and greater strength and industry to second the conceptions of your mind.¹ I am perfectly persuaded that you will be found equal to your situation, and that your talents will expand with your calls for their exertion. In saying all this you will not suspect me of flattery, for I am not given to that vice at any time. I may indeed be mistaken, and may value your talents higher than I ought from partial affection, but you will, I am sure, admit that I am not often mistaken in reading character, and that I judge, in most cases, correctly of men. In your case my opinion is not so much founded on personal attainments, great as they are, as on your capacity and industry and energy, which, rising from a good foundation, qualify you to meet every emergency.

You may, in power, do infinite good to the British Empire, for I could show you that many of the difficulties with which

¹ Though the expressions here used may appear exaggerated, I do not omit them, as they show the opinion which Dr. Strachan, his old master, had now formed of my father's capacity for public affairs.

she is embarrassed arise from the ignorance of men in power—not a culpable ignorance, but from their want of a species of knowledge which they have had no opportunity of acquiring.

By returning to this country, you will encounter all the evils of a public life without any of its sweets. In England you will meet fewer evils, and they will be redeemed by many advantages. I might fill my letter with this subject, as it is near my heart, and you will easily believe, not without a severe contention, for I have many cogent reasons for wishing you to remain here. However, weigh the matter well before you decide. As to means, I will charge myself, pinched as I am, with a thousand or fifteen hundred pounds, to be repaid at your leisure if you succeed, and never if you fail. The truth is, I am so convinced that you will succeed, that I am ready to go all lengths to keep you perfectly comfortable in the meantime.

My father left England to return to Canada in June 1823, reaching Toronto *via* New York, Albany, and Niagara on the 9th July. He writes as to his journey:—

The first part of our voyage was tedious, the winds being constantly adverse, but the last half of the way we had better fortune. The weather was exceedingly pleasant the whole way. We reached New York on the 19th June, having been thirty-two days out.

On the Tuesday following, we continued our route to Albany by steamboat, and from thence travelled in a hired coach—or hack as they call it—by easy journeys of thirty-five miles a day to Lewistown (having sent our baggage by the canal to Rochester), and from thence in the American steamboat to Niagara. I found Sir Peregrine at Stamford, and we spent two days there, and then came by the *Frontenac* here, where we landed on Wednesday, the 9th instant, and found all our children and friends in as good health as we left them. I rode out the same evening to Newmarket with Charles Heward.

CHAPTER VII

AT THE BAR AND IN THE HOUSE OF ASSEMBLY (*Continued*)

1824-28

Renews advocacy of a Union of the British North American Provinces : his views on this subject and the position of Canada with regard to England and the United States—Peter Robinson and the Irish emigrants : their excellent conduct in 1837—Goes to England in connection with proposed sale of the Clergy Reserves to the Canada Company ; success on this occasion—The question of the Clergy Reserves—Letter as to his presentation of site for a Methodist church—Religious Denominations Bill—His Parliamentary life—Mr. Bidwell—The Alien Bills—The Family Compact—Prosecutions for libel—Employment out of Canada suggested—Declines Chief-Justiceship of Upper Canada—His reasons—Subsequently accepts the post—Vacates seat in House of Assembly—Presentation of plate by electors of York—His view of Parliamentary representation—*Law Journal* as to him.

IN the year 1824 my father became aware that the expediency of uniting the provinces of Upper and Lower Canada was again to be brought before Ministers in England during the recess of Parliament. It was believed also that, at the same time, the question of a general union of the British North American Colonies, *i.e.* the provinces of Lower and Upper Canada, New Brunswick, and Nova Scotia, might receive consideration, so he again returned to this latter subject in a letter to Lord Bathurst, dated York, Upper Canada, December 26, 1824.

This letter was afterwards published in London (in 1825) in pamphlet form, under the title, "A letter to the Right Honourable Earl Bathurst, K.G., on

the Policy of uniting the British North American Colonies.

In this letter he writes :—

It is the fear of perpetual strife from the unavoidable inconvenience of having the parties of French and English, Catholic and Protestant, so nearly balanced, that disposes me most to doubt the policy of uniting the provinces of Canada¹ at this period.

My conviction is that there is a remedy² more certain to be effectual and in every way more expedient.

I know not in what light the design of a general union of the British North American Colonies may have appeared to his Majesty's Government, if it has been submitted to consideration, as I learn it was to have been.

So far from looking on this plan with any of the prejudices or wishes of a friend or an enemy of the union of the Canadas, it is not as a Canadian that I am impressed with a conviction of its importance, and entreat for it the attention of his Majesty's Government. It is as a British subject that I feel an interest and an anxiety that may appear to approach too nearly to enthusiasm, when I anticipate its probable effects.

And he writes to his brother Peter in this year (1824):—

If they would but adopt my favourite plan of giving an United Legislature to the four Colonies, and leave the local Legislatures for unimportant purposes to each, every end might be attained."

Those who then opposed the union of the British American Provinces, did so chiefly on the following grounds:—

That these provinces neither wished for it, nor were ripe for it; that the scheme was, in short, pre-

¹ i.e. the provinces of Canada only, and not the whole of the British North American Colonies.

² i.e. for the evils existing in Lower Canada.

mature, and put forward merely to divert attention from the pressing need of the union of the two Canadas alone. That Mr. Sewell's proposals of 1807 were but a revival with modifications of a plan framed by Dr. Franklin in 1754 for the union of the old British Colonies (which subsequently became the United States) and were never viewed as expedient, or adopted. Finally, that such a union would hasten the day when these provinces would desire to become independent, and dissolve their connection with the mother country, and was not therefore to be encouraged from an imperial point of view.

I now give some extracts from my father's pamphlet mentioned above, in which he refers to and replies to these objections, especially as these extracts allude to the origin of the great scheme for the Confederation of the North American Colonies into one Dominion, which was happily carried out many years afterwards (in 1867) when the relations between Upper and Lower Canada had become such as to make it imperative. They also show his views as to the improbability of these Colonies ever desiring to sever their connection with the mother country, and as to their position with respect to the United States of America.

Answering the objections urged, he says:—

In the actual state of these provinces there are strong concurring inducements¹ to select the present time for commencing the great system of policy to which I could wish some voice of greater influence were raised to call your Lordship's attention. Your Lordship will not fail to perceive how strong the motive is with one who sincerely believes in the expediency of the

¹ These inducements are set out in the letter, but cannot be conveniently given in the space of this Memoir.

system recommended, to desire that its immediate adoption should take the place of a very questionable and much less effectual measure of policy. . . .

It is, I trust, scarcely probable that your Lordship's attention has been diverted from it in any degree by an idea that I see the anxious petitioners for the partial union have been most studious to inculcate; viz. that it is thrown out merely to draw your Lordship's attention from the other measure, and without any expectation that it would be adopted.

The best answer to such a surmise is that Mr. Sewell's paper in its present shape was offered for consideration some years before any intention had been expressed of uniting the provinces of Canada; and that the paper on the same subject which was submitted by myself, was not otherwise offered than in compliance with the desire of Mr. Wilmot Horton that I should consider Mr. Sewell's project and reduce to writing for his perusal whatever occurred to me respecting it.

I wrote it with too ardent a hope that its statements might attract attention, and with too earnest a conviction of their truth, not to be desirous that it should again meet your Lordship's perusal while circumstances concur to call your attention so particularly to the political condition of these Colonies.

The people of these Colonies have expressed no opinion on the subject,¹ because it has in no shape been offered to their consideration, nor in any manner discussed or pointed out in the provinces, but it is a most reasonable expectation that a system so evidently tending to increase their respectability, and attended with no sacrifice of local advantage or convenience, would, if offered to their consideration, be most favourably regarded.

With respect to the imputation of *private interests*, by which it has been attempted to create prejudice against the suggestions of a general union, your Lordship, I am sure, will feel that the character of the individual to whom it is

¹ i.e. the subject of the general union of all the Colonies, rather than a union of the two Canadas alone.

intended such an observation should apply can alone determine its justice.

The plan submitted by me was certainly suggested without the slightest consideration of any other scheme than Mr. Sewell's. The objection, however (if it was meant as an objection), gives rise to one or two considerations which I cannot forbear to state. The plan of 1754 did not originate with Dr. Franklin, though it was commented upon by him. It was drawn up and offered to the consideration of the King's Ministers by Governor Hutchinson, whose preference of British to Colonial interests was unfortunately somewhat too incautiously displayed on all occasions, and whose zeal for the integrity of the Empire was not likely to have suffered him to be the proposer of a measure which would tend to dissolve the connection between the mother country and her Colonies.

It is true that a plan *was* pressed upon the British Government in the year 1754 for uniting the Colonies in America (now the United States); and equally true—whether it was the plan of Mr. Hutchinson or Dr. Franklin—that it was *not adopted*.

. . . The event may offer no useless lesson. Remaining separate Governments with separate Legislatures; with no legitimate bond of union involving an acknowledged responsibility, with no occasional constitutional interchange of opinion and no common medium of communication with the parent State; with no direct representations in the Councils of the Empire, these Colonies rebelled, and after an obstinate struggle, which added more than one hundred millions to the National Debt, they were lost to the Empire.

It is at least plain that as the consequences could not have been more unfortunate, the rejection of Mr. Hutchinson's plan can afford no possible ground for congratulation.

Then, speaking of the idea (very prevalent in England), that to hasten the development and progress of the British-American Colonies, was but to hasten the time when they, like the older Colonies

now forming the United States, would throw off their allegiance to the mother country, he adds :—

An erroneous idea of the extent and capability of Canada, and a disregard of its geographical position, can alone have occasioned such an impression.

Provinces, however extensive, which are kept in check on one side by a foreign nation that must ever exceed them in power, and which can communicate with other countries only by one narrow channel, which is closed by ice for nearly half the year, can have no imaginable temptation to cast themselves loose from an Empire which supplies the security they want. Nova Scotia and New Brunswick, exposed on all their coasts to the navies of Great Britain, can never rise to sufficient power or importance to admit of their aspiring to be independent States. There is as little ground to imagine that they would ever desire to become subject to the Government of the United States. The disposition of their people is at present most decidedly adverse to the American Republic.

A view of the map of America will show that a junction of physical force for any bad purpose is out of the question, and the union would therefore confer the security of a Legislature composed of persons of different tempers and politics, without bringing with it the risk of any combination hostile to the Empire.

That a kingdom so situated would in time form a powerful check to the United States of America cannot be doubted.

It ought to be borne in mind that, as an independent nation, the United States have hitherto justified no expectation of a kindlier feeling towards our country than may be looked for from other foreign Powers. On the contrary, at a moment when the best interests of the civilised world depended on the unequal contest in which Great Britain was engaged, the United States joined the number of her enemies, in the confident assurance that she must sink under the pressure.¹ Happily, these efforts failed, and there appears no reason,

¹ It must be remembered that these words were written only nine years after the termination of the War of 1812-15.

in the present state of things, to apprehend their being soon renewed.

On the contrary, the most amicable relations seem to be maintained, with equal sincerity, by the Governments of both countries.

It has certainly been for many years the disposition of Great Britain to avoid all cause of dissension with the United States of America. If indeed an alliance so natural could be firmly and lastingly cemented, it would be happy for the interests of mankind; it would create a power which, while it would be competent to repress the designs of destructive ambition, would itself threaten no ill to the repose or the freedom of the world.

Before I leave this subject, I will remark that if the provinces of Canada only should be united, as it is proposed, the preponderance of one over the other in the joint Legislature, unjustly made use of, might possibly occasion so strong a dissatisfaction as to suggest a union with the neighbouring States as an escape from a greater evil.

But (he continues) I am not one of those who accede readily to any argument of this nature, because I do not admit the probability of such a result.

While in England, he actively interested himself in various other public questions concerning Canada, in addition to that which formed the special object of his mission, and was constantly in communication with those holding political and legal posts in the Government, meeting frequently with Mr. Wilmot (afterwards Sir Wilmot Horton) both privately and at the Colonial Office.

Among the matters to which he gave much attention was that of emigration to Canada, which his brother Peter¹ also had warmly taken up. The latter superintended the emigration of a large body

¹ Peter Robinson had much to do with the settlement of Peterborough in Upper Canada, which was named after him. (See chap. xi.)

of Irish emigrants to Canada and their settlement there about this period. In 1824 he writes to my father:—

19 BURY STREET, LONDON,
20th September 1824.

DEAR JOHN,—I have just returned from Ireland, where I have been busily employed for the last six weeks making a selection of about 1000 persons to be sent out early in April. Everywhere I was received in the kindest manner possible, and the friends of the people I took out last year were very warm in their expressions of gratitude. Lord Kingston sends about 400 persons from his estate—he was civil in the extreme, and I breakfasted and dined daily with him during my stay in his neighbourhood.

I spent a week with Lord Ennismore's family near Listowel, at the seat of the Knight of Kerry, very pleasantly. From thence I went to Killarney, and had the luck to be in time for a famous stag-hunt, a treat that brings people from all quarters for a long distance. . . .—Your affectionate brother,

P. ROBINSON.

That these emigrants appreciated the interest he took in them is shown by this warm expression of it in an address to Lord Bathurst in 1826:—

We take this opportunity of expressing to your Lordship how much of gratitude we owe to the Honourable Peter Robinson, our leader, our adviser, our friend, since we have been under his direction, and particularly for his exertions in administering to our comforts during a season of sickness and privation.

We have reason to be thankful for the wisdom and discretion which appointed over us so honourable, kind, and indefatigable a superintendent, who has used every exertion and care in providing for our every want.

We trust that our orderly conduct as members of society, and steady loyalty as subjects of the British Crown, will evince the gratitude we feel for the many favours we have received.

It may be mentioned here that Mr. William Lyon Mackenzie, who subsequently headed the Rebellion in Upper Canada, spoke thus of these emigrants in the *Colonial Advocate* of 8th December 1825 :—

Mr. Robinson's Irish Settlers.

To how much more useful a purpose might £30,000 have been expended than in recruiting in Ireland for the United States,

meaning apparently that these Irishmen would not remain contented settlers under the British Government, but would soon, either voluntarily or from political changes, come under the United States flag.

Events did not bear out this anticipation. At first there was some difficulty between them and other settlers, but this soon passed away, and Sir Francis Head, Lieutenant-Governor of Upper Canada, in writing to Sir Wilmot Horton on 21st May 1838, thus refers to the loyal and active support which, in the Rebellion twelve years later, they gave to the Government :—

These settlers were among those who at once marched (during the Rebellion) from the Newcastle district in the depths of winter, nearly one hundred miles, to support the Government.

On finding a body of the Honourable Peter Robinson's settlers, self assembled in line before Government House, I went out and thanked them, to which they replied that they were doing well in the world, that they felt grateful to the Government, and had come to fight for the British Constitution.

And he writes in "The Emigrant"¹ that, when he told them they would immediately receive muskets and ammunition, a voice from the ranks exclaimed in a broad Irish brogue, "If your Honour will but give us arms, the rebels will find the *legs!*"

My father also, in alluding to their services, writes to Sir Wilmot Horton:²—

I am glad that it occurred to you to inquire of Sir Francis Head what had been the conduct of the Irish settlers during the late unhappy tumults in Upper Canada. There was something remarkable and most honourable in the whole bearing of the Irish population throughout these troubles. There were numerous examples of men of every origin—English, Scotch, and natives of the province, and some who had come from the United States of America—doing everything that could be done by them in defence of their country; but I think it was universally felt throughout the province that the conduct of the Irish, as a body, was pre-eminently good.

They seemed not only to acknowledge promptly their obligation to support their Government and the laws, but they discharged their duty with an eager forwardness, and a fine hearty warmth of feeling that it was really quite affecting to witness.

It did honour to Ireland, and it showed that whatever may be the vices and errors of the Irish peasantry, hatred to their Sovereign and ingratitude to their Government are not among the number.

You may safely entertain the persuasion that there is no one public object which the people of Upper Canada and the Legislature feel a stronger desire to promote than an extensive

¹ "The Emigrant," by Sir Francis B. Head (1846).

² From a pamphlet by Sir Wilmot Horton, containing his correspondence with my father upon the subject of a pamphlet entitled "Ireland and Canada," published 1839.

emigration from the mother country. It adds at once to the value of property in the province, furnishes employment to mechanics, provides labourers or the farmers, and infuses life and activity into every department.

In the spring of 1825 the question of the "Clergy Reserves" and their disposal, which was for a long time a burning one in Upper Canada, took my father once more to England.

Into its nature I will enter a little further on, first quoting here what he himself says as to the period 1825-27. On this visit to England, he left my mother and the children in Toronto, and was away only a short time.

In 1825 I went again to England to represent to the Government the ruinous sacrifice which would be made of the provision for the support of a Protestant clergy in Upper Canada, if the sale which the British Government proposed to make of the Clergy Reserves to the Canada Company should be allowed to go into effect.

The Commissioners appointed to fix the price had made so low an estimate of the value of all these reserves scattered through the several townships, that upon the terms agreed upon of paying for them in fifteen annual instalments, without interest, the price per acre would be about 2s. 1d. I insisted upon it, and offered to demonstrate before any tribunal, that this could not be just, and could not be warranted by any evidence which the Commissioners had received.

The Secretary of State considered that he could not, in the face of such a statement, allow the sale to be completed as far as regarded the Clergy Reserves without an investigation; and I was accordingly called upon to support my account of the matter.

A Master in Chancery, Sir Griffin Wilson, was appointed to hear the Commissioners, who were all then in London, on

the one side, and me on the other, and to make his report. I asked for and obtained the mass of evidence on which the Commissioners had professed to found their report, and I proved, by a minute dissection of it, that it led immediately to the conclusion that the reserves were worth upon an average 7s. per acre.

Sir Griffin Wilson determined the controversy wholly in my favour, and reported to the Government that they could not, in justice to the claimants upon the Clergy Reserve Fund, suffer the sale to be perfected. The consequence was that all the Clergy Reserves were withdrawn from the sale, and the Canada Company received in lieu of them an equal or perhaps greater quantity of land in the Huron tract, a beneficial exchange for the country, and I believe also for the Company. What has since occurred has put it beyond doubt that I was much within the mark in the value which I placed upon the Clergy Reserves.

I thought, at the time, that this was one of the most useful acts of public service that I had had it in my power to perform; but subsequent political measures and movements have much diminished its importance, and even threaten a total destruction of the Clergy Fund, which I perhaps saved on that occasion to very little purpose.

Writing from London to Dr. Strachan on 6th July 1825, just before his return to Canada, and alluding to the proposed sale of the Clergy Reserve lands to the Canada Company, he says:—

The Government acceded to my proposition of assigning to the Church such a portion of the new purchase as might be deemed equivalent to the 800,000 acres of Clergy Reserves.

Mr. Horton has taken the alarm even at this late stage, and written a letter to the Commissioners on the part of the Government which must draw from them a contradiction or confirmation of my view of the matter. Mr. Horton declares that what I say is right the Government must reverse the whole thing and have another valuation made. I left him full of it.

If Harvey supports me, Lord Bathurst and Mr. Horton will not incur the odium of completing such a bargain.

My great satisfaction is that my opinion is recorded, and its correctness can be verified and soon will be. Just now the process is fermenting. It is clear to me that the Government feel that they have done a most unwise thing, and they feel also that they can take no step without incurring the reproach of extreme improvidence in their former arrangements.

Later on (29th January 1827) he writes thus from Canada to Dr. Strachan, who was then in England,¹ upon the subject of these Reserves:—

The matter more important than everything else put together is the new mode of attack upon the Church.² . . .

In England where the clergy are supported by tithes, which persons of all sects have to pay, and in Ireland, where tithes are collected from the great mass of a people detesting the Church which they support, it is no wonder that the Establishment is in some quarters the subject of complaint; but surely no man but a modern philosopher would for a moment contend that in England and Scotland the moral state of society is not to be mainly attributed to their national churches which, supported as they are, ensure the blessings of religious instruction to all classes.

Here, the people of Upper Canada inhabit a country conquered by the blood and treasure of England. The dominion of the soil was in the Crown by conquest. With a foresight most happily provident, one-seventh of that land, which was wholly at the King's disposal, was reserved to form a support for a clergy to dispense religious instruction among the people, and to minister to the holy services of our Church.

Was this more than a wise and reasonable measure towards

¹ For the purpose of obtaining a Charter for the University of King's College, Toronto.

² The proposal to sell the Reserves and apply the proceeds to purposes of education.

advancing the future happiness of those who were yet to become inhabitants of this province, and did not all come here with the knowledge that provision was made for supporting the national Church?

Let it but be confirmed and placed beyond the hope of envy and the reach of malice, and, before fifty years elapse, the Church will want no better defenders than the representatives of the people.

Your university will aid us. I write this in extreme haste and must draw to a conclusion, but how gladly would I plead the cause of the Church against the attacks of those who rail at her.

You must by this time have your university charter, on which I heartily congratulate you and myself, for my two boys are ripening for it. To have achieved this measure will be a lasting and unspeakable pleasure to you, and confer the greatest honour on your memory when generations have passed away. I cannot conceive what other service so valuable it can ever be in the power of an individual to make to Upper Canada.

In connection with this question of the Clergy Reserves and their secularisation, which was subsequently carried into effect, I must explain that in the year 1791, when Upper Canada, of which the population was mainly Protestant, was first made into a separate province, a British statute was passed (31 George III., ch. 31) for the special purpose of making provision for the support of a Protestant clergy in the Canadas, as had already been secured to the Roman Catholic clergy in the old Province of Quebec by the Treaty preceding the surrender of Canada in 1759, and by Act of the British Parliament in 1774.

In the provisions of this statute, it was declared to be its object "to make a permanent appropriation of lands in the said Provinces for the support and

maintenance of a Protestant Clergy," and it was directed that "for the purpose of more effectually fulfilling his Majesty's intentions in this respect and of providing for the due execution of the same in all time to come," certain allotments of the Crown lands in Canada were to be made, and secured in the future. It was further laid down that the profits arising from such lands should "be applicable solely to the maintenance and support of a Protestant Clergy within the Province in which the same shall be situated, and to no other use or purpose whatever."

Authority was also given to "constitute and erect within every township or parish one or more parsonage or rectory, or parsonages or rectories, according to the Establishment of the Church of England," and endow them with a portion of such allotted lands.

Power to vary or repeal the provisions of the Act was vested in the Canadian Legislature, subject to the approval of the Imperial Parliament and the Crown.

At the time this Act was passed, the Protestant denominations not in communion with the Church of England formed a comparatively small body, and the opinion held by Anglican Churchmen that the intention of the Act was solely to provide for the clergy of that Church has this in support of it, that for some thirty years after the passing of the Act, no attempt whatever was made to call in question the exclusive right of the Church of England to the "Clergy Reserves." The Church of Scotland then put in a claim to a share of them, which was eventually conceded to it, as being both a Protestant and an established Church.

This was soon succeeded by claims from various denominations of dissenting but Protestant bodies, who were becoming more numerous in Canada.

In November 1819, the law officers of the Crown in England delivered the opinion that the provisions of the Act did not extend to other Protestant bodies than the Churches of England and Scotland, "since the terms 'Protestant Clergy' can apply only to the Protestant Clergy recognised and established by law." . . . The question was not, however, brought to any decision in Parliament, and the claims of the various Protestant denominations to participate in the Reserves continued to be persistently pressed.

In 1831 a Bill passed the House of Assembly that these Reserves might be devoted to purposes of education, but was unanimously rejected by the Legislative Council, who addressed the King, praying him and the Imperial Parliament to preserve to Upper Canada this permanent provision for the support of public worship.

In this address, signed by my father as Speaker of the Council, the following paragraphs occur:—

We observe with great concern the efforts which are being made in this colony to inculcate the opinion that it is an infringement of liberty to make provision for the support of the Christian religion by maintaining some form of public worship, even though such a provision should be made (as in this province it has been made) without imposing a burthen upon any class of the people, and without subjecting to any civil disability those persons who profess a different faith.

As one of the branches of the Legislature of this colony, we feel it to be our duty to declare our dissent from such a position, as being directly repugnant to principles which have been long and firmly established in every part of the British Empire, and expressly at variance with the original constitution

of this province, and with the sacred pledge given by your Majesty's late royal father, when Canada became a British province.

. . . Concurring in the recommendation of his Majesty, the Parliament of Great Britain, by the statute 31 George III. ch. 31, made a provision for the support of a Protestant clergy in this province, in the terms of the royal message, and secured it by enactments so direct and positive, and so particular in their details, that there can be no part of the British Empire in which a public provision for the maintenance of religion stands on plainer ground than in the provinces of Canada.

In the end (in 1840) the contention as to the "Clergy Reserves," which had been a cause of much agitation and bitter feeling for many years, was finally set at rest by the passage of a Bill through the Canadian Parliament, which was approved in England, directing their secularisation.

Under its provisions, to quote from Canadian history:¹—

The Reserves were handed over to the various municipal corporations for secular purposes, and a noble provision, made for the sustentation of religion, frittered away so as to produce but very few beneficial results.

. . . The Permissory Act of the Imperial Parliament had reserved the life interest of incumbents. These interests were now commuted by the Canadian Act of Secularisation, with the consent of the clergymen themselves, and the foundation of a small permanent endowment was thus made.

The endowment of the Church by the State was thus practically put an end to in Upper Canada, though in the Lower Province the rich possessions of the Roman Catholic Church, secured to them by the terms of the capitulation of Canada, remained and still remain undisturbed.

¹ MacMullen's "History of Canada," p. 528.

Throughout this controversy my father fought the battle of the Church of England to the utmost of his power, being both firmly convinced of her legal rights and an attached member of her communion; but while he held the view that the religious instruction of the people should be, on grounds both of duty and policy, the first care of the State, he was neither hostile to denominations of the Church other than his own, nor indisposed to give his practical aid to them in their efforts to do good.

This cannot be better illustrated than by giving some extracts from a letter addressed by him on the 12th April 1842 to the editor of *The Church* newspaper, in which, in an extract from the *Christian Guardian* and an editorial article, he had been held up to unqualified reprehension for having granted a site at Holland Landing to the Canada Conference for a Methodist Church, thus "setting an erroneous and pernicious example."

After explaining that the land forming the site had come to him after the death of his brother Peter, who had in his lifetime promised it for the purpose in question, my father adds that even without this he would have been disposed to yield to the request for it, and says:—

It would by no means have been the first act of the kind for which I have to answer, nor is it very probable that it would have been the last.

I do not consider the inference a just one that by acts of assistance of this nature to other religious societies, when occasion seems to call for it, I give any evidence of an impression that "there is no material difference between the Church and Dissent." It argues rather, I think, a conviction—which I do seriously entertain—that there is a "material difference"

between an ignorance of all religious truths, and the being instructed in those truths by teachers who may differ from us in several points of discipline and even of doctrine, while they zealously and fervently inculcate the main articles of our faith.

In travelling through the rural portions of Lower Canada, the most agreeable objects in the landscape, to my eye, were the numerous parish churches, although they were Roman Catholic; and if Providence had cast my lot there among a French population, and the question whether they should have a church to worship in or not had depended upon my giving them a few feet of ground on which to place it, I believe I should have settled the question in the affirmative, not doubting that I was serving the cause of religion, and doing some good to my fellow-creatures.

. . . My opinions on this subject may very possibly be influenced by circumstances which are not of universal application, but which I think it would not become those who know them to leave out of account.

Before you were born probably, and at least before you had heard of Canada, I was in the habit of travelling annually into the remotest districts of this province in the discharge of duties connected with the administration of justice.

Frequently, in the most lonely parts of the wilderness, in townships where a clergyman of the Church of England had never been heard, and probably never seen, I have found the population assembled in some log building, earnestly engaged in acts of devotion, and listening to those doctrines and truths which are inculcated in common by most Christian denominations, but which, if it had not been for the ministration of dissenting preachers, would for thirty years have been but little known, if at all, to the greater part of the inhabitants of the interior of Upper Canada.

. . . I am persuaded that but for their zealous labours there would have been thousands and tens of thousands of our people who would have grown up in utter forgetfulness or ignorance of every Christian doctrine or duty—strangers to any observance of the Sabbath, unmindful of the superintend-

ing providence of God, uninitiated in any truth of the Gospel, and without any serious sense of their accountability in a future state.

It was indeed bad enough, and is still bad enough in many parts of this new country, with all that has been done or could be done, in the absence of that effectual provision which the Government of the parent State could alone have supplied; but if there had been no ministers in Canada but the few clergymen of our Church, zealous and enlightened as they were, I fear it would have often happened that the obligation of an oath would have been imposed upon jurors and witnesses whose first and only acquaintance with the Scriptures would have commenced when the Gospels were put into their hands in a Court of Justice.

I have that confidence in what I believe to be truth—that admiration of the rational doctrines, the pure worship, the incomparable liturgy, the just and tolerant spirit of our Church—that I do sincerely believe that the time will come when those who have separated themselves from her will gladly, and of their own accord, return under her shelter.

If we could see this in our own time, I believe we should see the consummation of an object more desirable than all others for the happiness of mankind; that, however, we cannot expect. In the meanwhile I apprehend we shall not be hastening its approach by exhibiting in our conduct or our language that jealous spirit which is an argument of weakness rather than of strength, which draws no distinction between the worst superstitions of paganism and any peculiarity of doctrine and form which may separate from our communion the most inoffensive and zealous of our Christian brethren.

It may not inappropriately be mentioned here that in 1828, when the "Religious Denominations Bill" was before the House of Assembly in Upper Canada, my father, then Attorney-General, voted with the advanced Liberals in favour of the measure—which had for its object to confer on all religious

denominations the power to appoint trustees to hold land in perpetuity for the purposes of meeting-houses, chapels, or burial-grounds.

There were several who opposed the measure, and Mr. Read¹ says with respect to this:—

This shows that Mr. Robinson by his acts evinced his high regard for the early settlers of the country of whatever faith or political complexion.

Between the time of my father's first election (in 1821) as member for York (now Toronto) in the House of Assembly and the year 1829, when he went upon the Bench, he continuously represented York in Parliament, being twice re-elected, and was very actively engaged in legal and Parliamentary duties.

His earlier circuits were not unfrequently made on horseback with saddle-bags, as the most convenient method of travelling over many of the country roads, and he was, on account of his practice and from being Attorney-General, regarded as head of the Bar in Upper Canada.

By early association, education, and conviction, he was a Conservative in politics, a strong supporter of the Crown and of British connection, and a firm advocate for the union between Church and State.

During his Parliamentary career he was often in active conflict with the Liberal opposition, for he soon became what may be termed the leader of the Government (or Conservative) party; but it is gratifying to know that, with but very few exceptions, both opponents and friends have alike acknow-

¹ Read's "Lives of the Judges" (1888).

ledged that he was never actuated by unworthy motives, was courteous to all, and free from bigotry.

A writer in one of the Canadian papers thus describes him at the time he was Attorney-General and in Parliament :—

And first the King's Attorney rose,
Polite alike to friends and foes,
Who in strict justice takes such pride
He seems not fee'd on either side.

His work was very hard and unremitting, and no doubt told subsequently upon his health. Writing in 1827 to Dr. Strachan, then in England, he says :—

Our session began on the 5th December. From that day to the present, I have been constantly at work. Besides the business of my office, always increased by the session, and the bringing forward and supporting every measure of Government, I am placed on almost every committee. Projects for improvements multiply upon us, local objects exciting conflicting interests and feelings are to be adjusted, and I find that the labour generally devolves upon me of putting things in shape and devising the details.

I am now on more than twenty committees, and unless by constant application I hasten business, the session must be protracted, and I must be the greatest sufferer in every respect by such a consequence.

I decline nothing of this kind, because I find that it tends to place me on the best ground in the House—but it is horribly fagging work.

In some works upon Canadian history my father has been more or less condemned for voting in 1822, when Attorney-General, that Mr. Bidwell¹ should

¹ Mr. Barnabas Bidwell, who had been returned as member for Lennox and Addington.

be debarred from holding a seat in Parliament; also for introducing the Alien Bills in 1824; for his association with what was termed "The Family Compact"; and for conducting, as Attorney-General, certain prosecutions for libel, deemed by some narrow-minded and tyrannous.

He does not touch upon any of these matters in his memoranda, and I imagine considered it to be unnecessary; but it may not be improper that I should allude to them, especially as, were I not to, my motive for silence might be misunderstood. In doing so, I shall abstain from quoting from those writers who have supported my father's general policy, as what they say might to some extent be biassed in his favour.

The matters of Mr. Bidwell and the Alien Bills may be fittingly taken together.

The Alien Bills, or "Bills for conferring Civil Rights" on certain inhabitants of the Upper Province, were in fact liberal in their object, and meant to place beyond all dispute the position in Canada of many who were not by law recognised as British subjects, as well as their power to dispose of their property.

There were in Upper Canada many residents formerly citizens of the United States, and many officers and soldiers of foreign corps who had received grants of land and settled in the province. These had been allowed practically to exercise all the privileges of British subjects, but were not regarded as such by the law.

A measure to remedy this anomaly was deemed necessary by the Colonial Office in the interest of individuals and their estates, and the legal question

of what did, and what did not, constitute an alien was one of the main points involved.

When the Bills were first introduced, a majority of the House of Assembly had contended that no one who had been born in British America before 1783¹ could ever be regarded as an alien, and that the children and grandchildren of those Americans born before 1783 must, as the children and grandchildren of British subjects, be themselves British subjects.

This contention my father from the very first had differed from, and the Chief-Justice of England, in an important case of *Thomas v. Acklam*, 4 D. & R. 394, 2 B. & C. 779 (1824), had ruled in a sense completely opposed to it.

This case arose upon the trial of an ejectment brought by one Thomas and his wife, Frances Mary Thomas, to recover possession of some real estate in Yorkshire. It was found by the jury, by a special verdict, that the wife had proved herself the next heir to the person who had died seized of the estate, provided she could by law inherit.

The grandfather of Frances Mary Thomas, a native of England, had emigrated to New Haven, in the State of Connecticut, then a British colony, where he was appointed collector of his Majesty's Customs, and died while holding that office in 1775.

He left several children, all of whom died without issue except one daughter, Elizabeth. She, on the 22nd October 1781, married James Ludlow, who was born in the State of New York, then one of the British Colonies, and remained there after the separation of the American Colonies from the Crown.

¹ The independence of the United States was acknowledged by the Crown of Great Britain 3rd September 1783.

Elizabeth Ludlow died in the year 1790 in the United States of America, leaving an only daughter, Frances Mary Ludlow, born at Newport, in the United States, 4th February 1784, who married Mr. Thomas in the United States in 1807, and was the Frances Mary Thomas, the claimant in this case.

The question of law which, upon the special verdict of the jury, was left to be decided by the Court of King's Bench, was whether, under these circumstances, Frances Mary Thomas could inherit lands in England; and the Chief-Justice of England, Abbott, C.J., delivering the judgment of the Court of King's Bench, before which the case was brought, said:—

James Ludlow, the father of Frances Mary, was undoubtedly born a subject of the Crown of Great Britain; he was born in a part of America which was at the time of his birth a British colony, and parcel of the dominions of the Crown of Great Britain; but upon the facts found we are of opinion that he was not a subject of the Crown of Great Britain at the time of the birth of his daughter.

. . . We are of opinion that James Ludlow had ceased to be a subject of the Crown of Great Britain, and became an alien thereto before the birth of his daughter, and consequently that she is also an alien, and incapable of inheriting land in England.

Mr. Ludlow had taken no active part during the war, and had never abjured his allegiance to Great Britain. He was also a member of a family noted for their loyalty to the Crown, and his brother¹ had lost much of his property by adherence to the royal cause.

¹ Chief-Justice Ludlow of New Brunswick, whose daughter married John Robinson, Speaker and Treasurer of New Brunswick, a son of Colonel Beverley Robinson.

This decision therefore bore with all the greater severity upon his daughter Frances Mary Thomas, and of itself showed that some measure in the interest of persons in an analogous situation was demanded as a mere act of justice.

With respect to the case of Mr. Bidweil, he was very clearly an alien, as shown further on, if Mr. James Ludlow was one, and it was solely because my father as Attorney-General for the Crown held the opinion that he was an alien in the eye of the law, that he opposed his being permitted to sit in Parliament, and moved in the House that he was "an alien, and therefore incapable of being elected."

I now quote from my father's speech in committee on the Bill, December 5, 1825:—

Upon the events of the war¹ I need not dwell. These are sufficiently impressed upon the recollection of us all, and I am happy upon this, as upon every other occasion, to bear testimony to the loyalty and good conduct of a very great portion of those people who had emigrated from the United States.

It is this evidence of their general disposition which has doubtless made his Majesty's Government here and in England desirous that all apprehensions and difficulties as to their civil rights should be removed, and that they should henceforward be assured of finding their situation in all respects the same as if they had been born in the province, or had come from any part of his Majesty's dominions. . . .

It is evident that the first point we are called upon to decide is whether the different classes of persons mentioned in the preamble of the Bill do, in fact, stand in need of a legislative enactment to confirm them in their possessions, and to give them all the rights of British subjects.

¹ Of 1812-15.

It is impossible, Sir, for me to be in any doubt on this head. . . .

With respect to our settlers from the United States we can no longer, in justice to them, shut our eyes to the truth that many of them at least are subject to legal disabilities, which, as it is intended that they should be placed on the same footing as the other inhabitants of the province, it is necessary to remove by some positive legislative enactment.

We need but compare the facts as they affected the case of Mr. Ludlow with those which affect the political situation of many hundreds, and I may say indeed thousands, who are now in this province, to be convinced of that necessity.

And further, in this speech he takes occasion to refer to the case of Mr. Bidwell, and explain the action which he had taken regarding it, as follows:—

It had been proved in evidence that the member petitioned against (Mr. Barnabas Bidwell) was born in one of the present United States of America before the treaty of 1783, and while it was part of the British dominions; that he resided in that country during the whole period of the Revolution; that after the treaty of 1783 he had remained in the United States, had sworn allegiance to their Government, and abjured on oath all allegiance for ever to the Crown of Great Britain; that he had held offices of great trust and confidence in the United States until the year 1809 or 1810, when he removed to this province where he had since resided, without, as it appeared, having complied with the provisions of any British statute under which he could have been naturalised.¹

Being a member of the House of Assembly, it became my duty to declare my opinion on oath, and I did so, and stated very fully the reasons on which I had formed it. Those who, like myself, considered the sitting member ineligible were of opinion that, though born a British subject, he was not a

¹ Mr. Bidwell, after his arrival in Canada, had taken the Oath of Allegiance, but this was not held to confer, without the fulfilment of other provisions, the privileges of a natural-born British subject.

natural-born British subject *at the time of his election*, which they conceived was intended and required by the expression used in the 31st of the late King . . . that the individual in this instance had by the most open and unequivocal acts declared his election to be a member of the new Republic by abjuring his former Government, and that he became as effectually an alien with respect to Great Britain as if he were the subject of any foreign Power in Europe. He did not claim or pretend to have been naturalised, but on the contrary maintained that the circumstance of his birth alone entitled him, upon the principles of the common law of England, to be regarded as a British subject without the aid of any naturalising act.

It can be seen from what has been said above how much less ground Mr. Bidwell had to be viewed as a British subject than Mr. James Ludlow.

It should be mentioned also that in 1823, at an election for the counties of Lennox and Addington, the returning officer had refused to receive votes for Mr. Marshal Spring Bidwell, the son of Mr. Barnabas Bidwell, on the ground that he also as well as his father was in the position of an alien. My father was in England, though, when this question was debated.

It is a satisfaction and pleasure to be able to give the following extracts from a letter, written on 24th February 1863, by Mr. Marshal Spring Bidwell to my uncle, W. B. Robinson, condoling with him and with my mother upon my father's death. They tend to show that he at all events had not viewed my father's action as springing from any want of consideration, or from a loose unwarranted reading of the law.

In alluding to him at the time when he was Attorney-General, he says:—

I remember distinctly the first time I saw Mr. Robinson. I was a student-at-law, and had gone from Bath to Toronto to attend the Court of King's Bench at Michaelmas term. His appearance was striking. His features were classically and singularly beautiful, his countenance was luminous with intelligence and animation; his whole appearance that of a man of genius and a polished gentleman, equally dignified and graceful.

Altogether his features, figure, and manners filled my youthful imagination with admiration, which subsequent acquaintance and opportunities to hear him at the Bar and in Parliament only strengthened, and which was not diminished by the difference between us in our views and opinions upon public affairs. . . .

I heard him frequently at the Bar, and on some occasions I had the honour to be junior counsel with him. He was a consummate advocate, as well as a profound and accurate lawyer.

No one could be more faithful. He studied every case thoroughly, examined all the particular circumstances, and made himself master of all its details. He was sincere and earnest in his opinions, uncompromising, frank, and fearless in the expression of them.

I was present upon those occasions in Parliament which aroused him to great exertions. He was at all times a correct, interesting speaker, but upon these occasions he spoke with great force and effect. The fire of his eye, the animation of his countenance and his manner, combined with dignity, cannot be appreciated by any one who did not hear him. No report of his speeches, no description of his manner and appearance can convey to others a just and adequate idea.

He was an admirable Parliamentary leader. He never exposed himself by an incautious speech or act, and never failed to detect or expose one on the other side. He never attempted to make a display of himself, or indulged in useless declamation; but spoke earnestly and for the purpose of producing an immediate effect.

He was always courteous, communicative, and obliging.

The above words, written long after the heated controversies of these days were over, speak equally for Mr. Bidwell's heart and impartiality, and are much prized by my family.

It is a little difficult to understand why these "famous Alien Bills," as they have been termed, excited so much feeling as they did in Canada.

Some writers have considered that they were disliked because it was supposed that to pass them would be beneficial to the Conservative party, and the opponents of that party naturally suspected the cloven foot in any Liberal measure from that side of the House. It has been supposed also that it was then considered to be against public policy to offer encouragement to foreigners to become British subjects, although, had the initiative not been taken by the Conservatives, the Liberal party must have committed itself before long to some measure of the kind.

Others have considered it due to the provisions of the Bills not being liberal enough.

Possibly it was from a combination of these reasons, added to the not unnatural dislike which many of those who had practically exercised for years the privileges of subjects felt at being termed and having to register themselves as "aliens."

In the words of a petition sent in against the Bill: "Their feelings were wounded beyond expression at being compelled to come forward in a foreign character, at the peril of their utter ruin, and repeat that allegiance which they had frequently confirmed under oath and sealed with their blood."

My father says in his speech in 1825, above quoted:—

It did appear to me that the suspicions of some honourable members were excited lest under the pretence of conferring a benefit, some mischief might be intended. I confess that on discovering this, I was influenced by a feeling of indignation to which perhaps I ought to have been superior.

The term "Family Compact" was but a name for those holding office under the Conservative Government of the day.

Mr. Read, in his "Lives of the Judges," says: "There are not wanting writers who have laid to the door of the Family Compact all the sins that flesh was heir to in those days;" and a recent writer upon Canada at this period says:—

The term "Family Compact"—first applied, it seems, by Mackenzie in 1833—was a sneering reference to the Bourbon League of the eighteenth century.

And he thus alludes to its leaders:—

Strachan and his friends were emphatically the Tory party of Upper Canada. . . . As became Strachan's pupils, the Tory leaders were keen Anglicans, and felt as much interest in the Clergy Reserves as in their own huge grants of wild lands.¹

Very possibly the name "Family Compact" was first applied by William Lyon Mackenzie, as here stated; but I have before mentioned how my father did not accept such a grant of land when offered to him (Chapter VI. p. 150), and I have no doubt that

¹ "Self-Government in Canada and how it was Achieved (the Story of Lord Durham's Report)" by F. Bradshaw, B.A. (1903).

others of the Conservative party would have acted in precisely the same way.

Many incidents in my father's career show that neither land, nor office, nor money were ever unduly sought for by him, and in an allusion which he makes in 1854 to his family, though not in connection with the Family Compact, he says:—

My father, Christopher Robinson, left three sons, all of whom were like himself in process of time elected to the Assembly, my brothers for counties and I myself for Toronto. All have been members of the Executive Council of Upper Canada, two members of the Legislative Council, and all three have had regiments of Militia. I believe it to be quite true that they owed their appointments to no applications of their own, or of any one for them.

My own sons have never applied, and I have never applied for them, to the Government for any office of any kind, and they none of them receive a shilling from the public revenue of the country in which I have served so long.¹

I will only add to this, that if he and his brothers held appointments often under the Crown, they were also elected, some of them again and again, to the House of Assembly by the votes of the people; and that Lord Durham himself, in speaking of the Compact, says in his report: "There is, in truth, very little family connection among the persons thus united."

The fact seems to be that the Conservative party at this time was largely composed of the earlier settlers of Canada, or their descendants, many of whom were United Empire Loyalists, though it is

¹ Many years after my father's death, my brother, John Beverley Robinson, became Lieutenant-Governor of Ontario (1880-87). This was not, however, in the days of the "Family Compact," but under Responsible Government.

a mistake to suppose that all Loyalists belonged to the Conservative party only. In that party they were most numerous, but they were to be found also in the ranks of their opponents. These Loyalists had been in conflict more or less with the United States, and sufferers from the principles of a republican form of government for upwards of a generation ; and in the events of the French and American Revolutions, which may be said to have occurred in their own time, had seen much of the evils which may accompany the excess of popular power.

In the twentieth century, when we are far removed from these events, and when loyalty to the Sovereign and attachment to British institutions are so firmly established throughout the Empire, we can hardly realise what a practical matter this "loyalty" to the representative of the Crown was at this period, and what solid ground many of the Loyalists had to distrust those who were not known to be firm supporters of authority and of the principles which they themselves upheld.

As my father has said of them :¹—

Their feelings sprang from a pure source. Their loyalty was sincere, for it led to the sacrifice of property, of country, of kindred, and friends. By some it has been ascribed to the influence (it would indeed be an excellent influence) of an imaginary "Family Compact," or what they have called "Orangeism ;" by others, to an innate subserviency to power for sordid purposes ; to anything, in short, but the existence of that principle which teaches us to stand by the right through good report and evil report, and to cling the closer to

¹ "Canada and the Canada Bill" (1839).

what is just and good in proportion as we see it to be ungenerously assailed.

The claim of the Loyalists, of all political parties, to the consideration of Government rested not on party, but on national grounds.

In order that it should never be forgotten, Lord Dorchester, an early and able Governor of Canada, expressed his wish, in 1789, to "put a mark of honour upon the families who had adhered to the unity of the Empire and joined the Royal Standard in America before the Treaty of Separation in the year 1783."

In response to this an Order in Council was passed at Quebec (9th November 1789) to register these families,¹ "to the end that their posterity may be discriminated," for "distinguished benefits and privileges."

This distinction, extending to the posterity of those it honoured, shows the light in which Government in 1789 regarded the Loyalist services;² and in the War of 1812-15 these Loyalists, and their sons, again came prominently forward to preserve Canada to the Crown.

It has been recently said:³—

In considering British sentiment in Canada, it is well to remember its history. The founders of British Canada may fairly be called "the first of the Imperialists."

To the "Family Compact" and Conservative party which I have described my father was proud to belong.

¹ See Appendix A., viii., as to this.

² The above facts explain the value attached to the letters U.E.L. by the descendants of the United Empire Loyalists. It is based upon the "mark of honour," conferred over a century ago, by an Order in Council, at the instance of the representative of the King.

³ Arthur Gill, letter to the *Morning Post*, Sept. 29, 1903.

On the subject of the prosecutions for libel, which, when in the office of Attorney-General, he deemed it right, or was directed by Government, to institute, I shall say very little, because opinions must often differ as to when the line is passed beyond which it becomes weakness and against the public interest, rather than magnanimous, not to take notice of serious accusations preferred against an official, and bearing upon his fitness to discharge a responsible duty.

Of these prosecutions, that which has been most commented upon was the one brought by him against Francis Collins, editor of the *Freeman* newspaper, instituted in 1828. Collins, a bitter journalistic opponent, had imputed to him as Attorney-General falsehood, malignity, and what was practically neglect of duty. He was found "guilty," and sentenced to a fine of £50 and twelve months' imprisonment.

Mr. Bradshaw¹ says as to this:—

Collins was largely to blame, for he mistook Robinson's forbearance for timidity, and was not satisfied with a former narrow escape.

And Kingsford in his *History* takes the same view.²

The offence was, in short, deliberate, and forbearance had been previously exercised in vain.

I find from my father's papers that during 1824 the question of whether he would like employment out of Canada was raised in the following letter from Sir Wilmot Horton, Under-Secretary for State for the Colonies, and Sir Peregrine Maitland seems later

¹ "Self-Government in Canada," &c., by F. Bradshaw (1903).

² "History of Canada," by William Kingsford (1898).

on to have more than once suggested that he should move to England ; but I find no replies to these suggestions, and even had it been practicable to secure for him any suitable post, which he could have ventured to accept, I doubt if the idea of leaving Canada would ever have been agreeable to him.

From Sir Wilmot Horton.

13th July 1824.

I believe that I mentioned to you the possibility of independent Members of Council being appointed at the Cape, Mauritius, and Ceylon—the maximum £3000, the minimum £2500. Would you like such a situation, and are you anxious to come to England (independent of Parliamentary views) to prosecute the law, provided you could obtain a situation of £500 or £600 per annum? Let me hear from you on these points.

In 1825 it was proposed that he should go upon the Bench as Chief-Justice of Upper Canada, to which he thus refers :—

In October 1825 Chief-Justice Powell having applied to retire, the situation of Chief-Justice was offered to me by the Secretary of State, but I declined, because I was young, and had no objection to work in my profession, in which I had a large and increasing practice.

I had many young children to be brought up and educated, and the emoluments were not such that I could venture to accept them, and give up my office of Attorney-General and my growing practice at the Bar.

Mr. Campbell was made Chief-Justice, and having represented to the Government the insufficiency of the salaries of the Chief-Justice and the other Judges for the proper support of the Crown Offices, these were raised.¹

¹ As to changes made in the salaries of the Bench, see chap. ix. and Appendix A.

His health failing, Mr. Campbell desired to retire earlier than he subsequently actually did, when it was again proposed to me to accept the office, which I again declined.

Not long after this, however, my father went upon the Bench, as explained in the next chapter, and upon his ceasing to be member for York, a number of his constituents united in procuring from England a valuable piece of plate, which they presented to him in the following year (8th July 1830), and which bore the following inscription:—

Presented by a number of the electors of the town of York to the Honourable John Beverley Robinson, their highly valued representative in the Provincial Legislature of Upper Canada, as a mark of their admiration of the talent, zeal, and integrity with which, during a period of nine years, he has defended in a popular assembly the genuine principles of the British Constitution, and upheld the Government of his country.

The *Law Journal*¹ thus alludes to his Parliamentary life, and describes, I think accurately, the views he held as to his obligations to his constituents as their elected representative:—

Sir John Robinson held the doctrine that Parliamentary representation was essentially different from delegation; that as a representative he was neither elected to legislate for a particular class nor to advocate exclusive interests, nor was he a mere agent with defined powers, and entrusted as it were with proxies of the votes of his constituents, to give effect to limited instructions. He claimed the right of individual judgment, and that he was entrusted with discretionary powers to be exercised as conscience and circumstances suggested. In an address to his constituents (on the occasion of his last election for York in 1828) he thus expressed himself:—

¹ *Law Journal*, March 1863.

“You will do me the justice to remember that I have always plainly told you that there was no object I could propose to myself in my political career for which I would exchange the satisfaction I desire to enjoy at its close, in the reflection that I have ever moved in that path which my judgment pointed out to be the right one. Whenever it shall appear that this conduct disqualifies me for running the race of popularity, I shall cheerfully submit to the consequences.”

The same journal thus refers to him as a leader of the Conservative party:—

As a Parliamentary leader Sir John has scarcely ever been equalled in this colony. Amid the turmoil and excitement consequent upon constitutional changes, he not only kept his obligations to his friends, but, without pandering to their passions, gained the honourable estimation of even his bitterest opponents. The secret of his success was his sterling honesty of purpose and his unbending integrity in its performance.

As a speaker Sir John Robinson had few equals. He was a good debater, forcible in expression, and convincing in argument. His ability in responding to an opponent was unmatched. Never taken by surprise, he has been known, after a long and stormy debate, conducted against him by no mean antagonist, to rise without the slightest preparation, and grapple with every proposition, leaving no argument unanswered, or misstatement uncontradicted.

He had great command of language. His speaking perhaps did not often rise to eloquence in the general acceptation of the term. He seldom attempted to electrify, or appeal to the feelings and passions of his audience; he looked upon eloquence and wit as weapons of a delicate nature, the use of which was blunted and impaired by frequent employment, but on the few occasions when he appealed to the loyalty of his followers, or repelled, in a burst of virtuous indignation, some ill-intentioned personal attack, he seldom failed to rally his friends into enthusiasm, and cover his opponents with shame and confusion.

CHAPTER VIII

ON THE BENCH AND IN THE LEGISLATIVE COUNCIL (THE CANADIAN REBELLION)

1829-58

Succeeds Chief-Justice Campbell on the Bench—Resigns seat on Executive Council—State of Canada, 1815 to 1838—Agitation for Responsible Government—Outbreak of Canadian Rebellion—Attack upon Toronto—Trial of prisoners—Destruction of the *Caroline*—Outrages on Canadian frontier—Act against foreign aggressors—Trial of aliens for treason—Letter as to consulting heads of departments—Offered knighthood: reasons for declining it—Letters from Sir F. Head, Sir A. MacNab, Sir G. Colborne, and Sir G. Arthur—Their services to Canada, &c.

IN 1829 ill-health compelled Chief-Justice Campbell to retire,¹ and the vacancy of Chief-Justice of Upper Canada was for the third time offered to my father, who accepted it, his commission being dated 13th July 1829. He gives the following reasons for now deciding to go upon the Bench:—

On this last occasion I had some scruple about standing longer in the way of the promotion, which is naturally looked for among members of the Bar, and I was apprehensive that, by the appointment of some person from England not older than myself, I might be shut out from the judicial office when circumstances might lead me to desire it.

From this time, throughout his life, his duties were mainly judicial, although under the colonial system of the day he continued for a few years to take a part in political life as President of the Executive and Speaker of the Legislative Council.

¹ After his retirement he was knighted (the first Canadian judge to be so), and became Sir William Campbell.

These posts were filled *ex officio* by the Chief-Justice, until the union of the Canadas in 1841, when the occupants of the Bench ceased to hold any political office.

My father, however, resigned the Presidency of the Executive Council about 1832, it having been intimated to him that, as a matter of Government policy, it would be agreeable were he himself to take that step—a suggestion he complied with at once; and he never actually sat in the Legislative Council after 1838, from which date until 1840 he was in England.

As a consequence, he was not present in the Legislative Council in 1839 during the debates upon the Union Bill of that year, though he published in England his views with respect to the Bill, which are given fully in succeeding chapters.

I have some reason to think that his active opposition to this Bill, which was afterwards withdrawn, and differed in many points from that passed in 1840, added to the fact that he had been in earlier years Conservative leader in the House of Assembly, have created among many an impression that he took a greater personal share in politics when on the Bench and also in the Legislative Council, *i.e.* between 1829 and 1840, than in reality he did.

The journals of the Council during this period show that he was regular in his attendance as its Speaker; but there is neither in them nor in the references made to him in those newspapers of the time which I have consulted, anything to indicate that, after he had ceased to sit in the House of Assembly and Executive Council, he ever, with the exception I have alluded to in 1839, concerned himself very specially with political matters.

It may be added also that the duties of "Speaker," or presiding officer, are incompatible with taking any active part in debate.

He must, of course, as official head of the Council, have given his advice, when asked for, to the representative of the Crown; and from his long experience of Canada he was no doubt often consulted: but in a letter, from which I quote further on in this chapter, to Sir George Arthur, it is to be gathered that his wish was to be referred to only so far as was clearly called for in the position which he held.

To his work as a legislator, in the general rather than political sense, the *Law Journal*¹ thus alludes:—

The fruits of Sir John Robinson's life as a legislator are to be found in the pages of our statutes. Several of our most important Acts were framed by his own hand. They bear evidence to his great legislative ability and to his clear perception of an existing evil or defect, and the remedy most fitted to remove it. They show his strong attachment to monarchical institutions, his intention to preserve the relations of the province with the Empire, and they are further characterised by that close approximation to those British institutions which have so long been our pride and our boast.

The period during which he was in the Legislative Council was one of much political unrest in Canada. The struggle for "Responsible Government," and afterwards the Canadian Rebellion, disturbed the country during these years, and were the most important events to which I need refer; but it may be said in addition that throughout the whole of his association with politics, from 1821 (when, shortly after the war, he entered the Lower House),

¹ *Law Journal* of Upper Canada, March 1863.

Canada was at periods in a more or less agitated and unsettled condition.

To justly estimate the policy of the Conservative party to which he belonged, and its attitude towards the party of Reform, during the years when Canada may be said to have been passing from youth to manhood, it is necessary to understand something of the then circumstances of the country; but while I must, for this reason, briefly allude to them, I will confine myself, as I have occasionally done before, to what has been written by those who, in their general views, are certainly not partisans of the Conservative policy of those days.

Mr. MacMullen writes :¹—

The War (of 1812-15) which, in one way or another, drew almost the entire male population of Upper Canada into its vortex, had of itself completely unsettled the habits of the people by its novelty and excitement; and the absence of these mental stimulants, aside from the greater scarcity of money, produced a very general irritation. . . . This naturally found vent against whatever were deemed abuses, and formed the microscopic medium through which the injuries they entailed, whether real or fanciful, were regarded.

Then Mr. Robert Gourlay came to the country, “distinguished for a litigious and dissatisfied, though benevolent disposition . . . energetic, restless, ambitious . . . indefatigable in hunting up abuses.”²

Then William Lyon Mackenzie, a future leader in the Rebellion, commenced a course of violent attacks upon the Government, declaring that he

¹ MacMullen's "History of Canada," p. 339.

² *Ibid.*, p. 341. Mr. Gourlay subsequently became insane, and was imprisoned in England for striking Lord Brougham, a distinguished advocate of Reform, in the lobby of the House of Commons.

would rather work for his bread than "submit to the official fungi of the country, more numerous and pestilential than the marshes and quagmires that encircle Toronto."¹

To this was added the struggle for Responsible Government, and the whole culminated in the Rebellion, which, while like a storm it eventually cleared the air, was only put down after some bloodshed, and, together with the contests over the Union Bill, left the country politically unsettled for a time.

It was in the year in which my father went upon the Bench (1829) that the question of "Responsible Government" is said to have "first loomed distinctly on the public view as the great panacea for Canada's many evils;"² and the agitation for the principle it involved, which was that the Executive should be responsible to the representatives of the people and not merely to the Crown, was carried on after he had ceased to be a member of the House of Assembly.

He is said by some to have been opposed, when in the Legislative Council, to the principle of "Responsible Government" in the Colonies. It would be more correct, I believe, to say that he did not consider that in the interests of the Crown and British connection it could be prudently introduced into Canada at the time its concession was being so vehemently demanded, and under the then condition of the country.

In this he may have been wrong, or he may have been right, but the events of the Rebellion proved that there were many in that political party which

¹ MacMullen's "History of Canada," p. 360.

² *Ibid.*, p. 370.

was demanding a larger measure of popular control, who under the name of "Reform" were aiming at something essentially different; they desired a Republican form of Government, and could not be controlled by the more moderate of that party.

It is true that many of the latter had no sympathy with these extremists, who eventually lost weight, but while my father was in Parliamentary life there was ground to view with great apprehension the introduction of any measure, such as Responsible Government, which would tend to increase their number, and therefore power, in the Legislature.

In the Lower Province, Mr. Papineau, Speaker of the House of Assembly, who had been twice elected to that office, had, in 1835, spoken thus in the House:¹—

The time has gone by when Europe could give Monarchies to America; on the contrary, an epoch is now approaching when America will give Republics to Europe.

Other members had used somewhat similar language; and Mr. Kingsford relates² how, in March 1836, Mr. Barnabas Bidwell, Speaker of the House of Assembly of Upper Canada, laid on the table of the House a letter from Mr. Papineau, Speaker of the House of Assembly of Lower Canada, forwarding certain Resolutions of that body, and containing these words:—

The state of society all over Continental America requires that the forms of its Government should approximate nearer to that selected, under propitious circumstances, and after

¹ MacMullen's "History of Canada," p. 396. Mr. Papineau became a leading instigator of the Rebellion in 1837.

² "History of Canada," by William Kingsford (1898), vol. x. p. 356.

mature consideration, by the wise statesmen of the neighbouring Union, &c.

Mr. MacMullen writes¹ that up to the year 1826 fully one-third of the Reform party consisted of emigrants from the United States, who "considered that a Monarchical form of Government must be necessarily arbitrary; regarded Republican institutions as the only liberal ones, and desired to see them established in Canada."

And Mr. F. Bradshaw² also writes:—

The Radical opposition (*i.e.* the extreme section of the Reform party), from the time of Willcocks³ to that of Bidwell, consisted of United Irishmen and Americans, with a preference for Republican institutions. . . . Many of the reformers in Parliament (in Upper Canada) held extreme views, among whom was Dr. Duncombe, afterwards a rebel leader.

Responsible Government, which was introduced into Canada in 1841, after the Rebellion had been crushed, has, in the years which have since elapsed, been of great advantage to the country; but in considering whether it could have been wisely adopted at an earlier period than it was, it must not be forgotten that after the Rebellion the political situation had changed, the plans of the rebel leaders and sympathisers been defeated, as well as their influence lessened, and that the dangerous agitations along the frontier adjoining the American Republic had practically ceased.

¹ "History of Canada," p. 374.

² "Self-Government in Canada," pp. 126, 276.

³ See p. 55, chap. iii. Sheriff Willcocks was an ex-United Irishman who was elected to the House of Assembly of Upper Canada. He joined the enemy in the war, and was killed at Fort Erie in 1814, being then a colonel in the American army. Mr. Bidwell was one of the Reform leaders in 1837.

If a dispassionate and full political history of the Conservative party in Canada between 1815 and 1840 ever comes to be written, it will be found, I think, that the restraining influence of that party in critical years contributed much, under the circumstances which then prevailed, to the highest interests of Canada. With regard to my father, he was far too great an admirer of the British constitutional system ever to have wished to keep Canada for an indefinite period without as full a measure of liberty as was enjoyed in England; but he has not dwelt upon this subject in his papers, and I have never heard him speak of it, as he scarcely ever alluded to politics at home.

In chapter ix. will be found his view of the political system which now practically prevails in the self-governing Colonies, written when the policy of making them responsible for their own defence, introduced about 1862, was under consideration.

To turn more especially to the origin and occurrences of the Rebellion, much has been written about its causes from various standpoints, which I cannot here enlarge upon; but it may be said that they were not identical in Upper and Lower (or French) Canada, the inhabitants of which two provinces, taken as a body, differed from each other in many circumstances—a difference which made rebellion against the Sovereign more excusable in the latter (which had been under the French Crown until 1759) than in the former.

With the affairs of Lower Canada my father had no connection, and with regard to the rising in Upper Canada, his share in the events which followed it was confined to turning out, with many

others in Toronto, to repel an unsuccessful attempt to surprise the town; to having to preside at the trial of certain prisoners concerned in the Rebellion; and to deal with legal questions arising out of the disturbed condition of the country, and more particularly out of the invasion of Canadian territory by sympathisers with the Rebellion from the United States.

Some have attempted to palliate, if not justify, the abortive rising in the Upper Province, which was confined in its extent, and of no very general or formidable character, by ascribing it to the tyranny and selfishness of the Canadian officials of a Government which it was in the interests of freedom to overthrow; but grounds for treason and armed rebellion, with the bloodshed and loss of life which they were sure to entail, cannot be said to have been existent in Canada.

It has been well pointed out that—

Trial by Jury existed, the law of Habeas Corpus protected personal rights, and the levying of internal taxation was vested in the local Parliament.¹

Some grievances there may have been. In certain parts of the country officials might possibly have been inclined to be autocratic in manner or in act; and the time had probably come when the old method of governing the country from the Colonial Office was unsuited to the circumstances of Canada, no matter how able and high-minded those might be to whose duty it fell to administer it. It is probably true that the real discontent, which was naturally worked upon by agitators, dissatisfied either

¹ MacMullen's "History of Canada," p. 468.

with their position, or the form of government, or their share in it, arose, as has been said,¹ both in Upper and Lower Canada, "from economic as opposed to political troubles—in Upper Canada from the backward condition of the country, which in turn was due to want of capital and population, and to the existence of a quantity of 'dead land,' which obstructed all improvement."

It is certain that the mass of Upper Canadians had no sympathy whatever with the Rebellion; and that, for one who aided it, numbers turned out to put it down.

Mr. Kingsford writes :—

Except with some of the leaders of the Reform Party, there was no sympathy with the political attitude assumed in the Lower Province.²

It is doubtful also if it did not retard more than advance the more beneficial of those political changes which were afterwards introduced; but as to the effects which would have accompanied its success I can say nothing which could bear with as much weight as that which has been already said by one of its leaders, Mr. William Lyon Mackenzie himself (who years afterwards died in Canada), in a letter written 3rd February, 1849,³ to Earl Grey, Secretary of State for the Colonies, of which the following is an extract :—

A course of careful observation during the last eleven years has fully satisfied me that had the violent movement in which I and many others were engaged on both sides of the Niagara

¹ "Self-Government in Canada," by F. Bradshaw, p. 277.

² Kingsford's "History of Canada," vol. x. p. 357.

³ "Life and Times of William Lyon Mackenzie," by C. Lindsey (1862), p. 291. "The Story of my Life," by the Rev. Egerton Ryerson (1884),

proved successful, that success would have deeply injured the people of Canada, whom I then believed I was serving at great risks. . . . I have long been sensible of the errors committed during that period. . . . No punishment that power could inflict, or nature sustain, could have equalled the regrets I have felt on account of much that I did, said, wrote, and published; but the past cannot be recalled. . . . There is not a living man on the Continent who more sincerely desires that British Government in Canada may long continue.

With regard to the events of the Rebellion in Upper Canada, it is enough to say that, in December 1837, when the regular troops had been entirely withdrawn from the Upper Province to suppress the insurrection in the Lower, an attempt, headed by William Lyon Mackenzie, who, with others, had fomented a rising near Toronto, was made to gain possession of that town, which was the seat of Government, and to seize the Government buildings.

No doubt several who took part in this had become convinced that they were patriots, while others joined from motives not so creditable.

When at night, on the 6th of December, the alarm bells summoned the loyal inhabitants of Toronto to repair to the City Hall, where two guns had been placed, and some arms and ammunition stored, my father turned out with the rest, and Sir Francis Head, Lieutenant-Governor of Upper Canada at this time, thus alludes to him¹:—

We were of course a motley group. I had a short double-barrelled gun in my belt and another on my shoulder. The Chief-Justice had about thirty rounds of ball cartridge in his cartouch, and the rest of the party were equally well armed.

¹ "The Emigrant," p. 170, by Sir Francis Head, who was Lieutenant-Governor of Upper Canada, January 1836 to March 1837.

I find the memorandum from which I quote below among my father's papers, written upon the day on which this attempt was repulsed:—

Thursday, 7th December 1837.

The loyal feeling of her Majesty's true subjects has been nobly displayed to-day, and the result promises peace and happiness to Upper Canada for years to come.

For some weeks past reports had been brought to Toronto from the settlements about Newmarket and along Yonge Street, that there were people training by hundreds under certain leaders who have been long known as disaffected and seditious, but who were not supposed to be so desperate and daring as to rise in open rebellion against their Sovereign.

The loyal inhabitants in the neighbourhood of these armed meetings were much alarmed, and so many accounts arrived of an intended attack upon Toronto that serious anxiety was felt by the inhabitants of the city as well as of the country.

The Lieutenant-Governor looked upon these meetings of the rebels as an effort to deter him from sending away the troops to the assistance of our fellow-subjects in Lower Canada, where thousands of French Canadians are in arms. But on Sunday last such particular reports were received of an intended attack, and so much alarm was felt in several parts of the country, that he addressed an order to the different militia regiments calling upon them to hold themselves ready for duty upon any emergency arising either here or in Lower Canada.

This order was ready for distribution on Monday, and the mayor and citizens of Toronto, aided by the zealous exertions of Colonels Fitzgibbon and Stanton, had made some arrangements for guarding the Bank, the City Hall, and such points as were likely to be assailed. About midnight on the 4th December, the town bells rang an alarm, and the citizens hastily collected at the City Hall, where arms and ammunition were delivered to them. His Excellency, Sir Francis Head, came down promptly, and placed himself among the

assembled inhabitants, armed like them and ready to resist the threatened attack.

It was uncertain to what extent the treason might have spread, and how many men might have been deluded to join in the attempt. A call was therefore sent by express upon the militia of the adjoining districts to require their aid. On Monday evening some hundreds of armed rebels had passed down Yonge Street; some were on horseback and others on foot. They were in general armed with American rifles, and many of them with pikes and spears. It was not doubted that their intention was to make some attack on the town, and several loyal inhabitants who had seen them pass resolved to make the best of their way into Toronto, to give notice of their approach, and assist in repelling them.

Captain Stewart, and Colonel Moodie formerly of his Majesty's 104th Regiment, were of this small party. Captain Stewart was made prisoner, and remained so till relieved by the advance of the militia under Sir Francis Head.

Colonel Moodie endeavoured to make good his way, but was shot down by a discharge from several rifles upon the word of command given by one of the leaders; and thus was this gallant veteran, who had fought for his country in many battles,¹ shot on the Queen's highway. Two or three of the party succeeded in getting in, having been fired upon, but fortunately not hit.

When the rebels came to within a mile or two of the town they met several of those who had volunteered their services to ride up Yonge Street, and gain intelligence of their movements. Some of these they took prisoners, and among them John Powell, Esq., who, upon attempting to escape was shot at, but without effect. He succeeded in getting into the town, and the accounts received from him and from other quarters led to the expectation of an immediate attack, which every possible effort was made to meet.

When daylight came, the rebels were seen, in a large body,

¹ Colonel Moodie had served in the Peninsular War, and in that of 1812-15.

near the first toll-gate on Yonge Street, and it was reported that they were hourly receiving large accessions to their force.

In the meantime hundreds of loyal persons flocked to the garrison and to the City Hall to receive arms and ammunition, and to join in the defence of the place. The very best spirit was shown.

During the next day the brave and loyal militia of the country came in numbers to offer their services.

My father's account ends here, but the defeat of the insurgents, on the day on which it was written (Thursday, December 7, 1837), at Montgomery's Tavern on Yonge Street, by the force under Sir F. Head, with whom were Sir Allan (then Colonel) MacNab, Colonel Fitzgibbon and others, is a well-known incident in the history of Upper Canada.

During the alarm in Toronto, my mother with her younger children, of whom I was one, was placed with other ladies and children upon a steamer in the bay.¹

My father bears decided testimony to the value of the service rendered by Colonel Fitzgibbon upon this occasion; and in writing from Brighton, on the 14th August 1839, to Bishop Strachan says, in a letter of which a copy was afterwards forwarded to the Colonial Office:—

With regard to his (Colonel Fitzgibbon's) services in December 1837, I have no doubt (and I should be happy to state this on every occasion when it could be useful to him) that his earnest conviction before the outbreak that violence would be attempted, and the measures of precaution which he spontaneously took in consequence of that impression, were the means of saving the Government and the loyal inhabitants of Toronto from being, for a time at least, at the mercy of the rebels; and I believe that the most disastrous consequences

¹ See Appendix A., VII.

would have followed the surprise which Colonel Fitzgibbon's vigilance prevented. His conduct, also, when the crisis did occur, was most meritorious.¹

It fell to my father's lot, in the course of his duty as Chief-Justice, to try at Toronto (on the 8th March 1838) two prisoners upon the charge of treason; and, with reference to the extreme penalty of the law having been carried out in the case of these men who had taken a leading part in the rebellion, the *Law Journal* of Upper Canada says: ²—

It has been asserted that the Government were in receipt of a despatch from England forbidding capital punishment for political offences without the approval and sanction of the Imperial authorities, but, like many other charges made under similar circumstances, we believe this to be quite incapable of proof, and altogether contrary to fact, and that, in truth, no such despatch was known to, or received by, the Government.

So clear is the memory of the Chief-Justice from the imputation of having advised the Lieutenant-Governor to carry out the extreme penalty of the law, that he had ceased for some time previously to be a member of the Executive Council.

In passing sentence on the prisoners he very properly dwelt upon the enormity of their crime, but his remarks were imbued with compassionate and sorrowful feeling, and a gentleman in Court at the time has remarked that after the prisoners had pleaded "Guilty" and the sentence of death was passed upon them, of the three individuals concerned, the Chief-Justice was most certainly the most painfully affected.

It is only because the assertions alluded to by the *Law Journal* have been made, that I am not silent on this subject altogether.

¹ Colonel Fitzgibbon had also performed distinguished services in the War of 1812-15.

² *Law Journal* of March 1863.

The prisoners pleaded "Guilty," so that no evidence was taken at their trial, and in reporting to the Lieutenant-Governor their convictions, my father refers him, for the circumstances of their cases, to the Crown officer, and the commissioners who had investigated the charges.

He had certainly resigned his seat on the Executive Council some years before; and if consulted as to the sentence, as he very possibly was, it may be assumed to have been in his capacity of Chief-Justice, and solely as to the legal aspects of the case. There were few, I am convinced, who regretted more than he did that these misguided men had placed themselves in the position they had.

In his charge to the Grand Jury he pointed out that though "our laws inculcate no doctrine so slavish as the necessity of absolute submission to every degree of tyranny that a Government can exercise," no tyranny existed in Canada which could be held to justify armed rebellion against the Queen.

At this point, in order to make more clear certain references by my father to the further events of the Rebellion—given by me in later chapters—I may say that throughout December 1837 and during 1838, the country was in a very disturbed condition, insurrection and bloodshed occurring in more than one quarter.

William Lyon Mackenzie escaped to Buffalo in the United States; and from thence the "Patriots," as they were termed, took possession, in December 1837, of Navy Island (belonging to Canada) about two miles above the Falls of Niagara, established a

provisional government there, and threatened an invasion of the main shore of Canada.

On 13th December Mackenzie issued a proclamation, in which occur these words:—

Compare the great and flourishing United States with our divided and distracted land; and think what we also might have been as brave independent lords of the soil. Leave then Sir Francis Head's defence to the miserable serfs dependent on his bounty.

Sir Allan (then Colonel) MacNab was sent with a body of militia to Chippewa, opposite Navy Island, to watch and oppose the rebels.

Under his orders, on 29th December 1837, Captain A. Drew, a commander in the Royal Navy who had settled in Canada, with a party of volunteers, very gallantly surprised and cut out from under Fort Schlosser, on the American side of the river Niagara, the steamer *Caroline*, which was being used by the Patriots to convey guns, men, and supplies to Navy Island, and sent her, in flames, to drift toward the Falls. These volunteers consisted of Mr. Harris, R.N., Lieutenant McCormick, R.N., and men accustomed to boats. The boats were five in number, according to Captain Drew's official report, containing about nine men each (forty-five in all). During the crossing they were, at one time, not more than half a mile above the Falls.

This was an extremely hazardous enterprise, if only on account of the certainty there was that the boats conveying the party, if the oars or gear were damaged by accident, or by shot, would be swept by the strong current and the rapids over the Falls. But the service was carried out with skill and resolu-

tion, the surprise was complete, and the object was in consequence attained with a very small loss of life in boarding the vessel.

The burning of the *Caroline* caused great excitement and indignation in the United States, and threatened to lead to a war, for though the American Government had in no way officially recognised the "Patriots," the vessel was an American one, was on the American side of the river Niagara, and flying the American flag.¹

The destruction of this steamer was declared by Lord Palmerston in the House of Commons to have been, under the circumstances, a proceeding perfectly justifiable, but the matter was the subject of correspondence for nearly five years between the British and American Governments, and was only finally closed in 1842, when an expression of regret was tendered by the former that some explanation of, and apology for, the act had not been offered at the time it occurred.

On the 14th January 1838 the "Patriots" were compelled to evacuate Navy Island by the fire of guns brought to bear upon them from the Canadian side of the river.

During 1838 secret Patriot associations, called "Hunters' Lodges," were organised in every direction along the American frontier, their object being to revolutionise, and, as it was termed, "liberate" Canada, and the feeling between Great Britain and the United

¹ This flag was subsequently presented by Captain (afterwards Admiral) Drew to the Royal United Service Institution in London, by which body it has since been transferred to the Public Library, Toronto, Canada. The Assembly of Upper Canada passed a vote of thanks to Sir Allan MacNab and Captain Drew, and presented each of them with a sword for their conduct in the Rebellion.

States became very strained, owing to the destruction of the *Caroline* and disputes with respect to the "Maine boundary."

Armed bodies of filibusters under Sutherland, Dodge, Theller, and others invaded Canada along the Detroit frontier.

The Canadian islands of Bois Blanc and Point Pelé were occupied, and advances upon Windsor, Amherstburg, and Sandwich took place.

A band under a man named Johnson seized and burnt the steamer *Sir Robert Peel* on the St. Lawrence, and committed depredations at Amherst Island.

A descent, under a Polish adventurer named Von Schultz, was made upon Prescott on the St. Lawrence, and a raid under Morreau, as its leader, took place across the Niagara frontier.

Many outrages were committed along the borders of Canada and the United States; the families and property of loyal Canadians and of other British subjects along the extended frontier line were continually exposed to acts of violence and intimidation, and a general sense of insecurity and danger prevailed throughout the country.

On every occasion, however, the incursions of the so-called "Patriots" ended in repulse—though in most cases only after some bloodshed—and by the close of 1838 the Rebellion had been entirely put down, and the gaols in Canada were full of prisoners.

My father's two eldest sons, Lukin and John, served in its suppression, Lukin with the militia under Sir Allan MacNab opposite Navy Island, and John¹ at the defeat of the rebels near Toronto, as

¹ John Beverley Robinson, afterwards Lieutenant-Governor of Ontario, 1820-7.

A.D.C. to Sir Francis Head, for whom he afterwards carried despatches to Washington.

Measures were adopted in Canada upon the outbreak of the Rebellion, and questions arose in connection with these measures—more especially as to “aliens” (*i.e.* Americans and other foreigners) made prisoners in the Rebellion—which gave rise to some debates in Parliament in England, and to protracted correspondence with the Home Government.

The Legislature in Upper Canada considered that the most effective way to meet the special dangers which had to be faced at this time—*viz.*, the union of numbers of American citizens and adventurers from the United States with disaffected British subjects in an attempt to revolutionise the country, and the chance that the excited state of feeling upon both sides of the border might be stirred up until it brought about a war—was to pass a special Act, which was assented to by the Lieutenant-Governor on the 12th January 1838.

This was entitled “An Act to protect the inhabitants of this province against lawless aggression from subjects of foreign countries at peace with her Majesty.”

By its provisions, foreigners invading the country without the authority of their Government, and all British subjects joining with or aiding them, were made liable to trial before special military tribunals (courts-martial) constituted by the express authority of the Legislature, and to be sentenced, upon conviction, to death, or such other punishment as the court might award.

The Act left, however, to the Executive Govern-

ment the alternative of waiving, when it might think fit, the trial by court-martial, and prosecuting the offender by ordinary law.

The Legislature preferred this course to that of proclaiming martial law generally, because, while it drew very prominently the attention of all disaffected British subjects and foreigners across the border to the peril they would run of prompt trial by court-martial for aiding the Rebellion, it left the ordinary law of the country in full force for all other purposes, and would probably be less likely to excite hostile feeling in the United States than the summary proceedings which might in some cases possibly take place were the law of the land generally superseded by the law-martial.

It was well understood in passing it that American citizens and other aliens, who by residence in Canada or otherwise had incurred obligations of allegiance to the Crown, and also all British subjects, were liable, should they endeavour to upset the Government of the Queen, to be tried before the ordinary courts of law for high treason; but in the case of those aliens, who, without having previously incurred any such obligation of allegiance, entered the country to aid in a revolt, it was held that they could not properly be so tried, *i.e.* arraigned and made liable to capital punishment for violating an allegiance which they had never acknowledged.

My father, with reference to this Act, says:—

It was not passed without a consciousness that possibly a difficulty might be felt in England as to allowing it to remain in force; but the very existence of the Government required this responsibility to be assumed, and confidence was felt that her Majesty's Government would incline strongly to uphold a

measure just and even humane in itself, and prompted by the strongest sense of duty to the Crown and to a faithful and loyal people.

The Government in England, acting upon the advice of the law officers of the Crown, were disposed to disallow this Act, not on the ground of illegality, for it was admitted not to be inconsistent with international law, and that it was within the competence of the Colonial Legislature to pass it, but because it was deemed that it was not properly framed, that its provisions were calculated to produce certain difficulties, and that, if it was considered expedient to authorise the trial by court-martial, instead of ordinary courts, of parties charged with high treason committed in the province, this ought to be done by an Act not directed so specially against foreigners, but equally against all persons—foreigners, natives of the country, and others.

It was contended also (in opposition to the view which had been taken by the law officers of the Crown in Canada) that all aliens, subjects of a friendly power, invading her Majesty's territory to upset her Government, whether they had previously incurred any obligations of allegiance or not, could be legally and properly tried by the ordinary courts for "high treason," they having none of the rights which could be claimed by alien enemies, but being alien "amis," *i.e.* subjects of a friendly Power at peace with the Queen, and as such owing her allegiance directly they entered her dominions.

Lord Brougham, in some remarks made in the House of Lords, condemned as absurd an opinion supposed (in error) to have been given by the

Attorney-General in Canada as to the trial of aliens for treason.

With respect to this, Lord Lyndhurst had shown to Lord Brougham some rough memoranda my father had placed in his hands, and writes thus to the latter in 1839 as to them:—

The historical facts and the authorities which you have collected, with the observations you made upon them, are so interesting, that I very much wish, if you have sufficient leisure, you would put them in writing, that the whole question may be carefully and fully considered.

He also enclosed in this letter one from Lord Brougham to himself, in which the latter says:—

I return the Chief-Justice's paper, which I have only just got and read over hastily.

What I said was "too absurd to require a serious answer" was by no means the doubtful and difficult question here discussed; but that an alien cannot commit treason, and is an outlaw, and to be therefore shot summarily. However, I differ with the Chief-Justice, on the whole.

Whatever the merits of the legal points involved, it was in the end decided not to interfere with the Act.

Of the prisoners tried for offences connected with the Rebellion, several were disposed of by military as well as by civil courts. Some of the ringleaders were executed, some transported, and most of the less guilty pardoned.

I have referred at some little length to the above matters, as it will explain the allusions occurring in my father's journal while in England in 1839 (Chapter X.) to reports and letters to, and to conversations with public men with respect to the Liability of

Aliens to be tried for Treason; the Point Pelé Prisoners; the American Invaders, &c.

The measures taken in respect to these prisoners, and the cases of some invaders taken in arms, who were summarily shot in the Sandwich district, gave rise to much correspondence.

The following letter from the Duke of Wellington to Lord Mahon, 7th December 1838, gives his opinion as to the necessity for firmly executing the laws and carrying out a determined policy at this juncture:—

What right have we to endeavour to prevail on British subjects to emigrate to Canada if we do not mean to protect their lives and property, and to execute the laws that have that in view?

If we ought to carry the law into execution with respect to natives, we are still more bound to take that course in respect to foreigners, who, in addition to all that can be urged against the act of rebellion by natives, are guilty of insolence to the laws and authority of a foreign Government.

We must protect our English subjects against these attacks either by the weapon of the municipal law, or by making war upon the foreign Government whose subjects attack our territory and our subjects.

This is the common-sense of the case. Everything else is nonsense.¹

It can be easily understood that much responsibility during the Rebellion fell upon the Government, and that not a little of this devolved upon my father, to whom the head of the Government naturally looked for advice, owing to his long experience of public life and of the people of Canada, upon many questions.

¹ "Conversations with the Duke of Wellington," by Lord Mahon (afterwards Earl Stanhope), 1839.

The following private letter to Sir George Arthur, then Lieutenant-Governor, will show how anxious my father was that no ground should be given for supposing that his opinion was unduly sought for, or offered, upon questions not appertaining to his judicial office :—

16th April 1838.

MY DEAR SIR GEORGE,—An inquiry which you made this morning induces me to say a few words to you on a subject which is of some delicacy and no little consequence to the successful and agreeable administration of the Government. I have, besides, a personal reason for availing myself of a fair excuse for addressing some remarks to your Excellency upon it. You asked me what had been the course usually pursued here in regard to references upon various public matters which were under the consideration of the Government. There is no reason why any peculiar system should prevail in this province with regard to references or consultations. What is right in England or in any other regularly conducted Government will be right here, and no deviation from the proper course can continue long without producing inconveniences and disadvantages of some kind.

The Executive Council are of course the proper advisers on questions of policy and expediency, the Crown officers on all matters that involve legal considerations—and all persons in charge of departments should be communicated with freely on all matters connected with their departments. When this is not done they have not the opportunity which they should have of stating objections; and, fancying that they are not confided in, they grow unfriendly, jealous, and suspicious; and there is much excuse for their becoming so, for it is a most uncomfortable thing to feel that they are held responsible by the public for measures and arrangements in their department upon the presumption that they must have been consulted, while in truth they may have heard nothing of the matter, and

¹ Sir George Arthur was Lieutenant-Governor of Upper Canada 1837 to 1841, succeeding Sir Francis Head.

may have had no opportunity of making their wishes or opinions known. Human nature in Upper Canada is like human nature everywhere else.

With regard to myself, personally, it is fair towards your Excellency, and but justice to myself, that I should leave no room for misapprehension.

As Chief-Justice, I am, like my brother judges, liable to be called on for reports, opinions, and advice in those cases in which recourse would be had to the judges in England, and in no others. I have no concern in the executive affairs of the colony, and no claim or wish to be consulted on any of them, except when they have so direct a bearing upon the general administration of justice as to make such a reference proper; and the more your Excellency bears this in mind, the better it will be, for it is most desirable that everything should as much as possible be made to pass through its proper channel.

I had been sixteen or seventeen years Attorney-General, when Sir John Colborne came here, and in that capacity I had to be necessarily and properly in constant confidential communication with the Lieutenant-Governor. I continued in that office for seven months after his arrival, and when I was made Chief-Justice I became—according to the Colonial system of that time—President of the Executive Council, so that the habit of frequent reference to me was not interrupted.

During his administration that system was changed, and I became merely Chief-Justice and Speaker of the Legislative Council, having in neither capacity anything to do with the executive measures of the Government, but my long acquaintance with public business gave me a good deal of traditionary knowledge, which it was desirable the Government should have the advantage of. Most (if not all) of the original officers of the Government had passed off the stage, and I was a sort of connecting link between the first and second generation, having long acted with those whose experience was no longer available to the Government.

When Sir Francis Head came, I took an early opportunity of explaining to him the relations which my office and duties placed me in to the Government. In the last few months of his residence here the times were such that it was the plain

duty of every one to be useful in all things to the utmost extent, and in the hurry and anxieties of the moment perhaps he did not constantly bear in mind distinctions of this kind, which, nevertheless, cannot be expediently overlooked.

I have troubled your Excellency with this explanation because it may be useful.

I do not affect to be without the common feeling of anxiety that all things may be done for the best in the country I live in, and from a principle of duty any information I possess upon public questions, and my opinions upon private matters (not interfering with the free discharge of my judicial duties), are at the service of the representative of my Sovereign, whenever he may think proper to desire them.

But my wish is that any assistance of this kind should be sought and rendered in such a manner as to give the least possible occasion for uneasiness or remark in any quarter.

I shall take it for granted that your Excellency will never think it necessary to refer to me on my own account, except in those cases when it would be reasonably supposed that I must have been consulted, and where, consequently, I should share the responsibility for any erroneous decision.

I am sure your Excellency's experience will prevent your misapprehending anything I have stated, or my object in being thus explicit.—I am, very respectfully and faithfully, your Excellency's obedient servant,

JOHN B. ROBINSON.

For his services to the Crown, my father was, in 1838, offered the honour of knighthood, which he declined, and the following extract from the *Upper Canada Gazette*, with respect to Colonel MacNab and himself, refers to this:—

GOVERNMENT HOUSE, 3rd May 1838.

In giving publicity to the following despatch, the Lieutenant-Governor avails himself of the opportunity it affords him of expressing his high sense of the important services reported to him as having been rendered by Colonel MacNab, during the period in which the body of the militia of Upper Canada, of which he had the command, were employed in suppressing

an unnatural and unprovoked rebellion, and in repelling the foreign outlaws and brigands who had attempted its invasion.

His Excellency much regrets that his Honour the Chief-Justice has, from motives of the most peculiar delicacy, declined the honour intended to have been conferred on him, as the Lieutenant-Governor feels assured that it would have afforded all classes of her Majesty's subjects in this colony the greatest satisfaction, that a mark of royal approbation had been bestowed on a public officer, whose long and arduous services, and whose eminent abilities and integrity in the discharge of his official duties, so fully entitle him to any distinction which his Sovereign might graciously deem it proper to confer on him.—By command of his Excellency, J. JOSEPH.

(Copy.)

No. 42.

DOWNING STREET, 14th March 1833.

SIR,—I have had the honour to receive Sir Francis Head's despatch of the 1st February (No. 14), calling the notice of her Majesty's Government to the important services of Colonel Allan MacNab and Mr. Chief-Justice Robinson, during the late insurrection in Upper Canada, and suggesting that the honour of knighthood should be conferred on these gentlemen....

In my despatch of the 30th January last (No. 16) I have already conveyed to you the Queen's gracious approbation of such of Colonel MacNab's services as had at that time been brought under her Majesty's notice. I have received her Majesty's commands to express her high satisfaction at the courage, spirit, and ability, which he has displayed in the transactions which have been since reported to me.

Her Majesty will not fail to take into her favourable consideration Sir F. Head's suggestion, that some public mark of her approbation should be bestowed on Colonel MacNab.

I have laid before the Queen Sir Francis Head's report of the services of Mr. Chief-Justice Robinson; and have at the same time had the honour to submit to her Majesty that gentleman's letter declining the honour solicited for him by Sir Francis Head. I have received her Majesty's commands to express, through you, to Mr. Robinson, her appro-

bation of his long and valuable exertions in the service of the Crown, and her sense of the disinterested motives by which his letter of the 6th ultimo was dictated.—I have, &c.

(Signed) GLENELG.

My father's reasons for requesting that this intended distinction should not be conferred upon him are thus explained by himself:—

Sir Francis Head, no doubt from the kindest feeling, wrote to request, during the Rebellion of 1837, that the honour of knighthood should be conferred upon Mr. MacNab and myself—being the Speakers of the respective Houses, and both active on that occasion.

I happened to hear that he had written to that effect from a gentleman to whom he had mentioned it in confidence, and I was in time to prevent his good intentions from being carried out, by writing to Lord Glenelg to beg that, so far as I was concerned, it might not be done. The Government, for some reason or other, had never conferred knighthood upon the Judges in these provinces, as they have occasionally done in the Eastern and Southern Colonies and, I believe, in the West Indies.

As Chief-Justice, therefore, I did not feel that I had any obvious claim to it, while Mr. Sewell had been many years longer discharging with great credit the duties of Chief-Justice in Lower Canada without being so distinguished; and it seemed to me rather absurd to allow myself to be knighted for merely doing my duty, as everybody around me had done in a period of trouble and danger to all.

The letters below refer to the period of the Rebellion:—

From Sir Francis Head (from before Navy Island and while my father was evidently, during his absence, acting at Government House.)

CHIPPEWA, 2nd January 1838.

MY DEAR CHIEF,—I have not a moment to write, but I wish to tell you my opinion of the capture of the *Caroline*,

¹ These letters were evidently sent by private hand, having no post-mark on the envelope.

as far as I have had time to form it from the facts before my eyes. It has caused wonderful excitement, and has agitated what was before tranquil, but this, I think, will be productive of good. As long as Jonathan could laugh at M'Kenzie firing at us, it was a capital joke. Now they are lugged in for his misdemeanours; and I think it will make them reflect.

—Yours in haste,

F. B. HEAD.

His Honour The CHIEF-JUSTICE,
Government House, Toronto.

CHIPPEWA, 4th January 1838.

We have made all our preparations for attacking the wasps' nest on Saturday morning next, but I begin to think they will fly away.

I hope you are not bent to the ground by the weight of my chain. I am glad to get it off my own neck.

*From Sir Allan (then Colonel) MacNab (when before
Navy Island).*

CHIPPEWA, 5th January 1838.

MY DEAR SIR,—I hope that your many friends have given you regular accounts of our proceedings here. Every preparation that could be made has been made. We have now boats sufficient to cross 1200 men, and it is absolutely necessary to keep active operations going on.

I do not think it will be necessary to attack the island.¹ From the correspondence I have had with the authorities on the other side, I have formed my opinion.

I am quite satisfied that the destruction of the *Caroline* and our active measures here have produced all this. They are much alarmed for the safety of Buffalo and all their frontier towns, and that alarm creates the great excitement.

I am not insensible to the noble triumph it would be to put down the long dreaded revolt, about which so much has been said here and in England. That we should have driven

¹ As we have before mentioned, the enemy was compelled, as Sir Allan anticipated, to evacuate the island by artillery fire without any attack upon it by the infantry.

these rebels from our country, defied and dispersed those in the United States who assisted them, without the assistance of a soldier or the loss of a man, this is the kind of victory I wish to obtain for Upper Canada, and to gain that great object all my operations are directed; but, in doing this, we must prepare for the fight, and if we can gain our object and avoid the loss of life with honour to ourselves, rely upon it, I will do it.—Yours very sincerely,

ALLAN MACNAB.

From Sir John Colborne¹ (soon after the attempt upon Toronto and outbreak in the Upper Province).

MONTREAL, 6th January 1838.

MY DEAR CHIEF-JUSTICE,—Do acquaint my friends the Attorney and Solicitor-General that there is not a person in Upper Canada more aware of the *critical* position of affairs in your province than I am, or more alive to the absolute necessity of sending you every man that can be spared to Niagara and Toronto. The fact is, we have been packing our troops off as fast as we can find conveyance for them.

You will have two regiments among you in a few days, and more if I can venture to part with them. Read the enclosures which I have forwarded to Sir Francis. You may rely upon it that I shall never require to be prompted.—Yours very sincerely,

J. COLBORNE.

From the Same.

(As to State of Affairs in the Lower Province.)

MONTREAL, 19th February 1838.

MY DEAR CHIEF-JUSTICE,—Without attempting to account for my silence or requesting you to believe that I have from day to day made good resolutions to write to you, I shall seize the opportunity of a quiet half-hour to have a *talk* with you on our affairs. I am still annoyed incessantly with reports from all quarters of the evil intentions and designs of our skirmishing, unseen enemy, acting on the extended line from

¹ Afterwards Field-Marshal Lord Seaton, Lieutenant-Governor of Upper Canada 1828 to 1835, Governor and Commander-in-Chief of both provinces of Canada during the Rebellion 1837.

Amherstburgh and Sandwich to Stanstead, one of our eastern townships.

At Kingston the officer in command has been more alarmed during the last week than at any period of the troubles, and insists that there are not less than two thousand brigands assembling at Watertown and five hundred at French Creek, provided with pikes and artillery to cross and attack the steamboats.

The fact is, that when it was known that two regiments had been sent by me from Montreal to the Upper Province, and that two companies of a third regiment were in motion, the rebels, assembled at Swanton, St. Albans, and Plattsburg, imagined that the regulars would have full employment; and since that time contracts for arms, ammunition, and field-pieces have been made by them, and preparations have been going on near this frontier. They have so far succeeded in creating an alarm that about 400 persons have left Montreal, and there is more excitement in this district than there has been since the outbreak of the revolt.

We have been obliged to arrest two members of Parliament at Nicolette, near Three Rivers, for spreading false reports.

I have been compelled to assemble a sufficient force at St. John's and Acadie to attack and capture the invaders should they be inclined to pass the frontier by La Colle, &c. The Habitants' houses in all the villages from La Prairie to the frontier are well filled with troops, and I have brought down the Glengarry Volunteers to show them that, if their friends on the other side of the line will not disperse, they must suffer for their folly and their wickedness.

Before we commence any discussion upon the measures which are to be adopted in the future government of this province we must prove that we have the power and the will to enforce obedience to the law.

I intend to adhere to martial law in this district till we hear from home upon the subject. Arrests are made daily, and it will be difficult to adopt measures to prevent the continuance of this reign of terror.

The suspension of the Constitution would be the first act that I should recommend. If they have courage to agree to

that measure¹ time will be given to the Cabinet Ministers to take a new departure, with many valuable landmarks for their guidance.

We have every reason to be satisfied with the efforts of the Governor of Vermont and of General Wool, the officer employed under General Scott. Complaints have been made against General Scott for his activity by the voters of New York.—Very sincerely yours,
J. COLBORNE.

Whatever may be the opinion held by any individual as to the Government policy prior to and during the Rebellion, it must, I think, be admitted that in many respects those representing the Crown in Upper Canada, Sir John Colborne (afterwards Lord Seaton), Sir Francis Head, and Sir George Arthur, were all possessed of qualifications fitting them rather exceptionally for positions of authority at a disturbed and critical time.

All of them were distinguished soldiers, active and able men, and with experience of the world.

Sir John Colborne²—prudent and extremely cool in emergency—was a man of few words and prompt action. Napier describes him as a “man of singular talent for war.” He had served in Holland, Egypt, and the Peninsula, and had been Lieutenant-Governor of Guernsey.

At Waterloo, by his sudden attack with the 52nd Regiment, made without orders and at a critical moment, upon the flank of the French Imperial Guard, he had contributed largely to its complete defeat.

Sir Francis Head, chivalrous, brave, and outspoken, was a man of tireless activity. An excellent horse-

¹ This measure was adopted.

² It is to his great interest in educational matters that Toronto mainly owes Upper Canada College.

man, he had performed exceptionally long and rapid journeys in South America. He had served in the Royal Engineers at Waterloo,¹ was known as a clever writer, and was understood when appointed to Canada to be so liberal in his views that he was looked upon by some as a tried reformer.

Sir George Arthur, high-minded, firm, and humane, had had experience of government before he came to Canada.

He had served in Egypt and Holland, been granted the freedom of the City of London for exceptionally gallant services at Flushing, and been Lieutenant-Governor of Honduras and Van Diemen's Land.

In the former island he had suppressed a serious revolt of the slave population, and his despatches on the subject of slavery had attracted the attention of Wilberforce. In Van Diemen's Land he had done much to improve the convict system, and in both Governments had received exceptional marks of the esteem of the inhabitants and their appreciation of his services.

Amid the political excitement and turmoil which surrounded all three of these representatives of the Sovereign during the time they held office, they were well qualified to act impartially and with deliberation, and their sole aim was to quell disorder and outrage, and preserve Canada to the Crown.

While dealing stringently with the leaders and agitators who had stirred up the ignorant to commit treason, they were all of a forbearing and humane

¹ He was, I believe, the only British officer present both at Ligny and Waterloo, having been sent on some duty to Field-Marshal Blücher's army in time to see the former battle, and returning in time for the latter.

temper—extremely anxious not to bear too hardly upon the deluded followers of these leaders.

Some have considered them as cold and rather unsympathetic soldiers, but have strangely misinterpreted their characters.¹

It may perhaps be pardonable in me to give the following extract from a confidential letter to my father written in 1838 by Sir George Arthur with respect to the prisoners who had been convicted of treason:—

The Attorney-General returned to me last evening the list of the persons convicted and who have petitioned. I do feel *very*, *very* anxious that not one should be recommended for transportation in whose favour anything can be advanced to save him and his family from the ignominy of this disgraceful punishment.

I know there is much to be said against all the parties implicated; but, on the other hand, from the bottom of my heart I think that if ever there was any excuse for treason it does extend to all but the ten or twenty ringleaders in this province.

Sir Francis Head carried forbearance to its very utmost limits.

Writing of these events in 1846,² and explaining his policy of forbearance up to the point when the use made by the enemy of the steamer *Caroline* forced him to change it, he says:—

The difficulty which, without exception, was the greatest I had to contend with during my residence in Upper Canada was that of restraining the power which, under a moral influence, had rallied round the British flag.

¹ Both Lord Seaton and Sir Francis Head lived to be over eighty years of age. I remember meeting both in England between 1857 and 1865.

² "The Emigrant," by Sir F. B. Head (1846).

For nearly a fortnight the militia, in obedience to my repeated orders, without returning a shot had submitted in patience to the fire of twenty-two pieces of artillery, the property of the Government of the United States.

By many, whose counsel it was my duty to respect, I was admonished that it was not politic to allow the militia of the province to be subjected to insult and disgrace.

Many of my steadiest adherents seriously disapproved of the course I was pursuing; and even Captain Drew, R.N., now in this country (England), who on the outbreak had joined the ranks of the militia with a musket on his shoulder, and who was ready enough when called upon to do what was right, declared to Sir Allan MacNab that if the system I was pursuing was much longer continued, he should feel it due to himself and his profession to retire from the scene.

I need hardly say with how much pain I listened to observations of this nature, and how anxious I was to recover the territory I had lost. On the other hand, the more I reflected on the subject, the more I felt convinced of the propriety, as well as prudence of the policy I was pursuing.

In August 1837 my father's continuous application to work brought on a serious illness endangering his life,¹ which compelled him to apply for leave of absence upon medical grounds.

On 27th August 1838, he writes thus to the Honourable John Macaulay, acting as secretary to the Lieutenant-Governor, Sir George Arthur:—

. . . Your letter to me came at a time when I was wholly unable to answer it, and when I was indeed so ill that it was not communicated to me then, nor for some days afterwards.

I am recovering rapidly from the effects of this severe attack, and of the remedies to which it was necessary to resort. My

¹ I gather from a letter to him from Dr. Widmer that he was suffering from what is termed "Nephralgia."

illness does not indicate, I hope, any permanent decline of health, but by my friends it is considered to have arisen so evidently from an incessant and perhaps injudicious application to business, long continued, that they have been earnest in urging upon me to solicit from the Government such an interval of relaxation as may be likely to restore me to my usual state of health.

The physicians especially who attended me (Doctors Short, Widmer, and King) have enjoined this upon me strongly as a matter of necessity; and as their opinion on this head might be made the ground of my application, I have requested that they would make their statement in writing.

They have done this in the papers which I now send. My judgment confirms their opinion, and I have determined, though with reluctance on some grounds, to apply for his Excellency's permission to be absent for a year in England, during which period I should probably reside chiefly at Cheltenham. . . .

With respect to the discharge of my duty in my absence, the late addition to the number of Judges makes the Bench now consist of five instead of three, and as four only can sit together in Bank, according to the Act, the Court will still be full. In regard to the additional duty which my absence will throw upon my brother Judges, I know I may venture to say, with confidence, that it will be undertaken with cheerfulness.

I beg to add further that during the nine years and upwards that I have been Chief-Justice, I have not, for any private purpose either of business or pleasure, been absent that I can remember for a single day from my duty in the Courts or in the Legislature.

It will not be in the power of his Excellency the Lieutenant-Governor, I believe, under existing regulations, to grant me a longer leave than six months, and for any extension beyond that time I must rely upon the kind consideration of the Secretary of State. To enable his Excellency to judge more satisfactorily of the propriety of aiding my application, I have thought it best to make these statements here in the Colony, where the facts must be generally known. . . .

Writing afterwards (in 1839 and 1840) to his sister, Mrs. Boulton, who was also unwell, and referring to this illness, he says:—

I am wearing out, I suppose, from foolish fagging and anxiety, and you from watching and worrying for all your neighbours and kinsfolk. I have worried myself too much through life from anxiety that in public matters all things should go as they ought. However, I would not exchange the satisfaction I feel in having done what I believed to be my duty for any consideration.

When I had that serious illness in August 1837, the first I ever had, my mind was constantly turning to early scenes. When I looked back to the twenty or thirty years that had intervened, I felt that I had been labouring and worrying myself in great measure in vain.

After all, my dear sister, it comes to this, that, living innocently, and striving earnestly to do our duty in all things, we must bring ourselves to feel that, while we are thus acting, we are fulfilling the will of God, and that whatever ills we are doomed to bear in the dispensation of His Providence are not properly to be regarded as misfortunes, but must be intended for our good.

Having obtained six months' leave of absence, my father and mother, with their younger children,¹ left Toronto for New York (27th September 1838) *viâ* Lake Champlain, and reached Bristol in the *Great Western*, one of the first steam vessels to cross the Atlantic, after an exceptionally quick voyage of twelve days, twelve hours.

¹ Of the other children, Christopher remained at Upper Canada College, and Lukin and John joined the party afterwards for a short time in England.

CHAPTER IX

THE DURHAM REPORT—THE UNION BILL—VIEWS AS TO CONFEDERATION, ETC.

1838-40

Arrival in England—The Durham Report—The Union Bill—Letters to Secretary of State—Publication of "Canada and the Canada Bill"—Provisions of Union Bill of 1839—My father's objections to them—Feeling in 1839 as to union of all the British North-American provinces—My father's views—Considers the union of the two provinces alone certain to lead to embarrassments—Alternative scheme giving Upper Canada a seaport—Letter to Sir Charles Metcalfe (1844) as to the Union Act—Deadlock in the Provincial Legislature under the Act—Confederation ensues—Summary of grounds for opposing Union Bill—His views of British Government in the Colonies under Responsible Government with respect to maintenance of British connection.

UPON reaching England my father and his party spent two days at Clifton, and went thence to Cheltenham, to be near my mother's relations, the Merrys. The following cordial welcome from Sir Francis Head, then living at Atherstone Hall in Warwickshire, met them on their arrival:—

20th October 1838.

Welcome to the shores of Old England! I can scarcely believe you are once again in the same country with me. For the first time since I left Toronto I miss my power, for if I had an orderly sergeant, or an aide-de-camp, or a secretary, I would send them all to the Chief-Justice to beg him to come to me. But I know you won't refuse, so do write me a line, and fix when you and Mrs. Robinson and your children will all come here.

We have no amusements to offer you, but if I were in prison I would ask you to come to me, and I believe I should not ask in vain.

So my Lord Durham has broken reins and traces, and kicked himself clean out of harness.

With reference to the last paragraph of this letter, it must be explained that during the events of 1838, and before the suppression of the Rebellion, the Constitution in Lower Canada had been (29th March 1838) temporarily suspended, the administration being carried on by a "Special Council."

It had become a very urgent matter to determine by what civil as well as military measures peace and prosperity could be restored and maintained in the future, and a feeling of loyalty to the Crown and harmony between the French and English portions of the colony ensured.

The Earl of Durham had been sent to Canada as Governor-General and High Commissioner (arriving 27th May 1838), charged to make a report with a view to "the adjustment of certain important affairs affecting the Provinces of Upper and Lower Canada," and it was generally recognised that some radical changes in the system of government of a liberal tendency would be introduced. He remained in Canada a little over five months, almost entirely in the Lower Province, and then, on account of the disapproval by the home Government of some of his measures, resigned, and on 3rd November left Canada for England. It is his resignation to which Sir Francis alludes in the last paragraph of his letter given above.

On the 31st January 1839 Lord Durham published his report in England, where my father was at the time. It was ably written, and entered at length into the state of things existing in both provinces of

Canada, with the causes which, in his opinion, had led up to it; and recommended the union of Upper with Lower Canada as a measure necessary for future tranquillity and good government—or, more accurately speaking, a “re-union” of these two provinces, which had been one until they were divided in 1791.

Later on, 20th June 1839, a Bill, framed on the basis of Lord Durham’s report, was brought in by Lord John Russell in England, for “Re-uniting the Provinces of Upper and Lower Canada, and for the Government of the United Province.”

This Bill, commonly spoken of as “The Canada Bill” and “The Union Bill,” was very different in some important provisions and details from that which received the royal assent in 1840.

At this time my father, in consequence of his intimate acquaintance with Canadian affairs, was urgently pressed by many both in England and Canada to make public his views with respect to the Durham report and the proposed union, which he eventually did in “Canada and the Canada Bill,” published in London early in 1840.

Much of his spare time, more than was desirable no doubt as far as his restoration to health was concerned, was taken up, during 1839–40, with the question of the “Union,” and on this account, and the better to explain the frequent allusions to this subject in his journal and correspondence¹ while in England in those years, I give below what he says himself in an entry in his journal as to the course he took. This entry was made 20th January 1840, just before “Canada and the Canada Bill” was about to issue from the press.

¹ See Chaps. X. and XI.

From my Father's Journal.

I came over to England in 1838. A wish was expressed by Lord Glenelg¹ to see me on Canadian affairs. I saw him in November and December, and also in January 1839, but all discussion for practical purposes was postponed by consent till Lord Durham's report should be received.

This came in February, recommending the union of the Canadas and other matters, and was sent to me for remarks.

On 23rd February 1839 I wrote a long official letter on the report, objecting to the union, and assigning reasons.

I was requested to state what I would prefer. This I did in official letters of 9th and 29th March 1839, mentioning, when I gave them in to Lord Normanby, that if the Government should at all concur in my suggestions, of course I should have no desire to make my letters further known, but that if they should take a different course, I must be considered at liberty to state publicly what I had advised on being referred to at such a crisis. He assented to this.

Neither in writing nor verbally were my suggestions ever discussed with me, nor do I know by whom they have been considered, or what was thought of them.

After this I heard no more till the Queen's message announced that the Government had determined on re-uniting the provinces. Reading this in the newspapers, as every one else did, gave me the first intimation that they favoured this course.

In June they introduced their Bill, of which I was as wholly ignorant as if I had been in India, until a member of the House of Commons, unconnected with the Government, gave me a copy.

Of Mr. Thompson's² appointment, or the objects for which

¹ Secretary of State for the Colonies. Soon after this (February 1839) Lord Normanby succeeded Lord Glenelg, and was not long afterwards (August 1839) replaced by Lord John Russell.

² In the autumn of 1839 Mr. Poulett-Thompson (afterwards Lord Sydenham) was sent to Canada to succeed Lord Durham. He was to obtain information as to details which had been found wanting in the Union Bill, and endeavour to influence opinion in its favour. In the meantime the Bill was withdrawn for a session.

he was sent, or his instructions, not a word was ever said to me.

Lord John Russell has communicated with me on two other subjects in writing, and has seen me once, but never alluded to their measures respecting Canada, nor did I. I have always abstained from inquiring (as their desire seemed to me to be reserved), and have contented myself with letting it be seen that I was willing to give them all the information in my power.

Early in November 1839 I began a paper on the Bill, and having said what I desired upon its principles and details, I determined that I would print it,¹ with an introductory chapter, and a letter to Lord John Russell. The latter I made longer than I had at first intended.

All was written, and the whole examination of the Bill printed before anything was known of the opinions of the legislative bodies in Canada upon the Bill, and in fact before they had met and discussed it.

Much of the Bill against which I have objected seems now to have been given up, but it is satisfactory for me to show that I was correct in my opinion that those parts of the Bill would not be approved in the Colonies by any party.

The words above, "seems now to have been given up," mean given up at the date of this entry in his Journal, *i.e.* 20th January 1840. The Legislature in Canada discussed the Bill in December 1839, and "Canada and the Canada Bill" was published in England in January 1840. It was not certain, of course, what would be the future of the Bill, which had been temporarily withdrawn, but Mr. Poulett-Thompson had expressed his intention to recommend to the Imperial Government not to press certain of those provisions to which my father had objected.

Lord Durham's report—a blue-book with appendices of 690 folio pages—was a very exhaustive one,

¹ This paper was printed under the title of "Canada and the Canada Bill."

and my father's letters to the Secretary of State, commenting upon its statements and suggestions, constitute themselves reports of some length.

In his first letter of 23rd February 1839 he discussed the measures advocated by Lord Durham, and the grounds and evidence upon which they had been apparently based.

In his letter of 9th March he gave his own suggestions—as he had been desired officially to do—for the future government of Canada, and in that of 29th March explained the measures which, in his opinion, would most conduce to the security of the country, and to restoring confidence in its financial stability and future prosperity.

I have already mentioned (in Chapter III.) some of the defensive measures which he advocated in his letter of 29th March 1839, and it would be tedious, and is needless for me, to enter at this point into details of the Durham report, and my father's reply to it in the letters above alluded to, because one of the most important results of that report was the Union Bill of 20th June 1839, largely based upon it, and the provisions of which were examined and commented upon by my father in "Canada and the Canada Bill," to which I shall particularly refer further on.

It should be explained that the Durham report, as far as Upper Canada was concerned, was not based upon Lord Durham's personal acquaintance with that part of the country. He had been but eleven days passing through Upper Canada, of which five had been spent in travelling, one in Toronto, and the remainder at the Falls of Niagara.

This portion of the report necessarily rested upon information supplied by others, and the correctness of

some of this, and of the deductions drawn from it, my father disputed.

Apart from its general recommendations, and while fully admitting the ability with which the report was drawn up, he considered it, especially with respect to Upper Canada and its strictures upon the conduct of public matters there, to be in many points incorrect and misleading.

It is singular with respect to a State document so important politically and historically as this has been, that it is doubtful to the present day who really inspired those portions of it which related to Upper Canada, and that it seems clear that up to the eve of his departure for England, Lord Durham himself was strongly opposed to the union of the Canadas, which he advocated in it.

No one denies, writes Mr. Bradshaw,¹ a warm appreciator of the services of Lord Durham, that the latter had consistently opposed, during the whole of his stay in Canada, the proposed union of the provinces; and on 2nd October 1838, one month before he sailed for England, the Earl wrote thus to Major Richardson:²—

DEAR SIR,—I thank you kindly for your account of the meeting (got up in favour of the union in Montreal), which was the first I received. I fully expected the "outbreak" about the union of the two provinces. It is a pet Montreal project, beginning and ending in Montreal selfishness.—Yours truly,

DURHAM.

Sir Allan MacNab also wrote to Sir Francis Head some years afterwards:²—

¹ "Self-Government in Canada," by F. Bradshaw (1903), p. 250.

² "The Emigrant," by Sir F. B. Head, pp. 378 and 376. Major Richardson was author of a "History of the War of 1812-15" (see p. 42), and was then acting as correspondent of the *Times* in Canada.

LEGISLATIVE ASSEMBLY,
MONTREAL, 28.th March 1846.

MY DEAR SIR FRANCIS,—I have no hesitation in putting on paper the conversation which took place between Lord Durham and myself on the subject of the union. He asked me if I was in favour of the union. I said "No." He replied, "If you are a friend to your country oppose it to the death."—I am,
ALLAN MACNAB.

Mr. Bradshaw¹ discusses whether Buller or Turton, or Wakefield, who were all associated with Lord Durham, wrote certain parts of the report, and with regard to that portion of it relating to Upper Canada, says:—

It is unfortunate that Lord Durham himself did not stay long in Upper Canada, for he would probably have left a truer picture.

And again—

A sketch of the political history of Upper Canada is then given in the report, but it cannot be said that it possesses anything like the value of that in the previous section (*i.e.* on Lower Canada). . . .

It is an unpleasant feature in this section of the report (on Upper Canada) that such charges are made without any evidence to substantiate them.

What I have mentioned above is of little public consequence. Lord Durham signed the report, and therefore accepted it and made it his own, and he was right to change the views which he had held three months previously, if convinced that they were wrong.² I allude to it, though, to show that my father had apparently good ground both to be sur-

¹ "Self-Government in Canada," by F. Bradshaw, pp. 275-284.

² Lord Durham, having been in ill-health for some time, died 22nd July 1840, shortly after the passing of the Union Act. What the grounds for his change of opinion were are possibly less known on this account.

prised at the tenor of the report, and also to repudiate much that was written in it, especially regarding the particular province with which he had been so long himself officially connected.

I wish (he wrote to the Secretary of State) your Lordship to understand that I am able to speak to most, if not all, of the matters adverted to in this report, and that I am now ready to show at any time, and in any place, that the report, in most of what relates to Upper Canada, is utterly unsafe to be relied upon as a matter of information by Government or by Parliament.

One point which in his letter of 29th March he laid stress upon as essential to produce confidence abroad in the financial stability and industrial future of Canada, was that the Mother Country should show clearly its determination to maintain its connection with the colony.

It had been urged by some that the difficulty of defending Canada was so great that the idea of doing so must be given up as impracticable.

Alluding to this in his letter, he says:—

Canada cannot be abandoned, and never will be while England is a nation; and surely sound policy and good economy is to look the true state of things fairly in the face.

Let it be supposed that any Power in Europe should take a fancy to the most barren of the Orkney Islands, or of the rocks of Scilly, would not Great Britain put forth, if it were necessary, the whole of her strength to defend it? Canada must be defended from a sense of the national honour, just as an individual protects his property, at the peril of his life, against a small encroachment as well as a large one. Nations, like individuals, if they would be respected, must know no other rule.

But happily there is much to cheer the British nation in their resolution to defend these Colonies. Their present value is great, their prospective importance to the Empire can

scarcely be estimated. Their growth in power and wealth is certain and inevitable.

That they can be defended there is no reason to question: there is indeed no ground for apprehending their loss, so long as Great Britain retains her supremacy on the ocean, and when that shall be at an end, what will become of her other colonies in all quarters of the globe? And what will be her rank among the nations? The vital question with her is the preservation of her naval superiority; and from those who believe that an Almighty hand rules the destinies of nations, it calls for the liveliest feelings of gratitude to Providence, that to aid her in maintaining the indispensable condition of her greatness, she has the harbours, the fisheries, the commercial marine, the timber, the hemp, the coal, which these colonies present, or may be made to yield.

To turn now particularly to my father's book, "Canada and the Canada Bill."

In the introductory letter to Lord John Russell, he refers to the reasons which influenced him in publishing it:—

Had I suppressed the public declaration of my sentiments at so critical a moment, when my accidental presence in England had enabled me to state them with convenience, and possibly not wholly without effect, I could only account for the omission by acknowledging an apprehension that by openly expressing my opinions upon a public question, however respectfully, I might incur the displeasure of the Government, and that I had therefore been silent; a reason which, if it should have become necessary to give it, would not have done honour to the Government, or to myself. . . . I shall bear, as cheerfully as others, my individual share of whatever consequences may flow from those measures which Parliament shall ultimately adopt, after the question has been presented, in all its aspects, to their consideration; but I could never patiently bear the reproach which I should feel I deserved, if, at such a moment, I refrained from communicating freely to others the apprehensions which I now feel so strongly myself.

Probably he was also influenced in publishing it by another reason, viz., that the Legislative Council of Upper Canada had, on 4th April 1839, passed a resolution adverse to the union, and in forwarding it to him requested him to bring the affairs of the province under the notice of the Crown, and "generally represent the interests of the province."

Commenting on the course he took, Mr. Fennings Taylor,¹ writing in 1865, says:—

He did what was expected of him and he did it well. The practical separation which has since taken place of the provinces whose union he sought to avert, should, we think, be accepted as a compliment to his sagacity and foresight.

By this Mr. Taylor probably means that the two provinces, though they remained officially one until the Confederation Act of 1867, had, when he wrote, owing to divergent aims and interests, become practically two. As to this see pp. 263–265 of this book.

"Canada and the Canada Bill" was a pamphlet more than a book—a small work of 200 pages—and was, as we have said before, a detailed examination of the provisions of the Union Bill of 20th June 1839 based upon the Durham report, not of the Bill as it became an Act on 23rd July 1840, which was freed from many of the original provisions to which both my father and the Legislature of Canada had alike and independently objected.

The *Times*, in reviewing the pamphlet, said:—

We feel warranted in saying, though without absolutely committing ourselves to the opinions of the author, that it contains a larger stock of useful and authentic information in

¹ "Portraits of British Americans," by Fennings Taylor (1865).

regard to the present position, wants, and prospects of that colony than any other production on the same subject we have happened to meet with.

The Union Bill, upon which it commented, stated in its preamble that, in order to provide for the future good government of Canada, it was expedient that—

- (1) The provinces of Upper and Lower Canada should be reunited and form one province for the purposes of executive government and legislation.
- (2) That—for the protection of local interests—this province should be divided into districts, each with a District Council.
- (3) That the county of Gaspé and the Magdalen Islands (which formed part of Lower Canada) should be annexed to New Brunswick.

The various clauses of the Bill provided for the manner in which these measures were to be carried out in detail, and were of course framed with a view to facilitate the working of the main measure of the Bill—the Union.

In order to understand the character of the Bill, it is necessary to mention that there were to be five districts in United Canada.

Every district, in addition to having a “District Council,” was to be divided into nine electoral divisions.

The districts and electoral divisions were not laid down in the Bill, but were left to be afterwards formed by the award of arbitrators, subject to the

principle that the number of electoral divisions should be as nearly as possible equal in each of the old provinces of Upper and Lower Canada.

Some twenty clauses of the Bill related to the formation of these District Councils, to which much importance was attached, as extending local government. They were to be more than ordinary municipal bodies managing purely local concerns; were, under certain restrictions, to be entrusted with large powers; and were to be in some sense more like district parliaments or minor legislatures, subordinate to the Provincial Legislature.

They were to be permitted to pass ordinances for the making of railways and canals, &c., in the district, to impose tolls on local works, and taxes on real and personal property, in order to raise a revenue for the salaries of district officials, and to meet other expenses connected with district government, while none of their ordinances were to be valid if they were repugnant to, or impeded, the operation of any Act of the Provincial Legislature.

The arbitrators who were to settle the division into districts were to lay down what portion of the revenue should form the consolidated revenue of the united province, and what be devoted to local purposes; also to determine the civil list and how it should be appropriated; none of which important matters were settled in the Bill itself.

The constitution of the Legislative Council (the Upper House) was to be materially changed, power being given to commit to the Governor of the province the appointment of members, which had before rested with the Crown. The tenure of the office of legislative councillor was to be limited to eight years

instead of being for life ; no property qualification for members was laid down ; the old title of "Speaker" of the Council was to be altered to "President," and the Colonial Parliament was to be empowered to pass laws respecting the time and place of holding sessions of the Legislature, its prorogation and dissolution, which had hitherto been the prerogative of the Crown.

I should be considered tedious were I to enter here at greater length than I have above into the provisions of the Bill of 1839, apart from its principal one—the "Union."

All those which I have mentioned were objected to by my father, and have now comparatively little interest, because, owing to the representations of others as well as his remonstrances, they were in great part withdrawn ; but, at the time the Bill was introduced, some were of much importance, as upon their working the success or failure of the main measure largely depended.

In case any should, however, wish to know the grounds upon which my father's objections were based, I have given several of these (for I have not room for all), taken from "Canada and the Canada Bill" in the Appendix (A., v.).

Any one caring to turn to the Union Act of 1840, the Bill of 1839, and my father's views expressed in "Canada and the Canada Bill," will see how materially the Bill of 1839, apart from its main principle of the union, was modified in the direction of his views before it passed into law.

In all from twenty to thirty alterations, of more than a mere verbal character, urged by him as desirable, in the sixty odd clauses of the Bill, were intro-

duced into the Act of 1840 ; and several omissions, to which he had drawn attention, were inserted.

The new districts, district Councils, and electoral divisions, with the settlement of questions by arbitration, found no place in the Act of 1840.

The division of the country for purposes of representation was all detailed in the Act itself.

The clause empowering the delegation to the Governor of the province of the appointment of legislative councillors was altered ; the tenure of their seats was made for life ; the qualifications to render them eligible were modified ; the old title of " Speaker " was retained.

A small qualification in real estate for members of both Houses was laid down.

The power to prorogue and dissolve the Legislature was confined to the Governor—not vested in the Legislature.

The omissions pointed out as to Courts of Appeal and other matters were supplied.

Gaspé was not detached from Lower Canada, and her Majesty was empowered to annex the Magdalen Islands to the Island of Prince Edward.

In short, of the three measures which the preamble to the Bill stated to be expedient two were altogether abandoned.

My father must have been glad to see that the House of Assembly in Upper Canada, when passing at a later date the Union Bill of 1840, recommended to their consideration by Mr. Poulett-Thompson, accompanied their assent to the measure with an address to the Queen, of which the following is an extract:—

It is with the most sincere satisfaction that this House has received from your Majesty's representative the assurance that the Bill introduced into the House of Commons during the last session of the Imperial Legislature (*i.e.* in 1839), is not to be considered as embodying the provisions which may hereafter be adopted by the Imperial Parliament—and that it is his Excellency's intention to recommend to her Majesty's Government, in the new measure that must be introduced, to adhere as much as possible to existing territorial divisions for electoral purposes, and to maintain the principle of the Constitutional Act of 1791 with regard to the tenure of seats in the Legislative Council (*i.e.* that they should be for life). We further respectfully submit the necessity of providing that the members of the Legislature should possess a stake in the country equal to that now required by the laws of this province.

With regard to the chief measure of the Bill of 1839, *viz.*, the "Union," which he unsuccessfully opposed there is no doubt that the problem which it was hoped to solve—*viz.*, the provision of a government under the supremacy of the British Crown which would, in the words of the Bill, "best secure the rights and liberties and promote the interests of all classes"—was, under the then circumstances of Canada, an exceptionally difficult one.

Sir Robert Peel, speaking in the House of Commons, said, "I defy any person, with a full consideration of all that has passed in Canada, to frame a Government which shall be totally free from danger;" and it was very uncertain how any scheme which had a practical chance of acceptance at this period, both in Canada and the Imperial Parliament, would succeed in attaining the objects sought. "Confederation" has since taken the place of the partial union of 1840 (*i.e.* of the two provinces of Canada only), and so there is no ground to regret

that the latter union was first adopted ; but in the scheme of uniting English and French Canada alone, without including the other North American Provinces, grave difficulties and risks were involved, which made its safety and success most doubtful.

In addition to that of linking together two provinces in which the mass of the people differed in language, laws, and religion, and whose antagonisms, prejudices, and jealousies had been embittered by the recent events of the Rebellion, there was the necessity of securing in the Legislature of the united province British ascendancy and loyalty to the Crown ; in other words, that the Assembly returned to represent the united provinces should not be so composed as to endanger British interests in a British colony.

Both those who supported the Union Bill and those who opposed it were equally decided upon this head.

Lord Durham, in his report, uses these words :—

It must henceforth be the first and steady purpose of the British Government to establish an English population with English laws and language in this (the Lower) province, and to trust its government to none but a decidedly English legislature.

It has been aptly written by a well-known pen :—

Lord Durham's policy for French nationality was extinction. This, he fancied, would be accomplished by the union of the provinces, which would bring the weaker race under the direct pressure of the stronger. He did not calculate on party divisions in the stronger race, which gave the key to the popular situation in the Quebec vote.¹

¹ Article by "Bystander" in the *Toronto Weekly Sun*, 19th September 1900.

But in my father's opinion it was by no means the French Canadians alone who had been the originators of the troubles of Canada.

For my own part, he says (alluding to a passage in Lord Durham's report), I think that their assumed settled bitter and permanent hostility to their British fellow-subjects has been too much dwelt upon as the inevitable consequence of the difference of races. I believe that for years and years after the conquest, hatred of their fellow-subjects, and of their government, was not an active or settled principle in the minds of the Canadian peasantry.

The French Canadian leaders were not the only agents in producing these troubles. They had able assistants and instructors, neither did they succeed without great difficulty, nor until a long course of persevering agitation.

He thought that they would never have succeeded at all,

had the Government in England shown that firmness, without which no Government will ever have credit with the ignorant and the prejudiced for believing itself to be in the right.

In his view the danger to the future tranquillity of Canada lay fully as much in politicians of British origin joining for political purposes with French malcontents; and that it was therefore essential to provide a Legislature for the united province in which British influence should be so dominant as to make it hardly possible that any unreasonable British minority should attain to power by the aid of the French vote.

There were very divergent opinions as to the way in which the desired British influence could be best

secured. Many who were in favour of the union of the two provinces of Canada, and saw no danger in that, were opposed to the further extension of the union so as to include all the British North American Provinces.

Thus we find Sir Wilmot Horton, in 1839,¹ quoting as follows from the *Montreal Gazette*, to show that opinion in Canada was opposed to such an extension :—

At a public meeting held here (Montreal), the comparative merits of both unions (*i.e.* of the two Canadas only and of all the North American Colonies) were placed in the balance. . . .

There was not a member of the meeting who had one word to say in its (the federal scheme's) favour.

Nature, reason, and experience are totally adverse to every idea of such a scheme.

At this meeting Mr. Day, Q.C., said : " A confederation of the provinces is a useless piece of machinery—the confederation could not exist for ten years without a separation from the parent State taking place."

And Mr. Henry Bliss, Q.C., writes thus in England :²—

What would be the powers, what the object of a federative Legislature in those Colonies—the proposal has no friends or supporters in any quarter of the Colonies. It is deprecated as an utter mistake, at variance with their wants and wishes, inconsistent with their relations to each other and to the parent kingdom, and involving repugnances and embarrassments fatal to any practical purpose.

It is very striking, indeed, in reading the history of these times, to see how many there were—possibly

¹ "Exposition and Defence of Earl Bathurst's Administration, and Thoughts on the Present Crisis in the Canadas," 2nd edition (1839).

² "Essay on the Reconstruction of Her Majesty's Government in Canada," by Henry Bliss, Q.C., of the Inner Temple (1839).

from having before their mind the history of the British Colonies which subsequently rebelled and became the United States, and the Rebellion of 1837-1838—who looked upon the separation of all Colonies from the Mother Country as merely a matter of time, and upon their federation as only hastening that time.

There were others, however, and among them Lord Durham himself, who were not insensible to the advantage of a union of all the provinces, but considered it impracticable or undesirable at the moment.

In his report, Lord Durham says:—

While I convince myself that such desirable ends (removing the troubles of Canada) would be secured by the legislative union of the two provinces (alone), I am inclined to go further and inquire whether all these objects could not be more surely attained by extending this legislative union over all the British provinces in North America.

He considered, however, that circumstances would not then admit of such a union, and that other measures must be taken without delay. He therefore recommended that the union of the two Canadas alone, under one Legislature and as one Province, should be at once carried out.

Lord Durham explains that the union he had in view was a “legislative union,” *i.e.* the complete incorporation of the provinces under one Legislature exercising all powers of legislation throughout (as in the case of the British Isles); not a federal union, such as the present Dominion, where the Federal Legislature exercises power in matters of general concern, but the Provincial Legislatures in matters of purely provincial and local concern.

My father was not entirely in agreement with either of the above opposing views.

He looked upon a confederation of all the British-American Provinces, with the enlargement of British influence and ascendancy in the Government which it would necessarily bring with it, as the best remedy for the troubles of Canada, and a far more effective one than the union of Upper and Lower Canada only.

He had no fears that this would endanger British connection, but held that it would strengthen it.¹ He did not concur with Lord Durham in his conviction that the end desired "would be secured by the union of the two provinces" merely; anticipating that this partial union would lead to a situation under which the government of the country, consistently with British interests, could not be carried on.

The union he wished to see was (to quote his own words):²—

A confederacy of provinces, erected into a kingdom,³ and placed under the government of a Viceroy, the executive government and local legislatures of the different provinces remaining as they are, except that the functions of the latter would be necessarily confined to objects purely local.

In the following passage in "Canada and the Canada Bill" he clearly states what he anticipated

¹ See his remarks on this subject in 1822 (chap. vi.).

² Letter to Lord Bathurst, Secretary of State for the Colonies (1822), subsequently published. (See chap. vi.)

³ It is interesting to read in the Life of Sir John Macdonald, by Mr. Joseph Pope, how desirous he was that the new Confederation in 1857 should be styled the "Kingdom of Canada." That it was not so considered "a great opportunity missed" towards hastening Imperial federation throughout the British dominions.

would be the effect of uniting Upper and Lower Canada alone :—

I greatly apprehend (whatever advantages might be reasonably expected from a legislative union of the four North American Colonies, if that were found practicable, and considering the character of the population of Nova Scotia and New Brunswick) that the effect of uniting the two provinces of Canada only will be to create a representative assembly such as the Government will be unable to withstand, except by measures which it is painful to anticipate; that it may, at the very outset, and will certainly at no distant period, give existence to a representative body in which the majority will not merely be opposed in the common spirit of party to any colonial governor who shall not be unfaithful to his trust, but a majority which would be held together by a common desire to separate the colony from the Crown—a party, consequently, whom it will be impossible to conciliate by any concession within the bounds of right. . . . If the two provinces be united I fear that we shall see jealousy, rivalry, and national antipathy working their mischief through a wider range. In times of political excitement we should have opposition to the Government producing the same troubles and embarrassments to both provinces, and, at length, concessions which would prove ruinous to both.

He writes thus also with respect to the proposed measure :—

It is well known that this (the union of Upper and Lower Canada only) is not altogether a new project.

The idea of giving but one Legislature to the two provinces of Canada was seriously entertained in 1822, when the present Sir Wilmot Horton, then Under-Secretary of State for the Colonies, brought in a bill for that purpose.

It may probably be remarked that the intended measure, being abandoned and not carried, the result has been a rebellion in both provinces; but the answer is not less obvious. It is true that there has been a formidable rebellion in Lower

Canada, but not because the Government failed to apply the suggested remedy of the union; the security against such a misfortune lay in measures of another kind, much more easy of adoption, and much more certain in their effect.¹ It is true also that there was a rebellion in Upper Canada; but it was a movement contrived and conducted by those very persons whom a union would most probably have placed in the United Assembly.

In 1822 I did, at the request of the Colonial Department, express at some length my opinions upon a plan which many years before had been suggested from another quarter, and I ventured to add some propositions of my own.

I thought that I saw certain advantages in such a policy, and I believed then, as I *still believe*, that there was little in the apprehensions which many entertained that such a union would enable and dispose the Colonies to combine together in opposition to the Mother Country.

That I think is forbidden by their relative geographical position, and there are other reasons which satisfy me that the fear need not be entertained.

My father did not think that the provision in the Union Bill, giving an equal number of representatives in the joint Legislature to each of the old provinces of Upper and Lower Canada, would suffice to fully secure British interests.

His opinion in 1822 (see chap. vi.) had been that were the proposal for a confederation of the British-American Provinces put fully before the people (which he contended it never had been), it would be favourably received; in short, that it merely wanted a full discussion.

But now (in 1839) the state of the Canadas, consequent upon the Rebellion, had caused many in the

¹ My father here and in the next few paragraphs alludes to his advocacy of the confederation of all the provinces in 1822. He then also opposed the partial union. (See chap. vi.)

other provinces to be disinclined to join them, and this being the case, my father advocated, as preferable to a union of the two Canadas alone, an alteration of the boundary line between the Upper and Lower Province.

Kingsford, in his "History of Canada," (vol. x. p. 200) referring to the various propositions as to the union brought forward in 1839, says:—

The propositions of Sir John Beverley Robinson, and the men he represented, foreshadowed confederation. . . . The proposal was to unite the four provinces for the purposes of general legislation only, leaving them in other respects as they were, retaining their Legislatures and distinct autonomy—the plan ultimately adopted in the present constitution.

These propositions Mr. Kingsford, speaking of those of my father and others as a whole, regards as having been unjust to Lower Canada, no doubt on account of the suggested alteration of the boundary line.

But my father, whatever may have been the propositions of others, did not propose any alteration of boundary in the event of confederation.

It was not to a federation of all the provinces, which he had always and earnestly advocated, but solely to the union of the two Canadas alone that my father preferred it.

He proposed that, in lieu of running the risks which he believed would be incurred in the more partial union, the boundary line should be altered. To quote his own words—

So as to embrace the Island of Montreal with some of the territory on the opposite side of the St. Lawrence and all the lands on the south-west side of the Ottawa; to make the

added territory a new county of Upper Canada, giving it in all respects the same laws, and providing for its representation in the Assembly upon a just scale as compared with the other parts of Upper Canada—leaving the rest of Lower Canada, with or without Gaspé as may be thought best, to be governed as at present, for a limited time, not less than ten years, but under an amended constitution as regards the composition, proceedings, and powers of the special Council;

Or, after annexing Montreal and the contiguous territory to Upper Canada, as above proposed, to restore to Lower Canada its Assembly and Legislative Council so soon as tranquillity shall have been perfectly re-established, and an adequate civil list been provided for the support of the Government.

And (he continues):—

It is but just to remember that Upper Canada was made a separate colony in order that those who might choose to settle in it might be free from anything which might appear unfavourable to their welfare in the laws or condition of the other province.

It is deeply to be regretted that, for the purpose of including in Lower Canada the whole of the French population, the line of division was (in 1791) carried up the river St. Lawrence to that point where the English settlements commenced—or about sixty miles above Montreal, to which town and no farther the St. Lawrence is navigable for ships—thus excluding Upper Canada from the free enjoyment of a seaport.

But I cannot see with what justice those who administered the government of this country in 1791 can be said to have acted unwisely in having divided that immense province.¹

The two provinces united would form a territory much too large to be conveniently and safely ruled by one executive Government.

Would it have been a wise, a safe, or a justifiable remedy

¹ This division he considered a necessity under the circumstances of that day, and gives his reasons at length for that opinion. His arguments applied with comparatively greater force in 1839 than they do now, when railways, steam, and the telegraph have made communication much easier—but they still apply.

to have proposed for the troubled state of Ireland in 1796 that it should be united with Scotland alone, and one Legislature given to the two kingdoms, with the right of almost universal suffrage? I think the people of Scotland would have had the sagacity to perceive that they were being made rather an unfair use of.

In the case of the union with Ireland, the laws of that country did not lose the support nor its inhabitants the convenience of an executive Government easily accessible—and even in the case of Scotland the same thing may be said. Though its individuality was not preserved, Scotland is still Scotland.

It exists as a separate country; but the effect of this Bill would be to confound all distinction of territory, and to make the whole of Canada one province under one Government.

I conclude here my quotations from “Canada and the Canada Bill.” Whether an alteration of the boundary line between the two Canadas—a measure which also had its drawbacks—would have answered as well as, or better than, the partial union did, must always remain a matter of opinion, for the expedient was never tried; but what my father was convinced of was that it would be impracticable to keep the two Canadas united and carry on the Government consistently with British interests, without that incorporation of the other British provinces which was not then acceptable.

The *Law Journal* of Upper Canada, adverting to the part taken by him in publishing “Canada and the Canada Bill,” says:—

The independent spirit and true patriotism evinced by Sir John Robinson upon this occasion is entitled to the greatest praise. By the manner in which he wrote he placed himself in direct antagonism to the views of the Governor and his advisers.

Four years after the passing of the Union Act of 1840, my father wrote to Sir Charles Metcalfe:—

9th March 1844.

I have been told that your Excellency desired to see the observations made by me upon the projected union of the Canadas. I did intend to have sent it¹ before, but I thought it not very probable that you would find time to give it a perusal.

The Bill commented upon, as your Excellency will perceive, was that presented by Lord J. Russell in 1839, and printed by order of the House of Commons.

When the measure was presented again in 1840, the Bill was altered in very many of the particulars upon which I had remarked, so that much said by me in this little book is not applicable to the details of the present Act—though it may have had some effect in making the Union Act what it now is.

My distrust of the measure, I confess, continues, and most heartily glad I shall be if, after five years more have elapsed, any one who has found a stray copy of my pamphlet shall be able to conclude satisfactorily that my worst apprehensions were groundless.

To show that these apprehensions were not groundless, but that serious dangers and embarrassments occurred under the Government created by the union, I may, I think, appeal to history. More than one writer upon Canadian subjects has alluded to these. I quote the following from Mr. John Dent's "Canada since the Union of 1841," vol. ii. p. 439, referring to the year 1864:—

Public affairs were literally at a deadlock. Both parties had tried in vain to carry on the government of the country. Successive dissolutions and elections had served no purpose except to intensify the spirit of faction, and to array the contending parties more bitterly against each other. The

¹ Alludes to "Canada and the Canada Bill," containing these observations.

state of affairs seemed hopeless, for the Constitution itself was manifestly unequal to the task imposed upon it.

I will also add extracts from another historian, Mr. MacMullen.¹ He says, speaking of the excitement attending the debates upon the Rebellion Losses Bill (1849), which preceded the riots and burning of the Houses of Parliament in Montreal—

To escape from French domination, as it was termed, the more violent Tory members of the Conservative party declared that they were prepared to go any lengths—even to annexation with the United States, a measure which in the passionate excitement of the moment was openly advocated. It was a rash proceeding, and forms a mortifying epoch in the history of Canadian parties.

Again, alluding to the year 1859, Mr. MacMullen says :—

In November a great gathering of the leaders of the Reform party took place at Toronto.

The conclusion was arrived at that the union of Upper and Lower Canada had failed to realise the intentions of its promoters, that the constitution itself was defective, and that the formation of two or more local Governments with some joint authority over all had now become a paramount necessity.

Again, describing the absolute deadlock which occurred in the working of the Government in 1864, he says :—

Faction had now literally exhausted itself. The public affairs of the country were completely at a standstill, and for the moment it seemed as if constitutional government had finally ended in a total failure.

Repeated changes of Cabinets had been tried, dissolutions of Parliament had been resorted to, every constitutional specific

¹ MacMullen's "History of Canada," pp. 506-507, 549, 570-571, 589.

had been tested, but all alike had failed to unravel the Gordian knot which party spirit had tied so firmly round the destinies of this province.

The public stood aghast at this state of things, while the lovers of British constitutional government regarded the extraordinary situation with unlimited dismay. . . . The leading minds of the country naturally applied themselves at this juncture to discover some mode of escape from the dangerous difficulties of the public situation. . . .

. . . The negotiations which now ensued between the rival political leaders speedily resulted in a satisfactory understanding, based upon a project of confederation of all the British North American Provinces, on the federal principle, and leaving to each province the settlement by local legislation of its own municipal and peculiar affairs. . . . Thus a strong Coalition Government was formed to carry out the newly accepted policy of confederation, and though extreme parties here and there grumbled at these arrangements, the great body of the people of all shades of opinion, thankful that the dangerous crisis had been safely passed, gladly accepted the situation and calmly and confidently awaited the progress of events. Never before had a coalition been more opportune. It would seem indeed as if a special Providence was controlling matters for its own wise purposes. . . .

Thus the threatening peril was averted, and—to quote for the last time on this subject—

The great project of confederation was (on the 20th May 1867) at length finally and happily completed, and the morning voice of a new people (the Dominion of Canada) was heard among the nations of the earth.

What might have been the result of the state of matters above described, had the partial union continued longer, and the able and patriotic statesmanship of Sir John Macdonald or some later statesman been unable at a time of difficulty to carry through the scheme of confederation, who shall say ?

By the Confederation Act ¹ the Dominion of Canada was divided into four distinct provinces, viz., Ontario (formerly Upper Canada), Quebec (formerly Lower Canada), Nova Scotia and New Brunswick—each province to have its separate Legislature for local purposes, and the existing limits of each to remain undisturbed.

To these, since 1867, have been added Prince Edward Island, British Columbia, and Manitoba, with the North-West Provinces.

In what I have said above, it has not been my object to imply that any of the proposals short of a larger confederation than that of the two Canadas would certainly have been attended with greater success than the smaller union.

This no one can say. There were drawbacks to all, such as would possibly have led to opposition and failure. The partial union also had, together with its drawbacks and dangers, this advantage—that it prepared the public mind for the larger and more complete measure.

My desire has been simply to show in what my father's objections to the "Union Bill" of 23rd June 1839, as urged in "Canada and the Canada Bill," consisted, and to point out that, with the exception of the main measure of the union, the alterations which he advised in this Bill, and which were many, were nearly all adopted before it became an Act in 1840; that the embarrassment and danger which he anticipated from the main measure itself, *i.e.* of the union of the two provinces only, were not imaginary but very real; that the solution of them was happily

¹ Styled "The British North America Act, 1867."

sought in the Confederation of all the British provinces, a measure the assumed dangers of which he had never dreaded, which he had long considered the best solution, and which he had in vain strenuously advocated forty-five years before it was adopted.

So much is due to his memory.

Whether before his death in January 1863, he had convinced himself, from the trend of public opinion in its favour, that the larger scheme of Confederation would be certainly carried out, as it was four years afterwards, in 1867, I cannot say, but as he had always so earnestly advocated the measure I hope this may have been so.

After ceasing, in 1841, to have any connection with politics, his judicial duties entirely absorbed his time and thoughts, and I cannot recollect his ever speaking upon this matter.

In 1849, the North American League was formed in Toronto to promote the measure, and in 1854 (also in 1861) Nova Scotia passed resolutions in favour of it.

In 1859 the Governor-General of Canada stated, on opening Parliament, that the project of a union of all British North America had formed the subject of a correspondence with the Home Government. But it was not until 1863, a few months after my father's death, that Canada joined with Nova Scotia and the Maritime Provinces to urge its adoption.

I give here a memorandum—of which the rough draft was found among his papers—bearing upon the Colonial policy of the Home Government as to the North American Colonies existing about the time of his death, and which may be said to now prevail. This was evidently written by him about the time

that the policy of withdrawing the Imperial troops from Canada—afterwards carried out—was generally spoken of as that of the Home Government :¹—

The British Government, by their conduct since 1840, seem to say this to the North American Colonies :

You are large countries, growing very rapidly, and sure to contain before long some millions of inhabitants.

We believe that whenever it may suit you to rebel, you will rebel.

We are resolved not to add millions to our national debt by attempting to maintain your connection with us by force, especially at the expense of a war with your powerful neighbours, which such a struggle would probably lead to.

If you are ever to separate, we had rather you separated before we spend more millions on maintaining troops and garrisons among you.

Moreover, we have no dread about hastening the period of separation, because we take a different view now from that which used to be taken of the uses and advantages of colonies.

We now believe that there ought to be no friendship in trade. We are convinced that both we and you should buy and sell wherever we can do it to the most advantage, and that we should allow any one to carry for us cheaper than we can carry for each other, and for ourselves.

In order then that you may see the sooner your true position, we will begin the separation on our part by rebelling against the principle of mutual obligation, which has hitherto been held to be the consequence of allegiance.

We shall withdraw our troops from the Colonies, and pay no part of the expense attending the maintenance of a connection which we look upon as no affair of ours, but one that only concerns you.

All that we propose to do hereafter is to appoint your Governor as we have hitherto done, and as we do not intend

¹ Though the policy of making the self-governing colonies responsible for their own defence was introduced about 1862, the troops were not actually withdrawn from Canada till 1870.

him to perform any of the functions of government for the Colony (but to be merely our agent for reporting to us what is done by the Assembly, whom we intend shall be the real rulers), we shall not object to paying his salary ourselves.

He will be instructed by us to let the majority do as they like, unless they should plainly propose to break the connection with the Mother Country, in which case any Bill which shall be presented to them for such a purpose is to be reserved for our consideration, and not assented to at once—the probability, however, being that we should not disallow it.

Such is now the colonial relation, and such is the disposition of mankind, that I question whether, after all, the connection may not endure longer under such an understanding than under any other.

An impatient horse, tied near a precipice, will pull and struggle in all directions to get free, not regarding the risk he may run of precipitating himself over the brink. But if he were turned out to provide for himself, he would be in no such danger. He would graze near the edge, but having nothing to pull against, and being left at liberty to go where he pleased, he would not choose to break his neck.

Evidently he did not anticipate that the new policy would tend to separation.

With what pleasure he would have seen the British provinces forming the Dominion of Canada to-day!

Confederated, contented, prosperous, with their value more and more appreciated by the Mother Country, and evincing a loyalty and devotion to her in war and peace which the trials and responsibilities born of empire have served only to deepen and strengthen!

CHAPTER X

JOURNAL AND CORRESPONDENCE IN ENGLAND

OCTOBER 1838 TO DECEMBER 1839

English interest in Canadian questions—Visits to Sir F. Head and Sir Robert Peel—Letter from the latter—Destruction of St. James' Church, Toronto—Durham report—Visit to Sir Wilmot Horton—Mrs. Jameson's book—Interview with the Duke of Wellington—Defences of Canada, &c.—Views of 1822 as to the union unchanged—The Queen's ladies—Resignation of the Ministry—Apsley House—Appointed by Legislative Council to represent interests of Canada—Dinner with Cordwainers' Company—Sir W. Follett and Lord Lyndhurst as to American prisoners—Interview with Lord Normanby and Lord J. Russell—Soirée at Thomas Campbell's—Consecration of Dr. Strachan—Letter from Sir George Arthur—Obtains extension of leave.

My father's journal and correspondence while in England between 1838 and 1840—from which in the next two chapters I give many extracts—show that his time and thoughts were almost continuously occupied throughout this period with public questions connected with the Canadas then under the consideration of the Imperial Government: such as the recommendations of the Durham report, and the proposed union of the Upper and Lower Provinces; the Clergy Reserves; and the course to be pursued with the American prisoners taken in the Canadian Rebellion. What I have said in previous chapters will, I hope, enable his references to these subjects to be now fully understood.

Although colonial matters sixty years ago aroused far less interest in England in ordinary times than they do at the present day, the circumstances of the

moment had brought Canadian subjects into exceptional prominence there.

The course which leading men in politics—Sir Robert Peel, the Duke of Wellington, Lord John Russell, Lord Lyndhurst, and others—would take upon Canadian questions, and the possibility of the defeat of the Ministry upon its Canadian policy, were the subjects of discussion in public and private; the attention of those in political life was much directed to them; and it was felt that with the future administration of the British-American Colonies important Imperial interests were bound up.

The views of Sir Robert Peel as to the union of the Upper and Lower Provinces of Canada were not disclosed for a long time, but eventually he advocated it. The Duke of Wellington and Lord Lyndhurst opposed it; Lord John Russell, who had introduced the Bill in June 1839, was its leading supporter.

Sir Herbert Maxwell, in his "Life of Wellington," says:—

The course taken by Sir Robert Peel on the union of the Canadas was the occasion of a fresh difference (with the Duke of Wellington), and all intercourse¹ ceased between them.

My father's presence in England at this period, and his knowledge of and position in Canada, led to his being constantly referred to upon Canadian topics by members of the Government and others.

He had several times to come up to London from Cheltenham, Brighton, &c., to keep appointments at the Colonial Office and with public men.

It was often with inconvenience and some risk to

¹ The meaning of this, no doubt, is that all intercourse for a time ceased between them.

himself that these journeys were made, as his health, especially at first, was far from good, and he really required rest and freedom from work; but when he thought he might be of use to Canada by imparting the information which he possessed to those who desired and had a right to obtain it, he never spared himself.

Sometimes he came to town alone, leaving his family in the country, and sometimes with my mother and others.

Much attention, both of a public and private character, was shown to him in London, particularly by the Duke of Wellington, who was thoroughly versed in all Canadian matters, and the kindness and hospitality he met with as coming from Canada were unbounded.

As everything associated with the great Duke has an interest of its own, I have quoted rather largely in this chapter from my father's references to conversations, &c., with him.

To Sir Robert Peel he paid two visits at Drayton Manor.

He received great kindness from Sir Robert Harry Inglis, member for Oxford, a strong Conservative and earnest Churchman, widely known and respected by men of all shades of opinion, and whose friendship he especially valued.¹

Sir Wilmot Horton he met constantly, their acquaintance having been kept up since 1822, when he was Mr. Wilmot, and its cordiality not having been lessened by their difference of view as to the union.

He was also often with Lord Lyndhurst, whom

¹ See entry in my father's Journal for 5th May 1855, chap. xiv.

he had met in previous years, when Mr. Copley; with the Bishop of Exeter (Phillpotts); Mr. (afterwards Sir John) Pakington,¹ Lord Seaton, Sir Francis Head, and Sir Peregrine Maitland, all of whom were then in England, and naturally deeply interested in Canadian topics.

With some of the above, a correspondence more or less constant was kept up by him throughout life.

When he reached England, the Merrys, my mother's relations, were at 5 Lansdowne Terrace, Cheltenham, where they lived when not at Highlands in Berkshire, and this led to his going first to Cheltenham, where he took a house (7 Lansdowne Place), and then reported himself personally at the Colonial Office. Lord Glenelg, Secretary of State for the Colonies, being out of London, he returned to Cheltenham, and, in December 1838, was setting out with my mother and two of my sisters for Atherstone in Warwickshire upon a visit to Sir Francis and Lady Head, when a request was received from Lord Glenelg that, if his health permitted, he would come to town immediately, as the mail steamer, taking official letters to Canada, with reference to which he wished to see him, was to sail in three or four days.

Leaving the others at Birmingham to go on without him to Atherstone, he took the train thence to London.

These were the early days of railways. The journey — 113 miles — owing to unexpected and

¹ Mr. Pakington was created a baronet in 1846, and raised to the peerage as Lord Hampton in 1874; died 1880.

vexatious delays, took many hours longer than had been anticipated, and he did not reach town till midnight.

I was very cold, he writes in his Journal, and not being well, suffered a good deal.

After seeing Lord Glenelg and Sir George Grey, he called upon Lord Durham in Cleveland Row and had a short conversation with him.

He looked ill and anxious, and talked chiefly of past occurrences which had occasioned him to return, and did not seem inclined to enter into any account of what measures he intended to recommend.

When, after this, he had rejoined my mother at Sir Francis Head's, Sir Robert Peel invited both him and Sir Francis to dine and stay the night at Drayton Manor, about eight miles from Atherstone.

Writing to Dr. Strachan on 24th January 1839, he mentions this visit:—

Sir Robert was quite alone, except Lady Peel, and a remarkably fine family of children.

We sat up till twelve o'clock, talking of Canada principally, and returned to Atherstone about midday the next day. Before I left him he expressed a wish that I should pay him another visit the following week, when, he said, he expected the Duke of Wellington.

On that occasion I spent two nights, and nearly three days there. The Duke was detained at home by a cold, but Lord Sandon, Lord Stanley, the Duke of Rutland, General Alava, Lord Hill, Mr. Arbuthnot, Lord Wilton, Sir Henry Hardinge, Lord Fitz Roy Somerset, and several others were there. My visit was made agreeable in every way, though I was not well enough to join in any amusement out of doors.

Of those mentioned above, Lord Hill, Sir Henry

Hardinge, and Lord Fitz Roy Somerset (afterwards Lord Raglan) are well known in connection with the campaigns of the Peninsula, India, and the Crimea. Mr. Arbuthnot was private secretary to the Duke of Wellington and lived much with him. General Alava was a Spanish officer of distinction, who having been attached to the British headquarters at Waterloo, and also fought in the Spanish navy at Trafalgar, is said to have been the only individual known to have been present at both these great battles.

Sir Robert Peel writes to my father, January 10, 1839, from Drayton Manor:—

MY DEAR SIR,—I very much regretted that the necessity of constant attention to a large party of guests left me little leisure, when you last favoured me with your company at Drayton Manor, for free communication with you on much more important and interesting matters.

I do not think you will find yourself practically in an embarrassing situation in consequence of any course you may take in reference to Canadian affairs, or any interviews you may have with men of different political parties here. It will be universally acknowledged that nothing could be more natural than that you should adhere in this country to the intimacies and friendships, which the agreement in principle and the sense of common danger were so likely to cement in Upper Canada, and that nothing could be more useful to the province than that you should disregard the political and party differences which divide us, and seek to impart and impress upon all public men here those opinions which experience in Canadian affairs and the advantage of local knowledge and connection have entitled you to form.

I for one shall be most happy to communicate with you without reserve, having the fullest confidence in your ability, integrity, and attachment to the interests both of the pro-

vinces of which you are an ornament and of the Mother Country.

It appears to me that the time has come when the Executive Government of this country must, without the delay of a month, pronounce some decisive and intelligible opinion respecting the whole of the Canadian questions.

My opinion is that the Government ought to declare on the part of the sovereign power of this country—

First.—Its determination, at all hazards, to maintain the connection with its British North American Colonies, and to send such a force there as should enable it to insist upon the observance of the first principles of justice by the United States; not only by those who are called, by courtesy, the Government of the United States, but by the people of that country.

My belief is that this is the only way of averting war with the United States, as a consequence of American piracy and depredation; and that the fear of a powerful military force in the Canadas, ready to act *aggressively* in the event of hostility, is almost the only stimulus that can be applied to *effectual* exertion on the part of the United States to check invasions which cannot be tolerated by this country without public dishonour to her.

Secondly.—I think the Government should avow that they will not permit any longer the forms and privileges of a free Constitution and representative Government to be perverted, in Lower Canada, from the object for which they were granted to the systematic destruction of British interests and the undermining of British authority; that they intend to act, without any revengeful feeling for the past, with justice and impartiality to all, so far as all legal rights—as distinguished from favour and confidence—are concerned; but that they will execute their resolution of maintaining British authority and defeating treasonable designs *openly* and *frankly*, taking boldly all such power as is necessary for the purpose, and not seeking to hide their design under the cover and pretence of re-establishing a popular Government to be hereafter thwarted and defeated by indirect means. There is much less injury done to that form of Government by the frank avowal that it is

unsuitable in a certain case, than by pretending to establish it in form but refusing it in substance.

Thirdly.—I would avow that this opportunity should be taken of giving to the Upper Province those facilities for commercial enterprise and free intercourse with other countries, which nature seems to have assigned to her, but of which she is at present deprived by legislative enactments now fairly open to review.¹

. . . I can easily believe that the details for executing these leading principles would require the most careful consideration. In many cases it is very unwise to announce a principle without being fully prepared to execute it in all its details, but in the case of the Canadas I doubt much whether the best mode of obviating the difficulties of detail would not be a decisive declaration that the British Parliament had made up its mind to do certain things, and would proceed to do them. The minds of men, ministers, and others, will then be applied to the consideration of the best mode of executing that which is in principle resolved upon, which they will not be while everything is left in uncertainty by the appointment of fresh commissions, and the institution of interminable inquiries, the Government appearing to have no opinion, or, as is probably the truth, having none.—Believe me, my dear sir, with great esteem, very faithfully yours,

ROBERT PEEL.

In a letter to Dr. Strachan of February 10th, my father says :—

To-morrow morning I go to London. The report of Lord Durham is to be laid before the House, and in the meantime it has, nobody knows how, found its way into the *Times*. I have only seen part of it.

And he thus alludes to the burning of the church of St. James, the present cathedral church

¹ Alludes apparently to the dividing line between the provinces having deprived Upper Canada of a seaport (see chap. ix.), and the fiscal difficulties which this entailed upon her.

of Toronto, on 7th January 1839, of which he had recently heard.¹

We have all felt deeply the destruction of our excellent church. Pray, in any of your measures, reckon upon me as one who will go the full length with the most zealous of your parishioners. You have need of all your fortitude and unyielding spirit, and I pray God it may fully support you under your trials of every description.

Between February 11th and the end of March 1839 he was alone in London, staying at the Spring Gardens Hotel, and much occupied with an examination of Lord Durham's report.

On the 22nd February he writes to my mother:—

Since Tuesday morning I have literally been a hermit in London, seeing nothing, and being seen of none, when I could help it.

'That Report! When I read the 119 folio pages I hardly found a passage I did not burn to expose.

On Tuesday I took it up, and commenced the criticism in a connected form, and after two days' hard work, on Wednesday night I found I had got to page 27 out of 119.

How it worried me!—so much to say; such a wish to shorten it.

But while I was taking a stroll in St. James's Park, my good genius whispered—"Work at it leisurely at Cheltenham or elsewhere, but now go at the main point, the *Recommendations*."

It was clearly the right course. I could thus make a readable paper of moderate length, and could have it forthwith.

Yesterday morning, at half-past nine, I commenced my intended letter to Lord Normanby, and precisely at 12 (midnight), having stopped half-an-hour for dinner, I had the satisfaction of writing "I have the honour to be," &c.

I believe I never in my life went through a harder day's work of the same kind.

¹ An appeal for funds to rebuild this church was liberally met, and it was re-erected by December in the same year.

When I deliver in the paper I shall stand acquitted in my conscience, happen what may.

He also wrote to my mother on 18th February 1839 :—

I was picked up on Saturday at Mr. Tuffnell's, Sir W. Horton's son-in-law, in Cavendish Square, and when I stepped into the carriage to join Sir W. and Lady Horton, saw on the front seat a large square black box, and by the side of it, who do you think? but Anna herself.¹

She looked, I assure you, a conscience-smitten caitiff. I told her it was fair to apprise her that I was engaged in reviewing her book.

She was for some years in Lord Hatherton's family, and as Lord H. was on a visit to the Hortons, they asked her down to meet him.

Mr. and Mrs. Carleton were there. She is a sister of Sir W. Horton, and he is a son of old Lord Dorchester, the first Governor-General of Canada.

Then we had a Miss Brownlee, who tried her hand at *sketching me*, whether with more success than Mr. Dighton² I cannot say.

Both Sir W. and Lady Horton express much desire to see you and the girls. I have promised a visit for you, and can answer for its being a most agreeable one.

Returning to Cheltenham by the 1st April, he came again to town on the 17th with my mother and eldest sister, taking lodgings at 3 Spring Gardens, and on the 24th the rest of the family joined them.

About this time his leave was extended by the Secretary of State for six months longer, and in informing him of this Mr. Labouchere added :—

¹ Anna Jameson, married to Vice-Chancellor Jameson, of Upper Canada, and authoress of "Winter Studies and Summer Rambles in Canada" (1833), in which Toronto society had been discussed and my father spoken of as having "a fine head and acute features, and the most pleasing, insinuating voice I have ever heard."

² A water-colour sketch of my father, seated at his library table, had been taken by a Mr. Dighton at Cheltenham.

I am desired to acquaint you that Lord Normanby is happy to have it in his power, by acceding to your request, to express, in however slight a manner, the respect which he entertains for yourself personally, and the estimation in which he holds your services.

I now quote from his Journal :—

29th April 1839.—I received a note from Mr. Arbuthnot saying that the Duke of Wellington had asked if I did not mean to call upon him. He said the Duke would be glad to see me any day at twelve, except Tuesday.

1st May.—I called on the Duke at twelve o'clock, and was with him about an hour.

I had sent him some days before a letter from Sir John Colborne, containing his ideas of the state of Lower Canada, and of what ought to be done by Parliament. He had also had copies of my letters to Lord Normanby on Lord Durham's report; on the measures necessary for the future government of Canada; and on the measures for restoring confidence and security to Canada.

Before going further it may be as well here to say that my father had urged in the letters above mentioned, and to which I have alluded in the last chapter, that nothing would more effectually stop the troubles on the Canadian frontier than a clear announcement in the British Parliament that Great Britain was determined to maintain her connection with her Colonies, putting forth, if necessary, all her strength to that end; and that foreign Governments should be left in no doubt that in making war upon any portion of the British Empire they were making war on Great Britain.

The policy he advocated had in fact much in common with that which Sir Robert Peel was in favour of (see his letter of 10th January 1839, already

given in this chapter), but as to which there existed a strong impression that the Government would not be bold enough to carry it out. The existence abroad of this impression, from whatever cause it had arisen, and whether right or wrong, had, he thought, largely contributed to produce what had occurred.

The measures of defence which he advocated have been touched upon in chapter iii., in connection with the American War.

With respect to the American and other foreign invaders of Canadian territory during the Rebellion, he considered that their liability to trial by military tribunals (see chapter viii.) was essential, but with regard to certain prisoners taken after the cannonading of Amherstburg, and the killing and wounding of British soldiers, that the best effect would be produced by sending them to England to answer there to the Crown for their offences.

It must be explained that at this time the extradition treaties with the United States, which had their origin largely in the events on the Canadian border in 1837-38, did not exist.

Journal continued.

The Duke was looking remarkably well and cheerful.

It was his birthday (1st May), and he had completed his seventieth year. He began by returning me Sir J. Colborne's letter, and laying my letter on the defence, &c., of the provinces before him on the table, and then said (referring to an expression of Sir J. Colborne's that the St. Lawrence should be made an "imperial river"),—

Great Britain has given to these provinces each a separate Legislature, and they have certain terms and conditions which they wished and desired respecting the trade and navigation of the river, and you do nothing for them by merely saying it

shall be an "imperial river." You must show them how their interests are to stand, and why not do that at once—now—by your measure?

After a time he pointed to my paper which was on the table, and said :—

I have read your paper—every word of it—and have considered it well. The subject is not new to me. I suggested twenty years ago the measures that I thought should be taken for the defence of the Canadas. I was then Master-General of the Ordnance, and I made it my business to acquaint myself with the particular position and geography of the provinces. I remember the whole matter perfectly. I am sure that I could now, from this room, give directions for posting an army at Burlington Heights.

You speak also of Penetanguishene. I remember I was most anxious that that should be made a strong and important station.

I agree in all you say about the measures that ought to be taken with the American Government, and about the disposal of their people when made prisoners. You are right in everything, but mind, I tell you, the Ministers will do nothing whatever respecting this.

Your paper, my dear sir, was written for a different country, for a different state of things altogether. Your paper was written for "Old England," but this is not "Old England," nor anything like it. I speak of what I remember, but you must see yourself that everything is totally changed.

I venture to say that you will not be able to get them to look at that paper; no, nor upon anything of the colour of that paper.

The whole now is a miserable party warfare, in which all the grand interests of the nation are sunk. If the people in Downing Street tell you that they could do anything for the Colonies, such as you point out, don't believe them. They can do nothing of the kind. They are under an influence that will not allow them to do it.

See what the Government are now doing in this Jamaica question. I say to the West Indian people, if these measures

are carried, my advice to you is, sell your property if you can and leave the country; and, if you can't sell your property, still you had better leave the country, and go into the first English workhouse that will receive you, for there, at any rate, your life will be safe.

Now, sir, I tell you, that the Government will do nothing of the kind that you there point out to them. They can't do it, the time for looking at great questions in this way is gone by. Look at the language the Government has always held about the affairs in Canada; they have never made the Queen say more, in effect, than that she will support those who support her. It is not merely because some of her subjects there have behaved well that the support should be given. It's because her Empire has been attacked—that's the reason.

This is but a small part of what he said. His conversation was very interesting. His manner was animated and warm, his voice occasionally loud. His eye particularly kind and intelligent, but his hearing is a little difficult. One cannot so readily discuss a matter with him as with a younger man.

I could not but look upon him with intense interest while he was speaking—his honest language, his open bearing, and then the recollection of the career he had had.

In connection with the measures suggested by the Duke of Wellington for the defence of the Canadas, which (so far as I am aware) have not been made public, the following letter¹ written by Lord Stanley to Sir Robert Peel, a few years later than the date on which the above entry in my father's Journal was made, has an interest:—

“12th August 1845.

(Secret.)

I send you—I dare not send the Duke—what appears to

¹ “Sir Robert Peel—from his Private Papers”—edited for his trustees by C. S. Parker (1899), vol. iii. p. 216.

me a very wild letter from Lord Metcalfe¹ on the chances of war with the United States, and the course to be pursued.

I am clearly of opinion (contrary to his) that in such an event, our operations on the Canadian frontier must be purely defensive. It must, however, be admitted that in Canada, as elsewhere, our defensive works are sadly deficient. Whenever I have touched upon the question with the Duke, he always refers back to a plan laid down by himself in 1826, the expense of which was so enormous that all Governments have deferred acting upon it.

Journal continued.

2nd May 1839.—Dined at Lord Wharncliffe's, where I met, with others, Lord Harrowby and Lord Aberdeen. I had, at dinner and after, a good deal of conversation with Lord Aberdeen respecting Canada. He spoke strongly against the union.

4th May.—I now see that Ministers have announced their measure: a royal message was delivered in each House, recommending a legislative union. After twelve o'clock I called on Sir Robert Peel by appointment. He tells me that the West India debate stands for Monday, and that the Canada business is further postponed till Wednesday.

I can consistently repeat my objections to the union, for I have never changed my view of the subject. My letter to the Secretary of State in 1822 contains what I still think, only that all that has since occurred strengthens my repugnance to the measure.²

7th May.—Mr. Amyott called, and told me the result of last night's debate upon the Jamaica Bill. Ministers had only five of a majority. I inferred that they must go out,³ and the surmise was strengthened by my getting a note from Mr. Edward Ellice, with whom I was to dine to-day, saying that "something unexpected had occurred" and begging me not to come.

¹ Lord Metcalfe was Governor-General of Canada 1843-47.

² See chap. vi. and chap. ix.

³ The Bill for the suspension of the constitution in Jamaica, where the Assembly had declared against Imperial interference or control, being only carried by five votes, the Ministry resigned, being disinclined with so narrow a majority in favour of their policy to deal with the Jamaica question.

At eight o'clock the newsmen were crying about the streets a second edition of the *Courier*, and the resignation of Lord Melbourne and the Ministry.

8th May.—Dined at Lord Lyndhurst's. Lord Brougham was there in full dress, meaning to go in the evening to Cambridge House. Dark-coloured coat with metal buttons, a white satin waistcoat sprigged, purple-coloured breeches, white stockings, and a sword. He talked incessant small talk.

Lord Lyndhurst has since told me that he knew then of the Queen's refusal to part with her ladies, and that Lord Melbourne's Ministry was in again. I observed him serious, but attributed it to quite the opposite cause to the true one.

This incident caused some stir at the time. Sir Robert Peel, who was called upon to form a new Government upon the resignation of Lord Melbourne's Ministry, considered that in the case of a reigning Queen, as distinguished from a Queen the consort of a King, the Prime Minister could not have due weight with the Sovereign unless the chief ladies of the Household (whose near male relatives belonged to the out-going Government) changed with the Government. Lord Melbourne thought this unnecessary. The Queen was naturally averse to it. The Duke of Wellington considered that it was constitutionally desirable, a view not popular at the time. It was arranged eventually that Lord Melbourne's Ministry should resume office.

13th June.—To-night the Canada Bill is to be introduced, and a debate will take place at which I cannot be present, but it will not be the discussion which will determine the vote.

14th June.—I went in the morning to Mr. Pakington, and had much conversation with him regarding the Clergy Reserves, &c.

13th June.—Sir Peregrine Maitland with me to-day.

19th June.—Went with Emily, Louisa, and William Boulton to Woolwich and Greenwich, and spent a pleasant day seeing the sights there.

On my return I found a kind note from the Duke of Wellington asking me to bring Mrs. Robinson and my family to-morrow at four o'clock to see his trophies, &c., in Apsley House. The Duke also asked me to dine with him that day at half-past seven.

20th June.—At four o'clock went with Emma, William Boulton, John, Emily, Augusta, and Louisa¹ to Apsley House. The Duke came down and received us, and most kindly showed us over his house.

The table for our dinner to-night was set out with his magnificent service of plate from the kingdom of Portugal, and there was the noble golden shield and candelabra presented by the bankers and merchants of London.

He showed us his paintings, a very fine Correggio, "Christ in the Garden," which he says is one of the finest, if not the finest, painting in England. It is striking—a small picture.

It was most delightful to us all to have the Duke of Wellington pointing out to us the different portraits of Buonaparte. My little ones were charmed.

The Duke explained to us how embarrassing the Portuguese plate had been to him. The plateau for the great ornament was so large that he had first to make a table for it, then a room to hold the table, and to get this room he had to pull down the park front of his house, and add many feet to it. "Confound the plateau" (he said), "it cost me a great deal of money."

It made him improve his house, however. It is now magnificent.

About thirty dined. I sat between Lord Maryboro' and Lady Fitz Roy Somerset, his daughter. Lord Maryboro' I had much talk with. He seems a stiff, unbending Conservative.

¹ These were my mother, William Boulton, of the Grange, Toronto, my brother John Beverley, and my sisters (afterwards Mrs. Lefroy, Mrs. Strachan, and Mrs. Allan).

After dinner I talked with the Duchess of Richmond, her son the Duke, Lord Fitz Roy Somerset, and the Duke of Wellington. The Duke spoke much of affairs here and in Canada, and is clear and impressive in all he says.

24th June.—Received to-day the resolution of the Legislative Council of Upper Canada requesting me to “represent generally the interests of the provinces.”

26th June.—The Lord Mayor and Lady Mayoress called for Mrs. Robinson, and took us down in their carriage to Richmond to dine with the “Worshipful Company of Cordwainers” at the “Star and Garter” at three o’clock. We sat down to dinner at four, a large party, and drove back to town at eight.

28th June. — This evening Dr. Strachan arrived from Toronto.¹

This morning Mr. Pakington sent me the Union Bill, which had been brought in and printed yesterday. I had not seen a word of this Bill before.

Sunday, 30th June.—Went with Dr. Strachan, after church (at Curzon Chapel), to call on Bishop Inglis—not at home—and on Gillespie, whom we saw.²

I dined at Lord Wilton’s, 7 Grosvenor Square. Old General Alava, the Duke of Wellington, Duchess of Beaufort, Lord Jersey, Lord and Lady Lyndhurst, Lord Brougham, Lord and Lady Stanley, Lord and Lady Mahon.³

I sat between the Duke of Wellington and Lord Mahon. We had much conversation about Canada, the proposed union, parties here, &c.

Good joke of Lord Brougham’s when some one said that Lord Glenelg, when he *did work*, was an able man. “When he *did work*!” said Brougham; “that reminds me of what I once read in some natural history book, that when an ox *does* give milk, he gives more than two cows.”

¹ Dr. Strachan had come to England to be consecrated as the first Bishop of Toronto, and returned to Canada in the autumn.

² Bishop Inglis was the first Bishop of Nova Scotia—consecrated 1827. Mr. Gillespie was probably from Montreal.

³ Afterwards Earl Stanhope, author of “Conversations with the Duke of Wellington” (1889).

Sydney Smith saying, when Landseer proposed to make a portrait of him, "Is thy servant a dog?"

1st July.—Sir Francis Head called. I received a satisfactory note from Sir W. Follett¹ at Brighton, respecting the American invaders. He quite agrees with me.

2nd July.—I called on Lord Lyndhurst, and had a conversation respecting the legal point about the American invaders. He is to show the draft of my letter to him to Brougham, and converse with him upon it.

He inclines, though not confidently, to the opinion that the invaders of Point Pelé Island might be prosecuted for murder.

In the evening I went to the House of Lords to hear the debate on the Jamaica Bill in Committee. Lord Lyndhurst began the discussion. Lord Brougham spoke, also Lords Normanby, Melbourne, Glenelg, Mansfield, St. Vincent, Seaforth, and Ellenborough. Lord Melbourne hesitates extremely. None of the Bishops spoke. Daniel Webster was there.²

3rd July.—Breakfasted with Sir Robert Inglis—Sir R. W. Horton, Archdeacon Strachan, the Dean of Christ Church, his son, and W. Boulton were of the party. We had much talk about emigration.

At half-past five I went to Lord Normanby by appointment.

We spoke of the Union Bill. I told him that the five inferior legislatures³ were not wanted in Upper Canada, and would be mischievous there and everywhere; that they were un-English, and would plunge us into a perpetual round of elections; and that, besides this, a power to tax without limit was not to be trusted to a single body chosen annually.

He seemed to agree in all.

I then spoke of the Welland Canal Reserved Bill, and was speaking of the finances of Upper Canada when Lord John Russell came in, and entered into conversation with me on

¹ The Solicitor-General.

² The well-known American statesman.

³ Refers to the "Elective Councils" which it was intended to have in each of the five proposed districts (see chap. ix.). These were afterwards withdrawn from the Bill.

various points, but particularly as regarded the American prisoners, and he intimated that it was in contemplation to let them go, on the undertaking not to return to *America*. I told him that, as to their not going to Canada, if that were made a condition of their pardon, it could be enforced, but that the other could not; that it was wrong to have left the colony to punish them as if their offence was only against the municipal laws of Upper Canada; that they should have been at once taught that their offence was against the British Crown, and I referred to my letter of 29th March to Lord Normanby on this head.

During July and August 1839 my father and all his party were much at Highlands with the Merrys, and at Brighton (47 Old Steyne), but he very frequently came up to town upon business. At Brighton he occasionally saw Sir Peregrine Maitland, who was staying there.

31st July.—I had some conversation with Lord Brougham about the opinion he had given in debate. He denied that he had been correctly reported, but still said he was not prepared to admit that it was not treason in any foreigner coming in peace to make war in Upper Canada.

He had read my letter to Lord Lyndhurst.

3rd August.—Went to consult Dr. Prout. At 12 o'clock called on the Duke of Wellington.

He spoke a great deal of our canals and defences, and asked me to go and see him at Walmer¹ when the session was over.

I had Dr. Strachan to dinner with me at Spring Gardens Hotel. In the evening we went to a soiree at Campbell's ("Pleasures of Hope") at 61 Lincoln's Inn. We had about fifteen persons, much talk, tea and coffee, then a cloth laid and some supper, cold chicken, &c., and then a tureen of punch.

¹ He afterwards visited the Duke, not at Walmer, but at Strathfield-sye (see page 293).

We came away at half-past twelve, and left all the others there.

Campbell is lamentably altered in appearance, but full of wit.

He proposed to drink "to the memory of Archdeacon Strachan," who was to be consecrated Bishop to-morrow. "Come, come," he said, "Doctor, don't go away, you're not a seceder, you're a churchman."

Sunday, 4th August.—At 11, went with Dr. Strachan and Mr. Wilder of the Colonial Office to be present at the consecration of the Doctor to be Bishop of Toronto, and of Dr. Spencer (Aubrey John) as first Bishop of Newfoundland and Bermuda.

It was a very imposing ceremony in the Chapel of Lambeth Palace.

The two Bishops were presented to the Archbishop by the Bishop of Chichester for consecration. Their patents were then read. Then the Archbishop proceeded with the Consecration Service, the Bishops of London, Chichester, and Nova Scotia assisting.

We all dined in the Palace, the new Bishops sitting one on each side of the Archbishop. Each Bishop brings with him two guests. The entertainment was magnificent, and great state observed.

We then walked round the gardens of the Palace, about thirty acres, and were shown the library.

It was singular that, without concert, I, being Chief-Justice of Upper Canada, should be present here in London, at the consecration of my old master as Bishop.

We thought little of this at Cornwall in 1806.

At this time, while my father was at Brighton, Dr. Prout, Sir Benjamin Brodie, and Dr. (afterwards Sir Henry) Holland, all of whom had attended him medically at various periods, recommended that, on account of his health, which was not thoroughly re-established, he should not risk a winter voyage to Canada.

He received also from Sir George Arthur in Canada the copy of a private letter kindly written by him to Lord Normanby, then Secretary of State, respecting the extension of his leave—of which the following is an extract:—

GOVERNMENT HOUSE,
TORONTO, 29th July, 1839.

. . . It would not be proper in me to say that Mr. Robinson's continued absence from this province is a matter of small moment, for I think very differently; but I have intimated to his family that if his health be not perfectly re-established, it will be much better that he should apply for an extension of leave than that he should return as an invalid, with the probability of being again obliged to revisit England on account of his health.

Whilst the affairs of Canada have been under consideration I have felt satisfied that Mr. Robinson might be useful in England, for although I know he differed wholly from the opinions of the Earl of Durham, yet if measures were determined on by her Majesty's Government, however contrary they might be to Mr. Robinson's judgment, I entertain that high notion of his character as to feel confident that he would endeavour to give all the information in his power, and offer such suggestions as would make the measures in question as perfect as possible.

The position which Mr. Robinson has long held in this province is a most important one. He is regarded with a kind of reverence by all the old Canadian party; with a most uncalled-for and most unjustifiable jealousy by some individuals—but, by all, with more esteem and respect for his abilities, and with more regard for his virtues than any other person, as I believe, in either of the provinces.

At the present crisis there is certainly no person more capable of assisting in settling the great questions connected with the Canadas, for whilst his high monarchical principles are universally known, he is opposed to all extreme measures, and is tolerant in his religious views.

This led to his eventually obtaining a further extension of leave, upon medical grounds, until the following spring, and he arranged to take a house at Wandsworth up to 31st March, and sail for Canada in the first week of April.

He now spent some six weeks in Paris with my mother and his family; and from hence my brother John, then with them, returned to Canada, sailing from Portsmouth in the ship *Toronto*.

Writing to his brother William from Bridgefield Cottage, Wandsworth, on the 13th November 1839, my father says:—

Nothing could be pleasanter than my situation here. I am four miles out of town in a very comfortable house, with a garden and grounds about the size of ours in Toronto.

I see no one scarcely, being out of the way, and therefore am not interrupted; and when I wish to go to town there are many public conveyances passing. I see the doctor now and then, and can in all things as to air, exercise, &c., consult my health, which I trust is permanently benefiting by it. Clarke Gamble has laid us all under great obligations by his attention in writing. His letters are most welcome. They tell us all we wish to know, and furnish occasion for many a hearty laugh.¹

He now set to work steadily at "Canada and the Canada Bill," embodying his examination of the Union Bill of June 1839, and was only occasionally up in town.

¹ Mr. Joseph Clarke Gamble, K.C. (my godfather), a link with the early days of Canada, died very recently (28th November 1902) in Toronto at the age of 94.

CHAPTER XI

JOURNAL AND CORRESPONDENCE IN ENGLAND

DECEMBER 1839 TO APRIL 1840

Visit to Duke of Wellington at Strathfieldsaye—Dickens: Macaulay—Beverley House: Mr. Poulett-Thompson—The Queen's marriage—The *Spectator* as to intrigues against the Government policy—Resolution of Legislative Council, Upper Canada—The Canada Club—Meeting of Society for Propagation of Gospel—Mr. W. E. Gladstone—Return to Canada pressed—Interview with Lord J. Russell—Archbishop of Canterbury and Clergy Reserves—Duke of Wellington as to his pamphlet, &c.—Farewell letters and interviews—Sir R. Inglis, Sir R. Peel, Duke of Wellington, Lord Lyndhurst, Sir F. Head—Meeting of S.P.G.—Embarks for New York—Return to Toronto—Address of inhabitants.

ON the 11th December 1839 my father was invited by the Duke of Wellington to visit him at Strathfieldsaye, and writes to my mother:—

STRATHFIELDSAYE,
15th December 1839.

I write to you, not to quiet your alarms on account of my formidable journey, but because I think you ought to have a letter from me, however short, written from Strathfieldsaye.

I left London at two o'clock, and arrived here a little before six. Lord Seaton and his son, intending to come by the other railroad, were five minutes too late, and had, in consequence, to post it down, and with difficulty reached us in time to dress for dinner.

The Duke showed me into my bedroom, the walls of which are wholly covered with a series of paintings exhibiting the coronation ceremony of George IV.

I found Lord and Lady Georgiana de Ros both agreeable people, and she particularly so. She would remind you constantly of her sister Lady Sarah.¹

¹ Lady Sarah Maitland, wife of Sir Peregrine Maitland.

Colonel Gurwood¹ is here, and my old friend Mr. Arbuthnot, and we have some county people to dinner.

The Duke, I am happy to say, is in excellent health and spirits, and he certainly does the honours of his house to admiration.

It was interesting to see the Duke and Sir J. Colborne (Lord Seaton) meet: it must have revived a recollection of stirring scenes.

In his Journal also he says:—

I found the Duke cheerful and well, and he says he never was better; very animated and amusing. I perceive only, I think, increased misgovernment of his voice in speaking.

After dinner I had much conversation with him alone—probably more than an hour—upon the affairs of Canada and the Colonies and on politics here.

He said, “It is Upper Canada that wants strengthening, and so I told the Ministers. Make all right there, and you are safe—but if you lose that, you lose all your Colonies in that country, and if you lose them, you may as well lose London.”

. . . I asked him how it happened that the French mobs generally resisted the troops so much more than an English mob—as, for instance, comparing the three days in July with the Newport Rebellion. “Was it because so many of the people were drilled as members of the National Guard?” He said, “There is something in that, but that’s not the chief reason. An Englishman has a great dread of going against the laws: and then, on the other hand, an English officer or soldier has never any hesitation in doing his duty, when he knows he has the law with him. He sees his whole danger. A French soldier can’t rely upon the law protecting him. He is obliged to think, Is the National Guard right? Is the Army with us? Is the Nation with us? Because, if not, the laws can’t protect him. He has nothing to trust to.”

We went to church on Sunday—a nice little parish church, the Duke’s pew most comfortable, a little stove in it, heated

¹ Who edited the Wellington Despatches.

by wood, which he kept supplying pretty liberally. Pipes overhead, as in Canada. Lady de Ros told me the Duke seems quite regardless of the usual consequence of the heat overhead.

19th December 1839.—I dined with Sir Robert Inglis, and met there Mr. Thomas Babington Macaulay, Dr. Lushington the Vice-Chancellor, Lady Raffles, Sir George Whitmore, and several others whose names I did not know. Next me sat "Boz," the author of "Pickwick," with whom I had much conversation after dinner. He is a young man, animated and agreeable.

In the evening there was a *conversazione*. Literary men, artists, lawyers, &c. I could not stay long, as I had to return to Wandsworth. Before I left I met Sir Astley Cooper, Sir Martin Shea, the United States Ambassador, Sir Nicholas Tindal, Baron Gurney, Serjeants Talfourd and Adams, Westmacott, and others.

Macaulay is a great talker and has a prodigious memory, clear and circumstantial as to facts and dates.

2nd January, 1840.—I went to Cheltenham for a fortnight, having, since 19th December, several times seen Lord Seaton, and having sent to Sir Robert Peel my two letters of 9th and 29th March last.

Here it may be mentioned that while he was in England engaged upon "Canada and the Canada Bill" his house in Toronto (Beverley House) was let to the Governor-General of Canada, Mr. Poulett-Thompson (afterwards Lord Sydenham), and thus became the headquarters of a recognised warm supporter of the Union measure, who entertained most hospitably in it.

Mr. Robert Stanton writes from Toronto on 12th December 1839 :—

If you could pop in upon us suddenly how much surprised you would be, on walking up to your house, to find it in the full glare of lights, and with two sentries posted in front.

And Mr. John Macaulay, on 21st January 1840 :—

It seems odd enough to me to sit in the aide-de-camp's room in rear of your own study, and there see Captain Le Marchant occupied in transcribing the draft of the new Constitution under the union! . What a changeful world we live in.¹

Journal continued.

10th February.—The Queen married—a rainy day. The Duke of Wellington not invited, nor any of the great nobility or foreign Ministers, either to the breakfast or banquet in the evening. It seems strange. No illumination or sign of rejoicing around us.

The above entry is of interest. It gives, of course, only my father's impressions from what he saw immediately around him at Wandsworth, and heard in conversation at the time; but a reference to the journals of the day shows that, even in London itself, the illuminations were not of a general or very brilliant character.

The *Times* says that they were by no means so good as at the coronation, and were principally exhibited at the club-houses, Government offices, and residences of those connected with the Court and Palace; and that the crowd in the streets was not so great as on other public occasions.

The *Morning Chronicle* says that the city was "charily lighted," that Oxford Street and the City Road exhibited a "beggarly amount," and that "many noblemen and gentlemen did not exhibit."

¹ With reference to this occupation of Beverley House in the interests of the Union, it is said in Mr. Robertson's "Landmarks of Toronto" that Mr. Thompson put up a new kitchen range in the house; and the remark is amusingly added, "This was, it is said, the indirect cause of getting the union measure through the Upper Canada Parliament."

With respect to the omission of the Duke of Wellington from the breakfast and banquet—which, under the exceptional nature of his services to the State, created surprise—an explanation from one of the Court appeared in the press, that, as he was out of office, and as only certain members of royal families, with their suites, leading Cabinet Ministers, and the Bishops who had performed the marriage ceremony, &c., could be included among the numbers invited, he was necessarily not so.

Nothing, though, could better illustrate the change of public feeling in England within the last century, due, no doubt, largely to the two royal personages, the Queen and the Prince Consort, married at this time, than the above entry, and that in chapter v., previously given, referring to the opening of Parliament on January 28, 1817.

Journal continued.

6th March.—Went to Court with Lukin, and was presented by Lord John Russell.

10th March.—I saw the Duke of Wellington at Apsley House. He was in good health and spirits, but altered in appearance since I last met him.

He spoke very clearly and most sensibly on the subject of Canada, and asked me if I had seen the *Spectator* of the Sunday before. He said I ought to see it, as it contained some remarks about me and my supposed connection with Lord Lyndhurst.

My father alludes no further to this article in the *Spectator*, but having looked at it, I give these extracts from it:—

Lord Lyndhurst, we are credibly informed, is once more

busy with Canadian politics, but he does not trust to his own knowledge of the subject; he is said to derive information and counsel from Mr. Robinson, Chief-Justice of Upper Canada. It is scarcely to be doubted that, however different their motives, they will conspire to defeat the measures of the union to which the Government is pledged. How the former is allowed to remain year after year absent from his Colonial post, for the purpose of intriguing against the Government, it passes ordinary comprehensions to understand.

It must have been about this time that he received the following resolution of the Legislative Council of Upper Canada, passed the last day of the last Parliament of that province:—

10th February 1840.

The members of this House, before separating at the close of probably their last session, desire to express their regret that indisposition should have caused the prolonged absence of the Hon. Mr. Robinson from his seat in this House, and they unite in the hope that he will speedily be restored to the country to pursue with renovated health and strength that laborious and distinguished career which has been so fruitful of honour to himself and of benefit to his fellow-subjects.

Journal continued.

13th March.—I dined at the Canada Club. Sir James Stirling, who founded the colony of Swan River, was there, and his father, who accompanied General Gore to Detroit in 1808; also Mr. M'Kenzie and Mr. Lockhart, M.P.'s.

I went (on the same day) to the Committee of the Society for Propagating the Gospel, having been requested to do so by note received on Saturday. The Bishop of Salisbury (Denison) was in the chair. The Bishop of Nova Scotia¹ was also there, and five or six others. I was able to attend an adjourned

¹ Bishop Inglis.

meeting (on the 15th). The Archbishop of Canterbury was in the chair.

The committee resolved to memorialise the Government against the Clergy Reserves Bill, but I suggested that it should be first ascertained whether any such interference would be necessary; because, if not, it had better be forborne; that perhaps the Government would tell them that they did not intend to support the Bill.

Mr. Pakington attended the meeting, and Mr. Gladstone¹ came when it was just over. I was introduced to him, and had some conversation with him. He is an intelligent and interesting-looking person.

The time had now arrived when my father's return to Canada was being strongly pressed in more than one quarter.

On the 6th March Mr. Hume² asked in the House of Commons how long he had been away from his duties, and on the 17th March Mr. Leader, M.P., put a question to the same effect.

It need not be a matter of surprise that by some of those interested in the passage of the Union Bill a pressure was brought upon the Government that facilities to remain longer in England should not be afforded to one who had so openly spoken and written against it; and it must be added in fairness that it could be now reasonably urged that he had been some time absent from important judicial duties.

As far as he himself was concerned, his interest in the question of the union would have made him glad in some respects to remain until the measure had been finally settled.

Many in public and private positions on both

¹ Mr. W. E. Gladstone, afterwards Prime Minister.

² Mr. Joseph Hume, M.P., a leader of the Radical party in the House of Commons; died 1855.

sides of the Atlantic, whose opinions he valued, were pressing upon him that by his presence in England when the principles and details of the Bill were being dealt with, he could now render a greater service to Canada than he could in any position if in Canada itself.

On the other hand, he was anxious to resume his post. It was distasteful to him to have his motives in not returning to it earlier occasionally misconstrued. His health, though not entirely restored, had improved; and most of what he had thought it necessary to urge against the Union Bill had been made public.

On the 27th February he had written to Dr. Strachan:—"I long to be again at my own proper work, and have been, indeed, for some time employed in framing a body of rules for our Court."

On the 19th March he had an interview by appointment with Lord John Russell, who had before this informed him that, in advices from Upper Canada, the Governor-General had urged very strongly the inconvenience caused by his protracted absence.

Alluding to this interview, my father says in his Journal:—

After some general remarks he told me in an embarrassed way that he thought it right to mention to me that he had heard through various quarters, and indeed from Canada as well as here, that I was concerting measures to oppose the plans of the Government; that I was in concert with Lord Lyndhurst in particular and with others; and he intimated that that would not be a fair proceeding on my part.

I heard him patiently through, and then said that I could not know what his Lordship had heard, or from whom, but

that I was much obliged by his speaking to me openly on the point. . . .

That if it was supposed that I sought any person for the purpose of concerting with him a plan of proceeding to oppose the Government, I could only say the supposition was groundless.

That I had undoubtedly stated as freely to those who are called Conservatives as to the Government the objections which I had to the union, and, in order that there might be no doubt as to these opinions and statements, I had published the small volume I had, which contained all I had to say; and one chief point I had in publishing it was that the Government might read all that I was in the constant habit of expressing to others. . . . That as to Lord Lyndhurst, I had known him for twenty years, and had never been in England without receiving kind attention from him; and that, in any conversation with him respecting the union, I had spoken as unreservedly as to others. . . .

I told him that I had no more idea what the opponents of the Government had decided to do in respect to the union, or whether they had determined upon anything, than if I had been all the time in Canada; that if they had resolved on a certain course and had told me of it, I could not have mentioned it, but that the truth really was that they had not, and that I had asked them no questions.

Lord John then said that he agreed perfectly in what I said; and he repeated that he found no fault whatever with me for publishing the book I had; that he thought that quite fair; and he declared that he also admitted that what I had just said besides was reasonable and correct.

He then entered into a long discussion of the union and Clergy Reserves in a friendly strain. I was with him two hours. He did not offer to show me any Bill, but said it was not finished—that there were certain legal questions to be considered, which were before the law officers.

I spoke strongly against the union, and told him I was quite sure that it would not be many years before they would have a House of Assembly as unreasonable and as pertinacious

as any there had been in Lower Canada, and that they would equally decline to act under their Constitution.

He remarked that the Legislative Council could be so constituted as to be some check. I said : " Yes, but we see that as soon as it proves itself to be an effective check, an impatience is felt to remodel it, so as to make it agreeable to the Assembly." . . .

At the conclusion I again thanked him for speaking to me as he had done in the first part of our interview, and added that I must beg to repeat that I felt myself perfectly at liberty to say unreservedly to any one what I thought of the public measures proposed.

He said, " Oh certainly, that cannot be objected to," and we parted, apparently on cordial terms, but he volunteered no particular statement of the objects of the Bill or its clauses, further than to say that it really contained little but the principle of the union ; and that, as I objected to that, he did not see that I could give assistance to them.

23rd March.—I went and heard the debate about Canada with Lukin. This was the first knowledge I obtained of the details of the intended measure.

I may here mention that my brother Lukin remained for some time in England, and became, while there, a barrister of the Middle Temple.

Mr. Justice Patteson¹ had recommended Mr. Edmund Badeley, afterwards a well-known ecclesiastical lawyer, as a special pleader for him to read with, and the latter writes to my father, 20th August 1840 :—

You have probably heard of Lord Chief-Justice Tindal's² kindness in taking your son with him as his marshal on the Midland circuit. Independently of the fees to which he is

¹ Sir John Patteson, Justice of the Queen's Bench, 1830-52, uncle of the present Postmaster of Toronto. Died 1861.

² Sir Nicholas Tindal, Chief-Justice, Court of Common Pleas. Died 1846.

entitled, he has the opportunity of seeing the forms and modes of trial, and the civil and criminal business of our Courts. As he is the constant companion of the Chief-Justice, as well as of the other judges during the whole circuit, living and travelling with him, he has the benefit of free communication with him, and of receiving from day to day the most valuable information and advice.

As far as I can judge, I should say that he is very well prepared to profit by all that he will see of business, in my chambers and elsewhere.

On the 24th March my father received the following from one of the Under Secretaries of State for the Colonies, dated 23rd March 1840:—

I am directed by Lord John Russell to inform you that the anxiety which his Lordship entertained regarding your protracted absence from Upper Canada, on receiving the representations on that subject from the Governor-General, which were made known to you in my letter of the 5th February, has been enhanced by the repeated remonstrances which have been made respecting your absence by members of the House of Commons in their places in that House.

The letter went on to desire information as to the exact date on which the vessel conveying him to Canada was to sail, and concluded with an intimation that under no circumstances could a further prolongation of his leave be granted.

About this time he had the satisfaction of receiving from Mr. Arbuthnot the following letter referring to his pamphlet, "Canada and the Canada Bill":—

APSLEY HOUSE, 23rd March 1840.

MY DEAR SIR,— . . With regard to your pamphlet, of which you desired to have my opinion, I think it will be far more worth your while to know the Duke's opinion of it. He

has over and over again said to me that a work of greater ability he has never read. You will hardly want to know what I think after giving you the Duke's opinion. If the union takes place, we run the almost certain risk of losing those most important provinces; and in losing them, we should lose the right arm of the naval preponderance of England. I am very sorry you will not be here when the Bill is discussed.—Believe me, my dear sir, ever most truly yours, CH. ARBUTHNOT.

31st March.—I saw the Duke again to-day, at his request, from ten to eleven. He discussed the Clergy Reserves question, and the Union Bill clearly and most satisfactorily. I saw also the Archbishop of Canterbury, and had a long conversation with him on the Clergy Reserves, and with the Bishop of Exeter.

2nd April.—This morning I received a note, brought by the Duke's servant at eight o'clock, saying that he had seen his Parliamentary friends yesterday, and was very desirous of seeing me to-day.

I went to Apsley House at twelve. He said, "I spent the greater part of yesterday with our Conservative friends at Sir Robert Peel's, and we were principally discussing the Clergy Reserves measure.

"They all seemed clearly enough to perceive the difficulty of settling the question, but no one seemed to set himself fairly to the consideration of how the difficulty could be overcome.

"You must have seen," he said, "while you have been in this country, that there are only two ways of doing things here; that is, you must do them by means of one party or the other, for as for any man, or number of men, attempting to strike out a middle course, and to settle a great public question by a measure just and reasonable, and such as all good men must approve of, it is out of the question, no one thinks of it. Practically I believe there is no help for it. Experience has shown this state of things to be necessary here. You can only carry a thing by taking your party with you, you must go all one way or all the other.

4th April.—Dined with the Archbishop of Canterbury. Met the Bishop of Lincoln and seven or eight others.

The Archbishop returned me a paper I had left him, saying that it rested the right of the Established Church on more solid grounds than he had seen set out before.

As my father's departure drew near he received many kind farewell notes, among them the following from Sir Robert Inglis:—

7 BEDFORD SQUARE, 3/4 April 1840.

MY DEAR CHIEF-JUSTICE,—I cannot go to bed without thanking you for your very kind letter, which I have just found on my return home from the debate, the division, and the close (without a division) of the great corn law question.

I can truly assure you that I shall often think of you, and never without respect and regard. I hope that we shall yet meet here.

You will (*D. V.*) find us here at breakfast on Tuesday, Wednesday, Thursday, and Friday mornings; and, if you come at a quarter before nine, you will be one of our family. Pray bring your son.

. . . If Lady Inglis should be at home, it would give her much pleasure to see Mrs. Robinson, and show her our picture of Mr. Wilberforce.¹—Believe me, my dear Chief-Justice, most truly yours,

ROBERT H. INGLIS.

And Sir Robert writes later to him to Canada:—

I can hardly, without being accused of flattery (by you at least, though by no one else), tell you how highly I appreciate your talents and your public principles. In everything relating to the North American Provinces of the Crown, it is a satisfaction to me to think that I have not differed from you in speech or in vote.

Sir Robert Peel writes on Thursday, 2nd April:—

MY DEAR SIR,—I am very desirous of seeing you for other reasons than to bid you reluctantly farewell. Will you call

¹ The portrait of Mr. William Wilberforce for Sir Robert Inglis is said to have "achieved" (for George Richmond, the artist) "by its happy treatment of a difficult subject, a world-wide success" ("Dictionary of National Biography—George Richmond, R.A.")

upon me on Saturday morning at eleven? The principle of non-intrusion, for which my petitioners rather than I myself contend, applies only to unwelcome appointments.—Ever, my dear sir, most truly yours,

ROBERT PEEL.

Journal continued.

Sunday, 5th April.—I dined with the Duke of Wellington, who was so kind as to ask Lukin to accompany me.

We met Lord and Lady Wilton, Lord Adolphus Fitz Clarence, Lord Burghersh, Colonel and Mrs. Anson, Lord and Lady Mahon, Lord McDonell, the Austrian and Netherlands Ambassadors, General Alava, and several others. An exceedingly agreeable party.

I have seen Sir Robert Peel, and was with him for more than an hour.

He says he agrees entirely in my sentiments on the Clergy Reserves question, but that the High Church party would not support him in it. As to the union I see pretty clearly that he feels it impossible to give an unqualified opposition to the principle of union.

7th April.—At the Duke's request called on him at twelve. He talked to me very plainly on matters here.

I asked him whether, if the Clergy Reserves Bill should be thrown out, there was any chance that some proper measure could be brought in here and carried. He said: "We can't do it in our House (the Lords) because we have no power whatever over public measures except as acting on the defensive. We cannot answer for our friends in the Commons.

"The cry with a certain party of our friends is 'Principle, principle, we must stand upon principle.' I always tell them principle is a very good thing; I will stand upon principle too as long as any of you, when I can see one to stand on, but I want a principle that will fill the stomach.

"It's a very easy thing for people who live at ease in all respects to say: 'I am satisfied, I want no change, I am for abiding by principle.' They forget the thousands and the millions that live in desolate places they hardly know how

and come out and say: 'We have no bread, no rest; we want to be taught.'" He spoke long and feelingly and very clearly.

He said at parting, "I shall be here every day at twelve, and always glad to see you when you call."

I had a long talk with the Bishop of Exeter to-day.

8th April.—At the Duke's request I had an interview with Lord Lyndhurst, whom I found still very weak and ill; so much so indeed that I would not enter into particular conversation with him, though it was desired and intended that I should. I feared to be the cause of injury to his health.

By request I attended a meeting at the Mansion House for promoting the objects of the Society for Propagating the Gospel in Foreign Parts.

The Archbishop spoke; the Bishop of London very eloquently, so also Archdeacon Wilberforce and several others.

I had been requested to second a motion, and after I got into the room it was changed and another put into my hands. It was late in the afternoon before my turn came, and I was perplexed between wishing to say some things, and to comply with the impatience for dinner, and I spoke badly.

After I had done, two gentlemen came to me and begged I would publish in pamphlet form what I had said, that it would be very useful, as it gave information which was much wanted.

I told them it was quite impossible; that I was to embark with my family in a few hours, and had not a moment of leisure. £1000 was collected.

Thursday, 9th April.—I called and took leave of the Duke of Wellington. He was most friendly and confidential in his conversation with me.

We spoke most of the Clergy Reserves question, and of the Canadian question (the Union).

Upon the latter he said, "Whenever that question comes on, you may depend upon this, I'll say what I think, if the Devil stands in the door."

The Duke, I may here add, opposed the passage of the Union Bill at its third reading in the House of

Lords, handing in a written protest, containing his reasons. He was firmly convinced that the measure was an unsafe one in the interests of British connection.

Opinions have differed as to the Duke's action and policy as a statesman, but many will agree with a recent writer, Mr. Spencer Wilkinson, who, in "Cromwell to Wellington" (1899), says:—

He was the strongest, loyalest, greatest, flesh-and-blood Englishman that we, or our fathers, know of, or are likely to know.

Those who scoff at his statesmanship mean by a statesman a politician skilful in carrying his party to victory. Those who prefer national to party services may possibly think that, despite undoubted mistakes, the statesman was even greater than the soldier, though neither of them was so great as the man.

To those in Canada it may be of interest to know (as is more than once brought out in these pages) how deeply Canadian questions, and the great importance of the North American Colonies to England, occupied his mind, though he had never served in Canada.

His speech upon the Union Bill was one of his last great efforts in the House of Lords. Lord Mahon, afterwards Earl Stanhope, writing on 8th November 1840, says:—

The Duke spoke with the deepest emotion, I might almost say anguish, of the loss of Canada impending, as he fears, from the measures of last session. I have seldom seen him more affected.¹

And Sir Francis Head writes to my father, July 18, 1840:—

¹ "Conversations with the Duke of Wellington," by Earl Stanhope.

The Duke, after the excitement of his last speech (against the Union), was seized with another of those attacks which proceed from the flesh being too weak for the spirit. Upper Canada should revere his name, and you should be proud of the manner in which you have all been spoken of by the greatest and simplest man of this age, or, I believe, of almost any age.

The Duke in his "Protest" referred to the "loyalty, gallantry, and exertions of the local troops, militia and volunteers, of the province of Upper Canada," stating that the "operations in the recent insurrection and rebellion had tended to show that the military resources and qualities of the inhabitants of Upper Canada have not deteriorated since the War;" and that in that War (of 1812-15) it had been "demonstrated that these provinces (with but little assistance from the Mother Country in regular troops) are capable of defending themselves against all the efforts of their powerful neighbours."

The strong views held by the Duke as to the importance of the Canadas to England made it naturally more difficult for him, than for those not holding them to the same extent, to accept the measure of the Union, which, he feared, might possibly lead to their separation from the Crown.

His opinion was (see page 294): "If you lose that (viz., Upper Canada) you lose all your Colonies in that country; and, if you lose them, you may as well lose London." He advocated the expenditure of large sums, which no Government of his day would grant, for the defence of the Canadian frontier (page 284). He urged the establishment of an arsenal, &c., on the Niagara frontier, which was not carried out (page 68). He caused the construction of the Rideau Canal,

chiefly with a view to defence¹ (page 330), and he repeatedly pressed upon Ministers the *necessity* of securing naval superiority upon the Lakes (page 69).

Sir Robert Peel would, no doubt, under certain circumstances (see his letter of 10th January 1839, pages 275-77), have fought for the maintenance of the Canadas, but he was impressed with the gravity of the obligation to do so, and their loss would evidently not have been felt by him to be the serious blow to England that the Duke would have regarded it.

He (Sir Robert) writes thus, on the 16th May 1842, to Lord Aberdeen,² at a time when there was friction between Great Britain and the United States on the subject of the boundary line between New Brunswick and Maine,³ and disputes between the Mother Country and Canada were going on as to the Canadian civil list:—

If there is not a British party in the Canadas sufficient to put down these attempts at renewed conflicts, I for one should be much disposed to hold high language. Let us keep Nova Scotia and New Brunswick, for their geographical position makes their sea-coast of great importance to us; but the connection with the Canadas, against their will—nay, without the cordial co-operation of the predominant party in Canada—is a very onerous one. The sooner we have a distinct understanding on that head the better; the advantage of commercial intercourse is all on the side of the Colony, or at least is not in favour of the Mother Country.

¹ Dr. Widmer, of Toronto, who had served in the Peninsular War, writing to my father when it was contemplated to make Ottawa the Dominion seat of Government, says: "The Great Duke's spirit nods assent—his sagacity foresaw this when he planned the Rideau Canal."

² "Sir Robert Peel, from his Private Papers," by C. S. Parker (1839), vol. iii. pp. 387-89.

³ Afterwards settled by the treaty termed by Lord Palmerston the "Ashburton Capitulation" (Alison's "History of Europe," 1815 to 1832, p. 320).

But, above all, if the people are not cordially with us, why should we contract the tremendous obligation of having to defend, on a point of honour, their territory against American aggression? Let us fight to the last for the point of honour if the people are with us; in that case we cannot abandon them. But if they are not with us, or if they will not cordially support and sustain those measures which we consider necessary for their good government and for the maintenance of a safe connection with them, let us have a friendly separation while there is yet time.

On Friday, 10th April 1840, my father with his family sailed for New York in the *Quebec*, a sailing ship, and reached Portsmouth on the Tuesday following.

Sir John Pakington sent him the first copy he had seen of the new Union Bill (which reached him just before he sailed), and writes:—

I presume you have seen the Union Bill—but I will send you a copy from the House this evening to ensure your having it.

How very provoking that you should be obliged to sail just before the debates on the Clergy Reserves in the Lords, and on the Union in the Commons, both of which are fixed for Monday the 13th.

The Bishop of Exeter, with whom he had many interviews in connection with Church questions, also writes warmly to him, 9th April:—

Once more, in the full sense of the phrase, and from my heart—"God bless you."—Ever faithfully and affectionately
yours,
H. EXETER.

And Sir Francis Head, in a letter of 10th April which apparently reached him at Portsmouth:—

You are at this moment, I hope, with a fair wind floating towards the Nore. I had fully intended to have said good-bye, but you were not at home, and, as I drove away, I felt almost glad that it was so, for it would only have given me pain to have attempted to say much which I hope it is not necessary I should

express. When you write to me about politics, say something also about your health, as to which I am anxious.—With great regard, yours very affectionately,

F. B. HEAD.

From Portsmouth he wrote to Bishop Strachan:—

It was an anxious moment to leave England, but there was no help for it.

My leave had expired, and the Governor-General (Mr. Thompson) on the one side, and Messrs. Hume and Leader on the other side of the Atlantic, were so impatient to have me fairly shipped, that the Secretary of State was at no loss as to excuses for his anxiety on the subject.

I made no application to remain longer, and consistently with the respect due to myself, I could not have done it.

After an average voyage, with some hard gales, but much fair weather and often light baffling winds, the *Quebec* sighted Long Island at daylight on the 15th May, and on the 16th was becalmed, just outside of the Hook near New York.

At 11 A.M. on the 16th a small steamer came out and took her in tow, and they landed at New York at 2 P.M.

My father, in concluding his Journal, says:—

The *British Queen* (a steamer) passed us the night before, quite near, having left Portsmouth seventeen days after we did. We had a most lovely day for entering the harbour of New York. The scene was quite enchanting. . . .

We found John here waiting for us. He tells us all are well at home. God be praised.

Eight hundred of the inhabitants of Toronto welcomed him upon his return (on 1st June 1840) with an address, in which they expressed their appreciation of his efforts in England “to promote the interests of Upper Canada,” and “their pleasure at seeing him once more among them.”

CHAPTER XII

JUDICIAL LIFE—HOME LIFE

1840-51

Judicial life—Separation of the offices of President of Executive and Speaker of Legislative Council from that of Chief-Justice—Address to Grand Jury—Importance of the Judicature being kept free from suspicion of political bias—Statute-book of Upper Canada—Allusions to his work while upon the Bench—Changes in Canada during his lifetime—*The Law Journal* as to him—Public interests—The Welland and Rideau canals—Lake navigation—The Canadian Institute—Church work in Canada—Lord Sydenham's death—References to my father by Sir F. Head and Sir G. Arthur—Visit to Peterborough—Colonel Talbot—Home life—Appointed Companion of the Bath—Visit to Virginia.

My father's work upon the Bench, extending over the long period from 1829 to 1863, was unquestionably that to which the very best energies of the best years of his life were continuously devoted, and in connection with which his name will be chiefly remembered in Canada.

After 1840 his duties became entirely judicial, for it was considered by the Government, on his return from England in 1840, to be inexpedient that he should resume his position of Speaker of the Legislative Council. This was in consequence of a pending measure, under which those connected with the administration of justice were not to hold any political or other Government office.

Few will be found to contest the general wisdom of this measure—under which the Judicature was dissociated from all connection with politics—carried out in 1841, and I may add that no one was more

fully alive than my father, while on the Bench, to the importance of keeping the administration of justice free from all suspicion of political bias.

In connection with this I may quote from one of his addresses to the Grand Jury in 1837 :—

GENTLEMEN OF THE GRAND JURY—

You delivered into Court yesterday a paper addressed to me in which you acquainted me that you had made a representation to his Excellency the Lieutenant-Governor on various subjects connected with the welfare of your district, which representation you requested me to transmit to his Excellency.

I took it for granted that your representation related either to the subject of the gaol or to some matter connected with the administration of justice, or with the local interests of this district; and being occupied in the trial of a cause, I had no leisure at the moment to peruse it.

I have now read it, and I find that it is an expression of opinion upon various subjects of general policy, important no doubt to the people of the province, but having no immediate connection with the administration of justice.

I have a strong reluctance as a judge to be made the channel of such a communication, and from respect to the Grand Jury I will state my reasons.

The business of this Court is to administer justice, and we cannot too closely confine ourselves to it. His Majesty's subjects should all feel that they stand here upon an equal footing. We have to do with rights in this place, and with opinions only so far as they bear upon those rights. To deviate to the debatable ground of politics would be departing from our proper sphere.

Since I have been upon the Bench, a period of more than seven years, I have not been asked to become the medium of conveying an address to the Executive Government upon any subject not immediately connected with the duties of the Court, and, upon this first occasion, I feel it to be my duty to discourage it.

You will understand from this, gentlemen, that I hope you will withdraw your request to me to transmit your representations to his Excellency, and you will excuse my stating frankly to you that opinions on the subjects discussed in this representation would more properly, as I think, be withheld by you while acting in the capacity of Grand Jurors.

Every man in the community is interested in guarding the administration of justice from suspicion, misconstruction, or reproach. . . .

But the system under which he first entered judicial life and presided as Chief-Justice in the Legislative Council was, nevertheless, not without some advantages,¹ and the journals of the Council show how his presence in it had enabled him to introduce and carry through many beneficial measures, especially of a legal character, which from his experience—gained in great part upon the Bench—he saw to be advantageous.

They are evidence also that the “Statute-Book” of Upper Canada, of which Lord Durham speaks as follows, was largely his work:—

The “Statute-Book” of the Upper Province abounds with useful and well-constructed measures of reform.

That the business of the Courts was not retarded by the demands of politics upon his time, but was diligently carried out, is sufficiently evinced by the fact that on the day on which the union of the provinces was proclaimed, there was not one case, civil or criminal, which had been argued, remaining undecided in the Court of Queen’s Bench.

¹ It is interesting to note that in England the Lord Chancellor still sits in the House of Lords, and goes in and out with the Government.

Mr. Fennings Taylor,¹ alluding to his judicial life, writes:—

From the time when his connection with political affairs closed, he ceased to be the property of a party. Then, and to the end of his life, he belonged to the province. He grew irresistibly and with noiseless force in the good-will and affections of the people. Men no longer remembered the ardent politician and skirmishes at elections. They only recollected the upright judge and his consistent and laborious life.

It is a true description of his life to speak of it as being “laborious” as well as consistent.

It left him but little leisure for other occupations or for any recreation. My¹ recollection of him is that hour after hour, and for days together, he was at his library desk, when not at Court or on circuit; but always extraordinarily patient of interruption, and able in an exceptional way, when for a time he cast his work aside, to throw it off his mind.

In August 1848 he writes to his sister, Mrs. Boulton, when the Court was sitting:—

It is vexatious to be obliged as I am to spend every day and all day in Court, coming home weary, sometimes at six, sometimes at seven, and commonly working from the time I get up till I set out for Court. This, I suppose, is to be a history of my existence for the rest of my days.

And so it was—and so it is the history of many another Judge upon the Bench.

The following sketch of him is given in the *Toronto Courier* of 24th March 1835, under the signature of “Alan Fairford”:—

¹ “Portraits of British Americans,” by Fennings Taylor (1865).

SKETCH OF THE CHIEF-JUSTICE

In Israel's Courts ne'er sat an Abethdin
 With more discerning eye, or hands more clean ;
 Unbribed, unsought, the wretched to redress,
 Swift of despatch, and easy of access.—DRYDEN.¹

In picturing to ourselves the character and person of a judge, we usually invest him with solemnity of appearance, venerable old age, and features furrowed by intense and deliberate thought.

These distinguishing marks, however, do not appertain to the Chief-Justice of Upper Canada. Comparatively speaking, he is a young Judge—young in appearance, young in manner, young in everything but knowledge and virtue.

The Chief-Justice has but one object, and that is the good of the province, and all the weight that he can command he throws into the scale of constitutional liberty and good government. Not only are we indebted to him for the dignified impartiality with which he administers justice, for his laborious research, his swiftness of despatch, his easiness of access; not only are we indebted to him for the masterly charges constantly delivered to the Grand Juries, explaining recent enactments, and suggesting improvements where the law is defective; but to him we owe anything like a statute-book.

The Bills, as may be easily imagined, are, when sent up from the Lower House,² thickly studded with blunders, contradictions, imperfections numberless. Those the Chief-Justice corrects, expunges, reconciles, and amends.

Fortunately for the province he cast his lot in it. He is not a worldly-minded man, and to live in the honourable estimation and in the hearts of his fellow-subjects is no doubt dearer to him than the accumulation of wealth; but in England he would have ranked with the Sugdens and the Wetherells, the Knights, the Pembertons, and the Folletts.

¹ From Dryden's poem of "Absalom and Ahithophel."

² i.e. from the House of Assembly to the Legislative Council, of which he was Speaker.]

All who come within his influence love him and imbibe for him that personal regard and individual attachment which so few have the power of inspiring.

To touch even slightly to any advantage upon the more important of those judgments which he delivered while he sat upon the Bench, would require a legal training and knowledge which I do not possess, and also unduly lengthen these pages.

Mr. Read, in his "Lives of the Judges," alluding to him, writes:—

On his elevation to the Bench, the Chief-Justice found himself called upon to administer and interpret laws, a very considerable part of the statutory portion of which he had either framed or assisted in framing. It would be idle to attempt to give even a synopsis of the decisions come to by him during the thirty-three years he was Chief-Justice of the Queen's Bench. It is sufficient to say that during this whole period, the longest ever attained by any Chief-Justice or Judge in the province, he was looked up to as the Head of the Bench, and that his decisions, contained in thirty volumes of reports, uniformly had the respect of the Bar.

But while I abstain from any attempt to enter into details of his legal work, I am sensible that not to dwell to some extent upon those labours, which formed the main interest and occupation of his life, and constituted really his chief life-task, would be to represent him but very imperfectly.

There are few official positions in a nation which involve greater responsibility, or in which the efficient and scrupulous discharge of duty is more necessary, or more influences the character and well-being of the community, than that of the Head of the Courts of Justice.

Of this my father was very sensible, and nothing,

I think, would have given him greater satisfaction than to have been able to feel, as I hope he could feel, that he had contributed in an appreciable degree towards creating and maintaining in Canada that confidence in the integrity of the Bench which exists, I believe, throughout the entire country.

To maintain the purity and dignity of the Courts, and to increase the estimation in which the decisions of the Canadian Bench¹ were held in the Mother Country, were aims never absent from his mind.

His journals from which I have quoted in preceding chapters, and that of 1855 (chapter xiv.), alluding frequently to legal topics and persons, show with what great interest, when in England, he followed the proceedings of the English Courts; and from them is to be gathered what chiefly struck him.

While he enjoyed a joke as much as any one, and could appreciate the witty good humour of a Baron Parke, he disliked foolish levity, and any want of decorum in Courts of Justice, as well as the badgering of witnesses on the part of counsel.²

The law had been undoubtedly the profession of his choice, and its study, practice, and administration had occupied him, more or less uninterruptedly, from the time he entered Mr. Boulton's law office in 1807 until his death, while President of the Court of Error and Appeal, in 1863.

Having become Acting Attorney-General at a very early age, and entered the Legislature when young, he was from official position closely concerned with the law of Upper Canada and its modifications for more than half a century.

¹ As to this, see pages 326 and 375.

² See pages 82, 85-86.

He had grown up, it may be said, with the Upper Province of Canada and with the city of Toronto, from their birth, for he was born in the year (1791) in which Upper Canada commenced its statutory existence,¹ and in the following year (1792) his father moved with him to Kingston, and thence (in 1798) to York, which was then but a small village surrounded by forest.²

From that time he lived in York (Toronto) until within four years of the province becoming incorporated into the present Dominion,³ and until its population was, roughly speaking, about that of the whole of Upper Canada when his father and he first came into it.⁴

As I have before said, many of his earlier circuits were made more or less on horseback, owing to the indifference of even the main roads throughout the country.

His life comprised an important and progressive period, not only in the history of Canada, but of other parts of the world, and it need scarcely be said that the events in Europe and Great Britain exercised a great influence on the North American Colonies.

In the year in which he was born, French law in matters of property and civil rights governed all Canada, and the French Revolution was going on.

Then followed the struggle with Napoleon, out of which grew the war between Great Britain and

¹ Under the Constitutional Act of 1791.

² The population of York five years afterwards, in 1803, is given as 456. I have heard my father say that he had seen a bear killed on what is now King Street, Toronto.

³ Under the Confederation (British North America) Act of 1867.

⁴ In 1800, two years *after* my father came to York, the population of Upper Canada was but 50,000. That of Toronto the year after his death was 49,000.

the United States of 1812-15, of which Canada was mainly the scene.

After this came the passage of the Reform Bill in England, the repeal of the Corn Laws, the repeal of the Test and Corporation Acts, the Canadian Rebellion, the Union of the Canadas, and the Revolutionary period in Europe of 1848-49. Church, educational, and fiscal questions were subjects of much attention and no little legislation. Railways, steamers, and the telegraph were introduced, and new interests of every kind were created in Upper Canada, where the population kept increasing by leaps and bounds.

It can be easily seen that all this had its effect upon the work of those connected with the law, which in Upper Canada as elsewhere had to keep pace with, and adapt itself to, the changing circumstances of the country.

It may help some to realise how much the Toronto of my father's boyhood differed from that of to-day, and how much legal punishments have changed in the interim, to mention, that in Robertson's "Landmarks of Toronto," and Read's "Lives of the Judges" we read¹ that the stocks and pillory continued in use in York for some years after the beginning of the last century; and that in 1807, when my father first became a law-student, a prisoner was convicted before Chief-Justice Scott, at the Criminal Court of the Home District, for stealing five shillings, and sentenced to banishment for seven years.

Slaves were sold in York in 1806, when my father was fifteen years old, and possibly later; for

¹ "Landmarks of Toronto," by J. Ross Robertson (1894), p. 62; Read's "Lives of the Judges," pp. 64 and 78.

although on 9th July 1793 an Act¹ passed at Niagara in the second session of the Upper Canadian Legislature had rendered illegal their introduction into the province, the rights of property in slaves then in servitude there, were not interfered with.

From what has been said it can be readily understood how very many must have been the alterations in the Law of Upper Canada within the time of my father's close connection with it, and I will now quote from what he himself writes as to some of these changes, and other matters connected with his judicial work.

Writing in 1854, he says:—

I received my commission as Chief-Justice on the 13th July 1829, and from that time to this (30th March 1854), I have filled the office, having been once only absent from my duty in 1838 and '39, in consequence of ill-health.

In that period wonderful changes have occurred. The population of Upper Canada has risen from 240,000 to above a million, and of the town in which I live, from 3000 to 40,000. A Court of Chancery has been introduced, and having been placed at the head of a Court of Appeal from its decisions, I have been, in fact, made a Judge in Equity as well as Law.

The most difficult and important cases from that Court have been brought before me and my brother Judges in "Appeal"—a duty wholly unknown to our predecessors. Municipal Councils have been introduced, and we have to try the legality of elections and to determine the validity of by-laws, in relation to some hundreds of municipalities—for every county, township, city, town, and considerable village has its Municipal Council.

Banks, insurance companies, railway companies, and corpora-

¹ Mr. Read ("Lives of the Judges") points out that it is a matter for just pride in Canada that the Upper Province, at a time when neither the Mother Country nor the Republic of the United States had abolished slavery, led the van towards its suppression by this Act.

tions of all kinds have sprung up, giving rise to new interests, and to a great variety of new legal questions, so that if I were to say that the duties and responsibilities of the office of Chief-Justice have increased fivefold during my tenure of it, I am not sure that I should state more than is true. The number of Assize towns has grown from eleven to thirty.

Of the fifteen English Judges, Baron Parke alone was on the Bench when I was appointed. I can remember the Chief-Justice being changed in Lower Canada, Nova Scotia, New Brunswick, Prince Edward's Island, Newfoundland, the three Indian Presidencies, Ceylon, Mauritius, the Cape, Jamaica, Trinidad, Tobago, Bahama, Bermuda, Dominica, and I believe the fact is the same in every colony.

I can add, with some degree of satisfaction, that in the twenty-four years I speak of there have been but five appeals from this province to England, three in important equity cases, and two in common law. In all the judgment has been affirmed, and no judgment given in our Court has been reversed.

This is but an uncertain test of their correctness, though it affords a favourable presumption; and at least the profession and the public will always have the means of estimating and examining the labours of the Court, for our decisions are in regular course of publication, and they already fill fifteen volumes.

It is also satisfactory to be able to say that during the last twenty-four years there has been no arrear of business in the Court of Queen's Bench. I do not mean merely to say that there has been no great arrear, nor for any long time, but that there has been absolutely none.

Many years ago, I had an Act passed which allows the Court to meet at the expiration of ten days after the end of each term, for the purpose only of giving judgments in matters that have been argued. This enables us to dispose speedily of all such questions and applications as the Judges can readily agree upon, after opportunity of conference among themselves. Those cases which present questions of greater difficulty, and of which the Judges cannot at once bring themselves to take the same view, must of course stand over for consideration to the next term, when judgment is sure to be pronounced—unless in an

occasional case, kept open at the desire of the parties, or in which some further elucidation is indispensable.

Thus it frequently happens that when we have delivered our judgments, we do not leave a case undisposed of which has ever been mentioned in the Court, and are as clear of business in a tribunal which has been open for sixty years, in a country containing now a million of people, among whom commerce and the transferring of property, and all those pursuits which give rise to litigation and legal questions, are carried on with great activity, as if it had been open but a day.

I need not say that it is not without constant attention and great labour that this has been accomplished.

Except my illness in 1838, I have been singularly favoured with good health; and I have in all those particulars which are most essential to happiness the greatest cause for thankfulness.

I conclude my reference to his judicial life by an extract from the *Law Journal* as to it.¹

Sir John Robinson was, we believe, the youngest Chief-Justice that ever sat in a British Court of Justice. His reputation at the Bar had qualified him for the post, for he certainly had no equal in his day, and his judicial career has established the propriety of his early elevation.

We know not in which judicial capacity we admired him most. At *nisi prius* he presided with calmness, courtesy, and dignity. His strict impartiality and love of truth were proverbial; and whether it was a Queen's counsel or the most inexperienced barrister on the rolls, he paid the same attention to his argument, and gave to each equal consideration and protection. His love of order, and his sense of the respect due to the dignity of a court of justice, made him prompt to suppress any indecorum; and when disapproval or even censure was called for, he befittingly expressed his opinion, though always in a courteous manner. His addresses to the jury were delivered with ease and grace, and were clothed in the clearest and simplest language. In sentencing prisoners, full of tender-

¹ From the *Law Journal* of Upper Canada, March 1863.

ness and compassion, he indicated the charitable feelings of his heart; and the kind and wholesome advice he was in the habit of giving to those who had entered on a career of crime, and for whose reformation there was yet some hope, was marked by the deepest feeling. Some of his charges to Grand Juries are masterpieces in their way, and his addresses on public occasions were remarkable for their erudition, and classic beauty. One of the finest of these addresses he delivered on laying the foundation-stone of the Provincial Lunatic Asylum. It will bear favourable comparison with similar productions of the ablest writers, and its vein of thought and purity of style can scarcely be surpassed.¹

In full Court Sir John Robinson was always the pride and favourite of the Bar. The reputation he enjoyed, and the weight of his opinion, greatly increased the business of the Court in which he presided. He was always distinguished for his readiness and acuteness, and he had seldom any difficulty in grasping the most intricate cases. In his hands the business of the Court was never in arrear, and the knowledge of unfinished work was a burthen on his mind to relieve himself from which he would use the most strenuous exertion. Few opinions will ever command more respect or carry more weight than those delivered by Sir John Robinson. They are remarkable for their lucid argument, deep learning, strict impartiality, and pure justice; they are untainted by fanciful theories, prejudice, or political bias; and they bear evidence of that careful research, that deep thought, that unwearied application and untiring patience, which he brought to bear on every subject that came under his consideration. In whatever branch of jurisprudence we examine his judgments, we find evidence of his intense study. Equity or common law, civil or criminal law, pleading, practice, and evidence—all exhibit the same copiousness of research, and the profound comprehensiveness of his legal attainments. He may be said to have studied law as a science, but in the words of Mr. Whiteside, "he objected to the triumph of form over substance, of technicality over truth;"

¹ See some extracts from this address in chap. xvi., pp. 404, 405.

and though he gave to legal objections their full force and effect, his quick apprehension of facts soon separated the chaff from the grain.

As an equity judge, Sir John Robinson was no less entitled to respect than in the Courts of common law. One of the most important appeals was the case of *Simpson v. Smith* (Error and Appeal Cases), where the Court of Chancery held that under the 11th section of the Chancery Act of this province they might, under certain circumstances, refuse redemption notwithstanding twenty years had not elapsed since the mortgagor went out of possession. In the result of this case an immense tract of land and important interests were at stake; it involved the whole of the property known as Smith's Falls. The judgment of the Court of Chancery was appealed from to the four Judges who at that time sat in the Court of Appeal. They were equally divided in opinion, and the case was carried to England. There the Court was unanimous, and the Right Hon. Pemberton Leigh (now Lord Kingsdown) remarked, with reference to the judgment of the Chief-Justice, that "he never saw a judgment more elaborately and carefully reasoned, or more admirably expressed."

The last case of public interest which occurred during the period Sir John Robinson presided in the Court of Queen's Bench was the famous *Anderson Extradition* case.¹ The sympathy that was evinced both here and in England on behalf of the fugitive, is of too recent date to be forgotten. Opinions were freely expressed; public meetings were held; newspapers teemed with leading articles, and the anti-slavery views of their correspondents; and even the judgment of the Court was anticipated.

The following week the judgment of the Court was delivered in favour of the surrender of the prisoner, M'Lean, J., dissenting; and though their judgment was neither in support of nor against slavery, but based entirely upon the consideration of the treaty existing between the United States and Canada,

¹ John Anderson, a fugitive slave in the United States, having killed Seneca Diggs, who attempted to arrest him, escaped to Canada. In 1850 his extradition for murder was demanded under the provisions of the Ashburton treaty of 1842.

so strongly prejudiced was public opinion that the popularity of the Bench seemed likely to suffer. But, in the words of an able English contemporary, "These Judges, proof against unpopularity, and unswayed by their own bitter hatred of slavery, as well as unsoftened by their own feelings for a fellow-man in agonising peril, upheld the law made to their hands, and which they are sworn faithfully to administer. *Fiat justitia*. Give them their due. Such men are the ballast of nations." The case was afterwards brought up before the Court of Common Pleas; and having been argued there on a technical point that had not been raised in the Queen's Bench, the prisoner was discharged.

Canada has never had a Judge who so completely enjoyed the confidence of the entire legal profession as Sir John Robinson. His natural affability, his unassumed dignity and unruffled temper, made him not only revered but even loved. By his brother Judges he was regarded with admiration, and no opinion were they so anxious to obtain, or valued so highly. The proudest of the Bar had never to complain that they received no credit at his hands for eloquence or ability, and the humblest barrister who occupied the farthest bench had never to murmur that his feeble efforts met with no encouragement. Even the youngest student approached him with respectful assurance, and there are many who will recall with grateful remembrance the kind and assisting hand he extended to them. To all he exhibited the same patient attention and equality of temper; and it was truly remarked, by the learned treasurer of the Law Society, that during all the time he sat on the Bench, extending over a period of nearly the third of a century, no one could recall an unkind expression, or remember a single instance of impatience. But the appreciation of his judicial services was not confined to the precincts of the Courts. The whole country has borne testimony to his worth. People had long been accustomed to look with confidence to his decisions, to regard the purity of his administration of justice as the foundation of their liberties, and his impartiality as the palladium of their most cherished rights. Nothing that we can pen will add to the unsullied purity of his character, for never did

ermine grace truer nobility. Blameless did he preserve the chastity of his oath. With no cause unheard, no judgment perverted, "he did well and faithfully serve our Lady the Queen and her people in the office of Justice; he did equal law and execution of right to all the Queen's subjects, rich and poor, without having regard to any person."

To pass from my father's more purely judicial life to his other interests and occupations, I may say that up to his death he supported to the utmost of his power all public enterprises, which he considered to be of advantage to the province.

The severance of the *ex-officio* offices of President of the Executive, and Speaker of the Legislative Council, from that of Chief-Justice reduced his official salary after 1840 by about one-fourth,¹ and the head of the Bench in Upper Canada received from that date a smaller income than the holder of the office had drawn in the early days of the Province.

This, of course, affected him seriously in a pecuniary sense, and he writes as to it:—

When I withdrew from the office of Attorney-General and a leading practice at the Bar, had I imagined that, after years of increasing labour, I should be liable to have a large portion of my income suddenly withdrawn, I could never have ventured to place myself at my age (he was then thirty-eight), in a situation so precarious.

But it has been the results of changes over which the Government in England and here have probably felt that they could exert little influence; and I have neither made any application to the Legislature which alone could give redress, nor have I desired that any should be made on my behalf.

I feel that I am within the truth when I add

¹ £460 a year, or over £500 Canadian currency. See Appendix A., vi.

that he regretted the reduction in the emoluments pertaining to the post of Chief-Justice as much upon public as personal grounds, as it affected the ability of the holder of it, when not a wealthy man, to support many objects of public utility to the same extent which had formerly been possible.

He took a deep interest in the promotion of the Welland Canal, and also, though not to the same direct extent, in the Rideau Canal.

The directors of the former canal wrote to him thus on the 5th June 1833 :—

As one of the first and most efficient supporters of the Welland Canal, the Board of Directors have the satisfaction to inform you that for the purpose of testing its great importance as a public work, it is now completed, though much has yet to be done to make it such as it should be for the greatest usefulness. . . .

With a full knowledge of the great interests of the country, and the beneficial effect of this work upon its prosperity, you were its warm and decided advocate.

When the prospect of its success was clouded with doubt, when many of its friends were appalled, and some relaxed their efforts to sustain it, the Board always placed a confident reliance on your powerful aid, and were never disappointed. . . .

On behalf of the country, as well as the stockholders, we offer to you our grateful acknowledgments of your efficient and undeviating support in the most trying emergencies during the whole time this great work has been in progress to its accomplishment.

With the highest respect and esteem,

We are, sir, your most obedient servants,

A. MACDONELL,	} <i>Directors.</i>
GEO. KEEFER,	
OGDEN CREIGHTON,	
W. BUTLER,	
W. ELLIOTT,	

Speaking, in "Canada and the Canada Bill," of the importance of the Welland and Rideau Canals, he says:—

Upper Canada has been greatly favoured by the liberality of the parent State. The Welland Canal was assisted by a loan of £50,000; and the Rideau Canal was constructed wholly at the charge of Great Britain. The former work has been for some time completed, and in use, though a large expenditure is required for substituting stone locks instead of the wooden ones, which it was necessary to be content with in the first instance. In its present state, it effectually overcomes the obstructions presented by the Falls of Niagara to the communication between Lakes Ontario and Erie. The income derived from it has probably doubled in a twelvemonth. It is clear that under such circumstances reimbursement, though it may be distant, is certain.

The Rideau Canal was undertaken while the Duke of Wellington was in office, and with a view chiefly to the military defence of the province. Its value in that respect is apparent. It secures the defence of Canada, up to Kingston, by affording a passage for troops and military and naval stores, independent of the St. Lawrence, and it remedies the evil of that singular arrangement by which a small streamlet parting from the waters of the St. Lawrence and coursing round Barnhart's Island was accepted as the main channel of the river, though it is easily fordable by persons on horseback or on foot: and the effect is to bring us almost within pistol shot of what has thus been made the territory of the United States.

I think the time is not distant when it will cause some feeling of regret that the officer who planned it, and with such remarkable energy and spirit carried it forward to its completion, should have died without receiving some mark of honour from his country. I speak of the late Colonel By.¹

In the American war of 1812, it cost, I believe, upwards of £500,000 to build one ship of war on Lake Ontario; the heaviest part of the expense being occasioned by the transpor-

¹ Bytown (now Ottawa), was called after Colonel By, R.E., who planned this work. See note, p. 310.

tation of her stores and equipment from Montreal to Kingston, which two points are now connected by the Rideau Canal.

He actively encouraged the improvement of water communication on the Lakes.

Captain Richardson—one of the well-known pioneers of steam navigation on Lake Ontario, and who, in 1842, named the steamer which for some years plied between Toronto and Niagara *The Chief-Justice Robinson*, thus warmly acknowledges the support he received from him:—

I came to this country with two letters of introduction. The one failed me, the other was invaluable. I struggled for years ineffectually, until your sound advice and generous support enabled me to get up a steamboat.

You know how my enterprise would have been crushed but for your generous friendship in energetically coming to my rescue.

Successful at last, and prosperous for many years, still I often experienced many difficulties, and in all I unhesitatingly flew to you for advice, and ever met the same friendly support.

In my reverses and sorrow your heart seemed to warm the more towards me.

For some years he was president of the Canadian Institute in Toronto, and contributed towards its building fund and library.

He took a deep interest in the "Society for the Propagation of the Gospel in Foreign Parts," a society most liberal in its assistance to Canada, and which in 1839 was sustaining very many of its missionaries. Of this he was for some years one of the treasurers for Upper Canada and afterwards vice-president.

He was also interested in the "Society for the Promotion of Christian Knowledge," and in the

“Church Society of the Diocese of Toronto,” founded chiefly through the efforts of Dr. Strachan.

The object of this latter society was to “promote the advancement of religion through the ministry of the Church of England” by the dissemination of the Scriptures, by assisting resident and travelling missionaries, the clergy and their families, by promoting Sunday and parochial schools, and in various other ways.

In a letter addressed to Dr. Strachan on 11th December 1841, when the establishment of this society was being discussed, he urges the necessity that existed, under the ‘circumstances of Upper Canada, for the friends of the Church to turn their attention without delay to the best means of providing for its support and increase, and dwelt upon the advantage of having a lay committee in the society—

What I contemplate (he writes) is the promoting the support of the Church of England in a spirit and by measures which shall be wholly unexceptionable; giving no just cause of offence or jealousy to any, but with a constancy and fidelity that shall not abate in the slightest degree from an apprehension of what persons, who choose to act in an unchristian and unreasonable spirit, may think, or say, or do.

Of the above society, he was a vice-president, and also one of the lay committee which was formed.

In alluding to his having moved two resolutions on the 28th April 1842, when the society was formally founded, the *Church* newspaper says:—

He (the Chief-Justice) avowed his determination to devote himself, with an earnest zeal, to the furtherance of the important object of which his own provident and comprehensive mind had already seen the necessity; and for carrying out which he had himself proposed a scheme of the most permanent and expansive character.

The good work done by this society is well known in Upper Canada.

In efforts to procure an adequate endowment for the see of Toronto, he exerted himself actively; and, in short, it may be said that in all matters connected with the Church, while keeping to what was befitting his position on the Bench, he was always ready to give his utmost support and assistance.

Very frequently his advice on these matters was sought by Bishop Strachan.

In certain respects their minds were differently constituted, though on many subjects they cordially agreed. This the following extracts from letters illustrate:—

I have read your Lordship's proposed letter carefully, but have made no change in it, because I can understand that if your Lordship adopts the course, you will determine to carry it out in the spirit in which it is begun—that you will make the design and execution correspond.

I say this with reference to many expressions which read *strong* and *threatening*; and which, as human nature is generally constituted, would drive those who are addressed to persevere in their course rather than otherwise—in fact, scarcely leave it in their power to recede from it. . . . Whether anything is to be effected by threatening a violent opposition is matter of opinion on which people will differ. . . . Still that can exempt no one from the obligation to do what he believes to be right. . . .

I have read over your Lordship's pastoral letter with very great and sincere pleasure, and have seldom or never seen in any paper so little that I would desire to see changed, either as to the matter or the form of words. It is very characteristic, clear and unflinching, earnest and practical. I have no doubt it will be very cordially received by the members of the Church and warmly seconded. I send a scrap which may come in perhaps in place of a sentence on the third page.

I find the thanks of the Church Society conveyed to him formally in 1846 for the grant of $1\frac{1}{2}$ acres of land in the village of St. Albans for the site of a church there, and again in 1849 for that of about ten acres of land east of the Don towards the endowment of the living of Trinity Church, Toronto.

Already, in chapter vii., I have mentioned a grant for the site of a Methodist Church at Holland Landing.

But I will refer no further to this subject, nor to his charitable donations of various kinds, for I feel that he would not himself have desired it.

His relations with those who represented the Queen in the colony were, of necessity, less constant and intimate after his connection with the Executive Council and the Legislature had ceased, but he retained the regard and confidence of them all—from Sir Charles Bagot to Lord Monck—until his death.

The opinions of the representatives of the Crown with whom he had worked in the earlier and more troublous times of Canada must have been more than gratifying to him.

Those of Sir Gordon Drummond and of Lord Seaton appear sufficiently in this memoir.

Sir Francis Head writes thus in his work, "The Emigrant," published in 1846:—

Of Chief-Justice Robinson's character I will only allow myself briefly to say, that a combination of such strong religious and moral principles, modesty of mind, and such instinctive talent for speaking and writing, I have never before been acquainted with; that every Lieutenant-Governor of Upper Canada has, for the last twenty-five years, expressed an opinion of this nature; and that, by general acclamation, it would, I firmly believe, be acknowledged by every man in our North American Colonies whose opinion is of any value.

And, in a letter to my father, Sir George Arthur says:—

. . . I believe few men placed in so elevated a position, in a community so long agitated by political feeling, would have sustained for so many years, amongst all classes, a character for ability, industry, and purity of purpose, with a devotion to the best interests of your native country, which, however much persons may conscientiously differ from you on political points, ought at least to warm the heart of every man towards you who truly regards Canada as his home.

In October 1843 he paid a visit to the town of Peterborough in Upper Canada, five years after the death of his brother Peter who had founded it, and who died, unmarried, in Toronto in 1838.

On this occasion he was welcomed by an address of 150 of the inhabitants as "One whose interests in the welfare of the place is of long duration, and as the representative of him to whom our flourishing town owes its foundation and its name."

He mentions having visited Peterborough also in 1827 together with Sir Peregrine Maitland, Bishop Macdonell, Colonel Talbot (well known in connection with the Talbot Settlement in Western Canada), his brother Peter Robinson, and Colonel Hillier, when it consisted of but a few log houses.

Mrs. E. S. Dunlop thus alludes to this visit:¹—

The immigrants formed a line on each side of the road for a quarter of a mile to receive the Governor and his party, who were in five sleighs. At the time it was settled at a dinner party (given by the governor) that the village should be called

¹ "Our Forest Home," being correspondence (privately published) of the late Francis Stewart, by Mrs. E. S. Dunlop.

Peterborough in honour of Colonel Peter Robinson.¹ The name was suggested by my mother.

Mrs. Dunlop's mother (Mrs. Stewart) was the wife of Mr. Francis Stewart, who had emigrated from Scotland and settled at Auburn in the parish of Douro, near where Peterborough now stands, and her husband, writing of Peter Robinson's Emigrants on July 20, 1826, to the Rev. Mr. Crowley, says:—

I have always found them satisfied and happy. Some have told me with tears in their eyes, that they never knew what happiness was until now. I conceive that this is greatly owing to the great care of Mr. Robinson in regard to their complaints and studying their wants.

Colonel Talbot, who was of the party with my father on the above visit to Peterborough, was on the staff of Colonel Simcoe, then Governor of Upper Canada, when he founded York, now Toronto, in the last century. A brother of Lord Talbot of Malahide, he and the future Duke of Wellington had at one time been A.D.C.'s together on the staff of the Lord-Lieutenant of Ireland. Subsequently, when quartered in Canada, Colonel Talbot determined to form a settlement—well known since as the "Talbot Settlement"—in the western district, and built near Port Talbot, on Lake Erie, a log-house, called "Malahide Castle."

With ample means, but devoted to the wild life of the bush, he lived for years after his first arrival as an almost absolute ruler among his settlers, miles from any other point of civilisation, and (it is said) marrying and baptizing his own people, and doing

¹ He was colonel in the Canadian Militia. As to the Irish emigrants he brought out to Canada see chap. vi.

with his own hands much of his farm and household work. For many years he paid an annual visit to my father in Toronto, and I perfectly recollect, as a boy, seeing him at Beverley House.

Below I give some extracts from his letters to my father, and may mention with regard to the first, that the date of keeping the Talbot anniversary to which it alludes, was subsequently altered by him to Friday, the 20th May, "so that they can dance into the 21st, the proper day."

It will be seen, from the year of the letter, that this was the jubilee, or fiftieth year, of his arrival with Governor Simcoe in Upper Canada.

Colonel Talbot died in 1853, in his eighty-second year, having shortly before this visited England for the last time.

PORT TALBOT, 7th January 1842.

MY DEAR CHIEF,—In my last letter I forgot to request that, in your arrangement for the Spring Circuit, you would not let the London Court interfere with the Talbot Anniversary, which will be on Monday the 23rd May—as the right day, the 21st, will be on Saturday, and as I only once a year appear on the stage, the fuller the house, the more gratifying. I had but one letter by the last packet, the 1st December.

The Queen Dowager better—she gave the messenger who brought the account of the birth of the Prince of Wales £100.¹
—Believe me, very sincerely yours, THOMAS TALBOT.

PORT TALBOT, 11th December 1849.

MY DEAR CHIEF,—Your kind letter of the 6th instant was, I can assure you, a great treat. Little did I think, when I first arrived in Upper Canada, with Governor Simcoe, in 1792, that I should live to see the present time. I believe my friend Allan² and myself are the only two left.

¹ The present King Edward VII.

² William Allan, father of the late Hon. G. W. Allan, of Moss Park, Toronto.

I have got into two rooms of my new house—the walls are dry, but the chimneys smoke most aggravatingly, but I keep doors and windows open. I enjoy good health, but feel the cold more than I did in my younger days.

I should be delighted if you could muster nerve, and drive to Port Talbot when the sleighing is good, as I am actually lonesome.

By a letter received from the Aireys, I understand that Mrs. Airey's youngest brother was about to be married to a Miss Le Froy. Is she a sister of your Le Froy's?¹

With my most affectionate regards to Mrs. Robinson, and every individual of your family,—I remain, always sincerely yours,
THOMAS TALBOT.

To turn to my father's home life.

Between the years 1843 and 1848 five of his children were married.

Augusta, on 31st October 1844, to Captain J. M. Strachan.

Lukin, on 15th May 1845, to Elizabeth Arnold.

Emily, on 16th April 1846, to Captain J. H. Lefroy, R.A.

Louisa, on the same date, to G. W. Allan, and John Beverley, on 30th June 1847, to Mary Jane Hagerman. (See Appendix B.)

An extract from a letter of my father's to Mr. Berthon, of Toronto, a portrait painter well known in Canada, which I give below, is connected with the marriage of these three daughters. The picture alluded to in it was a gift to my mother from her three sons-in-law, on the day her daughters Emily and Louisa were married, and she and my father heard of it for the first time on their return from

* A cousin—the grand-daughter of Chief Justice Lefroy. I give the spelling Le Froy as in Colonel Talbot's letter.

the marriage service at the Cathedral, on the 16th April 1846.

I cannot delay in thanking you for the very great pleasure which Mrs. Robinson and I have received from your charming picture, and we are extremely obliged to you for the zeal and interest with which you must have entered into the views of the conspirators, in order to fulfil so happily what was so kindly planned. Our dear little girls are, as we think, faithfully and characteristically portrayed.

My father was, from inclination, very hospitable, and during the years dealt with in this chapter, when Toronto was much smaller than it now is, Beverley House was one of the centres of much that went on in it. A garrison of some size, a large family connection, and strangers often passing through with letters of introduction, made social gatherings frequent, and have left with me a recollection of meeting many people who were then, or became afterwards, well known in the world.

Few, I think, have enjoyed more uninterrupted married happiness, through many years, than my father did. Writing to my mother from Cobourg on the 5th June 1847, he says:—

You do not forget, I am sure, more than I do, that we have this day been married thirty years, the full term of a generation. In all things how good God has been to us. Ours has been no common lot.

This happiness was, I need scarcely say, mainly due to the admirable character of my mother, who combined judgment and decision with great unselfishness, and no one could have acknowledged her value to him, in every relation of life, more gratefully

than my father. Sir Henry Lefroy, writing of the year 1846 in Toronto, says—

The brightness of Beverley House (at that period) cannot be depicted. Mrs. Robinson, then about fifty-two, still retained much of the great beauty of her youth. She had a most charming manner.

Looking back, I have often felt that as children we were exceptionally fortunate in our home.

Up to 1852 there had been no break in the family circle. The first great sorrow of my father's married life was the death in that year of his daughter Louisa—Mrs. Allan—when travelling with her husband in Italy. She was buried in the Protestant Cemetery, Rome.

A few years afterwards (1859) his daughter Emily—Mrs. Lefroy—died, in London. She was buried in Crondall Churchyard, Hampshire, not far from Itchel (now Ewshott) House—the family home of the Lefroys.

In 1850, the statutes of the Bath having been modified so as to admit of the Order being granted for civil as well as military services, Lord Elgin, Governor-General of Canada, was desired to inquire if it would be acceptable to my father to be made a companion of the Order—and he was shortly afterwards gazetted a C.B.

In May 1851 he went for a short trip to Virginia, meeting in Richmond his daughter Mrs. Allan, and her husband, who were on their return from Cuba.

On this trip he visited Washington, Fredericksburgh, Richmond, Williamsburgh, and Yorktown. Some of these places had a special interest for him.

At Williamsburgh he went over William and Mary College, of which his ancestor Christopher Robinson had been a trustee under the original charter of 1693, and where his father had been educated.

At Yorktown he saw the scene of the siege, and of the surrender of Lord Cornwallis's army, of which his father's regiment formed a part, in 1781—since which time none of his descendants had been in Virginia.

On a steamer upon the river Potomac between Washington and Fredericksburgh he was introduced to Mr. Conway Robinson (of the Vineyard near Washington), a leading member of the bar, and chairman of the Executive Committee of the Virginia Historical Society.

He also met Mr. Richard Randolph and several other well-known Virginians, some of whom were connected with branches of his father's family, and from whom he received much kindness and hospitality.

"I found myself at once," he says, "among friends and connections."

Mr. Conway Robinson, descended himself, I believe, from a Yorkshire family, and most probably from a relation of Christopher Robinson of Hewick, corresponded with him frequently afterwards, and procured for him, and subsequent *y* for me (in 1875) when I visited him at the Vineyard, many interesting particulars connected with our family.

CHAPTER XIII

UNIVERSITIES OF KING'S COLLEGE AND TRINITY COLLEGE

Foundation of King's College and Trinity College and his association with them — Created a Baronet — Letters from the Duke of Newcastle and Lord Seaton — Congratulations of the Bar — Outbreak of the Crimean War.

IN the establishment in Toronto of the University of King's College, now the University of Toronto, and subsequently in that of Trinity College, my father took a great interest.

On this account, and because their histories are connected, I will refer especially to the foundation of these two Universities.

In 1789 the United Empire Loyalists who, driven from the United States, had settled in Canada, applied to the Government to afford them religious and secular education for their children, which afterwards General Simcoe, the first Lieutenant-Governor of Upper Canada, exerted himself to procure for them.

His views were that, in addition to grammar schools, a university was required, to inculcate "sound religious principles, pure morals, and refined manners."¹

In 1797 the Legislature of Upper Canada addressed the Crown, praying that lands might be appropriated for the support of grammar schools

¹ Letter to the Bishop of Quebec, 30th April 1795.

and of a university, "for the instruction of youth in the different branches of liberal knowledge."

It is to be observed here, and it is important, that the Legislature itself, in this address, did not directly desire that religious instruction should be included in the University course; and to accuse it, therefore, as has been done, of a breach of faith in ultimately excluding it, does not seem justified; but at this time religious instruction went hand in hand with secular in all the great Universities of the British Dominions.

The King, in reply to the address, granted an appropriation of lands for the support of grammar schools, and also of higher seminaries (such as universities) for the "promotion of religious and moral learning and the study of the arts and sciences," . . . and it was the prospect thus opening in connection with both religious and secular education which brought the future Bishop Strachan to the colony.

Grammar schools were before long in operation, but it was some years before the circumstances of the colony and an income from the interest on the sale of lands, justified a University charter being granted. This, chiefly through the exertions of Sir Peregrine Maitland and Dr. Strachan, was secured in 1827.

It established "King's College" at York, in Upper Canada, "for the education and instruction of youth and students in arts and faculties," the recital stating that such establishment "for the education of youth in the principles of the Christian religion, and for their instruction in the various branches of science and literature which are taught in our Universities in this kingdom (the United Kingdom) would greatly conduce to the welfare of our said province."

But, although the charter was thus obtained in 1827, a delay of sixteen years occurred before the University could be built and opened, owing chiefly to the following causes. Sir Peregrine Maitland, an active supporter of it, had been transferred to another government; the all-absorbing events of the Rebellion and the Union of the Canadas occurred, and last, though not least, a feeling was growing up that the National Church of England could not, from many circumstances, be made the National Church of Canada, that feeling which led subsequently to the secularisation of the Clergy Reserves.

Controversy respecting the provisions of the charter went on continually in Parliament and in the press, these provisions being looked upon as giving too much influence to the Anglican Church, and the terms of the charter were, in consequence, much modified,¹ chiefly in the direction of reducing ecclesiastical influence in the council of the college. The Judges of the Queen's Bench were appointed visitors instead of the Bishop of the diocese; the President was not necessarily to be an ecclesiastic; several of the higher officials of the Government were to have seats on the Council in order to give lay influence; and the one connection now left with the Church of England was that there was a Professor of Divinity of that Church, and that chapel services in accordance with the prayer-book of the Church were conducted for those students who belonged to it, others not being required to attend.

It was under this modified charter that King's College opened in 1843, amply endowed with the proceeds of 225,944 acres of valuable land.

¹ By 7 William IV. c. 16. Rev. Stat. U.C., p. 811.

My father never approved of the modifications which had been made in the charter.

Speaking at the time (1843) of the opening of the college, he says :—

I feel a satisfaction—melancholy indeed it is, because my humble efforts were unavailing, but a satisfaction which I could unwillingly have foregone—that I was led, by no motive, ever to concur in those alterations which deprived this University of a distinctly religious character.

It is very true that we are not in England, Ireland, or Scotland, and it may be imagined that a less sound feeling, in matters of such momentous importance, is characteristic of this country. If it be so, it is more to be deplored than any other error.

But the members of the three largest Christian communities in Upper Canada, unconnected with the Church of England, have given evidence of very different views. They have each given the strongest proof that what they desire in their own case is a college which shall be avowedly in strict and undoubted communion with their own persuasion. If this had not been the feeling, we should not have heard of Queen's College—or the colleges of Victoria or Regiopolis. In this they have judged soundly of human nature, and yielded an honest testimony to what their consciences approved.

I must explain the above remarks by saying that the evident tendency to secularise totally education in King's College had not appealed much more to many members of the Church of Scotland, or of the Wesleyan or Roman Catholic Churches, in Upper Canada, than to those of the Anglican.

They could not feel—as was but natural—perfectly satisfied with any religious teaching in the college other than that of their own Church; and would have welcomed any Government measure which diverted part of the college endowment to

education in connection with their own communion; but the severance of religious instruction from University teaching was not what they approved. The members of the Church of Scotland established "Queen's College" at Kingston in connection with their own Church, the Wesleyans "Victoria College" at Coburg, and the Roman Catholics "Regiopolis College" at Kingston.

Though my father had been opposed to the modifications made in the charter of King's College, he rejoiced at the successful completion of the efforts to open the University, of which, as Chief-Justice, he now became a visitor. Religious instruction was still to be given within its walls, and he hoped that the charter would not be further interfered with.

He was now instrumental in obtaining for King's College the Wellington Scholarships, afterwards removed to Trinity College, and to which I shall allude further on, and my brother Christopher¹ was sent to the college, where he graduated, and become one of its gold medallists.

At its formal opening my father expressed the hope that with the establishment of the University there would grow up in Canada "something of the traditional spirit and elevation of character which, insensibly working in her noble Universities, have made England what she is."

But the charter was to be yet further, and very radically altered.

Under the conditions of party and religious feeling in Upper Canada, it was deemed impossible by the

¹ Christopher Robinson, K.C., Beverley House, Toronto.

Legislature to continue to maintain, from public funds, a University in connection with the Anglican Church, or any form of religious teaching.

In 1849, by an Act (12 Vict. c. 82), which was not interfered with by the Crown, and in order, as the Act purported, that "the just rights and privileges of all may be maintained without offence to the religious opinions of any," it was provided that henceforth education in King's College was to be exclusively secular. The name of "King's College" was also altered to that of "The University of Toronto."

No "minister, ecclesiastic, or teacher, under and according to any form or profession of religious faith or worship whatsoever" was to have a seat in the "Senate," as the governing body was to be termed; no religious observances were to be imposed in the College, and no Professorship of Divinity allowed.

When all religious teaching was thus excluded from the University of King's College, some thought that it would sufficiently meet the views of those opposed to this measure if they were enabled—by public grants in aid—to educate their youth in theology outside its walls.

My father, writing as to this view, says:—

Some would seem to think that they would content the Church of England, and all others, by furnishing them with the means of educating their youth in theology, apart from King's College. That is doing nothing.

There is no serious difficulty now in the Church of England or Scotland, or the Roman Catholic Church, finding means to do this without public aid. A salary of £200 per annum, with fees to be paid by students, would secure the services of some

respectable clergyman, if no more could be got—but we could get more.

Lord Elgin also, in a letter to the Secretary of State for the Colonies, on the 4th February 1851, says that those who advocated the change in the charter of King's College in 1849 believed that the several denominations "would provide schools or colleges in the vicinity of the University for the religious training of the youth of their respective communions."

But my father, and those who concurred with him, desired more than this for the University education of the youth of Canada.

What the Act secularising University education had done was to destroy in a fundamental point the resemblance between the Toronto University and those great English residential Universities of Oxford and Cambridge, to the system and training at which he attributed, rightly or wrongly, much of that "traditionary spirit and elevation of character which have made England what she is."

Under this system, students, as a rule, reside in their colleges, the advantage of which is generally admitted by University men in after life, and religious and moral teaching and influence go hand in hand with secular work. They are interfused with the latter, give tone to it and to the daily college life, and are not matters outside of it. They are imparted by teachers who are themselves convinced of the value of such influence, and who instruct in secular subjects as well; and these teachers, by mixing with the students in their college amusements, interests, and occupations, have a greater weight in the formation

of the characters of those under them than others, not similarly situated, can hope to have.

My father and many more considered this system the most perfect University one; and so, although they could not hope to obtain a better secular education than that given at the University of Toronto, or one imparted by more able Professors (many of them Churchmen) than those who formed its staff, they determined to found, if possible, a new University upon another basis in connection with the Anglican Church.

Bishop Strachan, though seventy-two years of age, proceeded to England, where an influential committee—among the members of which, it may be mentioned, were Lord Seaton and Mr. Gladstone—co-operated with him in his object. An appeal for funds was warmly responded to both there and in Canada; and it illustrates this to say that, though there were in Upper Canada at this time but few wealthy men, very many contributed over £100; several £500 (in money or land); some £1000 (among them Bishop Strachan himself); Mr. Enoch Turner, £1700; and Dr. Burnside, £6000. In England the Society for the Propagation of the Gospel gave £4000; the Society for Promoting Christian Knowledge, £3000; the University of Oxford, £500; Mr. Turner, of Rook's Nest, Surrey, £500, and there were other liberal contributions. In all, over £40,000, afterwards added to, was soon collected, and a petition to the Queen for a royal charter was signed by nearly 12,000 people, chiefly heads of families.

The building of the college was then proceeded with, and it was formally opened 15th January 1852, having, pending the receipt of the royal charter

applied for, received its Act of Incorporation as a college, without degree-conferring powers, from the Legislature of Canada.

The charter was granted 16th July 1853 by her Majesty's command, ordaining and providing that "the said college shall be deemed and taken to be a University, and shall have and enjoy all such and the like privileges as are enjoyed by our Universities of our United Kingdom of Great Britain and Ireland." My father was elected the first chancellor, continuing to hold the office until his death, and taking always the keenest interest in the welfare of the University.¹

Thus Trinity College was founded from the contributions of individuals and public bodies independently of the State, and in connection with the Anglican Church, modelled in all respects, including collegiate residence, upon the English Universities of Oxford and Cambridge, and with a Provost and Professors from these Universities.

At the opening of the college, on 15th July 1852, my father said :—

Ours is no new faith. It is not from the Reformation that the Church of England dates her existence. We are not separated from other Christian communities in consequence of any recent adoption on our part of a doubtful interpretation of some text of Scripture, or any modern scruple in regard to forms. Nothing else we most fondly venerate—not the glorious flag of England, nor the great Charter of our liberties—has from its antiquity so strong a claim to our devotion as our Church. It is the Church which, from age to age, the Sovereign has sworn to support: centuries have passed since holy martyrs have perished at the stake rather than deny her doctrines. . . .

¹ I was sent to the college by him at its opening, and graduated there in 1855.

And the Rev. Provost Whitaker on the same occasion thus spoke :—

The foundation of this college is a solemn protest against the separation of religion from education. We have joined together what others have put asunder, . . . and what, as we believe, God joined together from the beginning.

Much has been written, in not too dispassionate a spirit, with respect to King's College and Trinity College, and the religious questions connected with their history, but it should not be overlooked that the majority of those who, like my father, contributed to establish Trinity College upon the system which I have explained, were laymen, professional men, and business men; few of them comparatively were ecclesiastics or theologians. Certainly those of them who had sent their sons to King's College under its very modified charter in 1843 cannot fairly be accused of extreme Church views.

But they were convinced, from the highest considerations and also from the experience of practical life, that the separation of religious and moral teaching from University education was a wrong step; and that if the State was compelled of necessity to sever them, then they, as individuals, must exert themselves by private effort to reunite them. They were of opinion that a University should before all things, as General Simcoe said, "impart religious and moral learning;" that all secular instruction of youth should have its basis on such learning; and, as Dr. Arnold of Rugby wrote, be made "subordinate to a clearly defined Christian end." Holding these views, had they not exerted themselves as they did, when religious worship and instruction were excluded from

King's College, to found another University, they would have acted less fully up to their convictions than had those earnest men of other Christian communions who had founded "Queen's" and "Victoria" and "Regiopolis" Colleges.

From the day on which it was opened until now, *i.e.* for more than half a century,¹ Trinity College, under some opposition and many difficulties, has continued to fulfil its mission.

It is the last college in Canada founded upon a royal charter, and it is to be confidently hoped that, as time goes on, it will grow, as Oxford and Cambridge have done in England, in the confidence and affection both of Churchmen and of the people at large, and with the power afforded by more material, as well as moral support, be enabled much further to extend its sphere of usefulness.

As the history of the Wellington Scholarships now enjoyed by Trinity, but originally by King's College, has a close connection with my father, I give extracts below from letters of the Duke of Wellington regarding them.

On the 29th April 1844 the Duke wrote to him :—

You will probably have heard that I some years ago subscribed a sum of money towards the payment of the expense of the construction of the Welland Canal, and that I am in fact the proprietor of shares in that work. I was subsequently disposed to form the intention of relinquishing those shares, and I

¹ To the zealous exertions and unfailing support of the late Hon. G. W. Allan, D.C.L., who was connected with it, as a trustee, from its commencement, and was its chancellor for twenty-three years, Trinity College owes very much indeed. After his death he was succeeded as chancellor by my brother, Christopher Robinson, in January 1902.

intended to present them to the Province of Upper Canada, and imagined that I had done so.

But the enclosed letter¹ has apprised me that I had never carried into execution that intention, and the shares are mine at this moment.

Under those circumstances I venture to trouble you, and request you to point out to me in what manner I can dispose of these shares so as to be most serviceable to the Province of Canada, or any district thereof, it being my wish to consult you exclusively upon this subject, and intention to follow exactly the course which you will suggest.

After I shall have received your answer to this letter, and with the assistance of your advice shall have determined upon the course which I shall follow with regard to the disposition of the property, I will, of course, write to Mr. Merritt. . . .

In reply to this letter, my father suggested more than one object for the Duke's consideration, but inclined to the view that, as the stock would found one and probably two scholarships, it would be well to devote it to the cause of education in this way, by founding such scholarships in King's College, which had just been opened; and he added that it would be always felt to be a proud distinction of the Canadian University that the Duke "had consented to associate so closely with it a name which must last as long as anything is taught in colleges or schools."

At the same time he gave the history of the College, the modifications which had been made in its original charter, and the possible danger of these being carried further in the future.

¹ This was a letter from Mr. William Hamilton Merritt, of St. Catherine's, Upper Canada, the original projector and a very active promoter of the Welland Canal. The Duke of Wellington had, at a critical period of its fortunes, given an impetus to the canal by taking twenty-five shares in it (value then £500), and Mr. Merritt drew his attention to the fact of his being still the holder of these shares, and made some suggestion with respect to them. In the interim they had become considerably more valuable.

In response the Duke wrote ;—

WALMER CASTLE, 28th September 1844.

MY DEAR SIR,—I have to apologise for having allowed so much time to elapse without answering your kind letter of 11th July, but Parliament was still sitting when I received it, and my time was so fully occupied that I had not leisure to peruse and consider the various papers which you were so kind as to send me, and to determine upon the course which I should follow.

I have now perused all the papers with the greatest attention, and I think that I quite understand the subject; and I have determined that I will avail myself of the Act of Parliament of the Province of Canada, the 7th Queen, chapter 34, and authorise the disposal of my interest, or share, or shares, in the Welland Canal, and with the produce thereof found a scholarship in the King's College, in Upper Canada.

. . . I beg accordingly that having disposed of this stock in the Welland Canal,¹ you will dispose the proceeds thereof in the foundation of a scholarship in the King's College, Upper Canada.

I should wish this scholarship to be for your life at your disposition. Afterwards at the disposition of the Chief Justice of Upper Canada, of the Chancellor of King's College, and of the President of the same institution, or the majority of the three, each of them being a professor of the doctrine of the Church of England.

I desire that you, during your life, and the officers above mentioned, when they will have the disposal of and nomination to the scholarship, will select him whom they may think most deserving.

But, in case the son of an officer on half-pay of Her Majesty's Army, settled in Canada, should become a candidate for this benefit, and his claim, from merit and proficiency in his studies, should be considered equal to that of other candidates, I wish that the preference should be given to

¹ A power of attorney to my father for this purpose was enclosed.

the son of the officer on half-pay of Her Majesty's Army settled in Canada. . . .

I have desired to found this scholarship in the King's College, Upper Canada, in consequence of my conviction of the connection of that institution with the Church of England, and of its having a Royal Charter, under the Great Seal of England; but if the character in this respect of this institution should be altered, by the exercise of any power or authority, and the friends and professors of the doctrines of the Church of England in Canada should form another institution for the promotion of learning, religion, and virtue in connection with the doctrine of the Church of England, I desire that the scholarship or scholarships thus formed by the sale of the stock belonging to me in the Welland Canal in the King's College may be removed to such other institution. . . .

I have the honour to be, my dear Sir, your most faithful and obedient humble Servant,

WELLINGTON.

Mr. Chief-Justice JOHN BEVERLEY ROBINSON.

Power was given to those who had the disposition of the scholarship to create a second one, if the funds permitted. The proceeds of the stock, with accumulated back interest, enabled debentures of the value of over £1100 sterling to be bought, from the interest of which sum two scholarships were endowed.

In accordance with the Duke's instructions, when all connection of the University of Toronto with religious teaching and the Church of England had ceased, and Trinity College been established, these scholarships were removed to the latter College, where they are now held.¹

To understand the existing relations between the University of Toronto, which is the State University

¹ My father's grandson, C. S. MacInnes, won by examination the Wellington Scholarship in Classics for 1891, the method of award having been changed to open competition, and became Fellow and Lecturer in Trinity College in 1893-94. Another grandson, Christopher C. Robinson, son of my brother Christopher, won it in the year 1901.

of the Province of Ontario (formerly Upper Canada) and Trinity and other Colleges of the Province, it is necessary to refer shortly to what has taken place since 1852.

In the interval between that date and the present time the University of Toronto (once King's College) has undergone several changes.

In 1853 it was reconstituted much upon the system of the "University of London," on which it was mainly modelled, and it was laid down that the literary and scientific attainments of persons obtaining degrees were to be similar to those in force at that University.

As there are points of similarity, in other respects as well as in their constitution, between these two Universities, I will mention that the University of London was initiated in 1825 by Campbell the poet, (whose name has occurred more than once in these pages), Lord Brougham, Joseph Hume, and certain influential men who dissented from the doctrines of the Established Church, and were under some disabilities at other Universities at that time.¹

In 1828, when it opened, it was distinctly non-theological in character, but in 1829 a section of its supporters, dissatisfied at its being altogether dissociated from the Established Church, founded "King's College," London, with a view to add to the secular instruction the inculcation of "the doctrines and duties of Christianity as the same are inculcated by the United Churches of England and Ireland."

This combination was so far successful that in 1836 the University of London was reconstituted into

¹ "Encyclopædia Britannica" (Universities).

two parts, viz., the "University of London," to examine and confer degrees only, and "University College, London," a collegiate teaching institution—the latter and "King's College, London," being both incorporated with the University.

The University of Toronto was in 1853 similarly re-constituted into two parts, viz., "the University of Toronto," an examining and degree-conferring body only, and "University College," a collegiate teaching institution.

There are no resident students in the College.

Since then various changes have taken place in the statutes affecting the University, of which some have been introduced with a view to facilitate the federation or affiliation with it of other universities and colleges; and now the existing law is embodied in "The University Act," 1901 (ch. 41, 1 Edward VII.), which provides that—

Any University in the Province of Ontario which suspends its power to confer such degrees as it may be authorised to confer (excepting degrees in theology) shall be entitled to be represented on the Senate of the University,¹—and to be known as a "Federated University" (s. 20 (1)).

The curriculum in Arts of the University shall include the subjects of Biblical Greek, Biblical literature, Christian ethics, apologetics, the evidences of natural and revealed religion and Church history—but any provision for examination and instruction in the same shall be left to the voluntary action of the federating Universities and colleges, and provision shall be made, by a system of options, to prevent such subjects being made compulsory upon any candidate for a degree (s. 24 (3)).

¹ In proportion to the number of students in each College.

The Council (of University College) may make regulations touching the moral conduct of the students and their attendance at public worship in their respective churches, or other places of religious worship, and respecting their religious instruction by their respective ministers according to their respective forms of religious faith, and every facility shall be afforded for such purposes—provided always that attendance on such form of religious observance be not compulsory on any student attending the University, or University College (s. 23 (1)).

The University Act, 1901, has in a degree altered the relations between the University of Toronto and University College. The college was incorporated with the University; now it is on a somewhat similar footing with respect to the latter as other federating colleges, though supported by the same endowment and partially under the same management.

The provisions of the Act, as shown above, permit of religious instruction and moral training being voluntarily carried out, and allow certain religious teaching to find a place in the Arts course for a degree, while, at the same time, the terms of the charter of the University of Toronto, under which there can be no Faculty of Divinity in that University, and no religious observances or worship can be compulsorily imposed, are adhered to.

Of the chartered, or incorporated, Universities and colleges in Ontario, Victoria (Methodist) has within recent years federated with the University of Toronto; while of colleges and institutions not enjoying University powers, several have affiliated with that University, and some with Trinity University.

Up to the year 1903, however, it had not been found practicable to come to any arrangement under

which Trinity University, without the concession of fundamental principles, could federate with the University of Toronto; but, within the past few months, after prolonged negotiations, conditions of federation have been formulated which the corporation of Trinity, and many of those deeply interested in her welfare, both clergy and laity, have considered that it is both proper and desirable to accept, the arrangement to be a tentative one for three years. After this Trinity could, if desired, revert at any time to her independent position, her degree-conferring powers (except in Divinity) being held in suspense during federation.

These conditions I will not here enlarge upon, as they have been lately much discussed in Canada, where those interested in University matters are familiar with them, and to completely enter into them requires a reference to many details.

To sum up—the sketch which I have given of the origin and progress of the Universities of Toronto and Trinity College shows that the organisation and regulations of the former are not now what they were when Bishop Strachan established the latter in 1852. The educational circumstances of Toronto, the capital of the Upper Province, have also altered.

At that time all religious worship and instruction had been abolished in the University of Toronto, and it was deemed necessary to found one upon a different basis. Now Trinity College, with her religious worship and teaching, and her residential system, exists, in which what was then abolished is imparted in accordance with the tenets of the Anglican Church, and this would continue to be the case under federation.

Important changes also have been introduced into

the University of Toronto; the relations to it of University College and other colleges under federation have been modified: and the curriculum of Arts in the University of Toronto includes religious teaching within certain limits.

Federation, therefore, can now at all events be regarded by Anglican churchmen, although it involves a sacrifice of degree-conferring power on the part of Trinity College, in a light which it could not have been a few years ago, and the members of Trinity who have advocated it have, equally with those who are opposed to it, but one object in view, viz., the success of the University in carrying out and promoting the main purposes for which it was established.

I have entered above at what may perhaps be considered undue length into questions concerning Trinity College, on account of my father's close connection with the University, and because I am aware that he had its welfare much at heart.

For whatever he may have been able to accomplish for it in its earlier years, the reward he would have sought is its prosperity, while maintaining the principles upon which it was founded; and that those educated there may continue, for all time, to say:—

“ And till life's latest hour my lips shall bless
The first good Bishop's work, and not the less
His name who—pupil, counsellor, and friend—
Aided in guiding to its prosp'rous end
This labour: faithful still through toil and loss
Fair learning's vine to twine upon the Cross.”¹

¹ Congratulatory poem read by Mr. C. E. Thomson at my father's installation as Chancellor of Trinity College, 3rd June 1853.

In 1854 my father was created a Baronet of the United Kingdom, his patent being dated 21st September.

Shortly before, though he was entirely unaware of it, some of those well acquainted with his public services, who were then in England, had taken an opportunity of speaking of them to the Duke of Newcastle, Secretary of State for the Colonies.

Lord Seaton, to whom this had been mentioned, then communicated with my father, and wrote himself to the Duke, stating what had come within his own knowledge when Governor-General and in command of the forces, and adding :—

The duties of his high and important offices have been so efficiently discharged that no public servant has ever been more revered, or held in greater estimation than he at present is in Canada.

He subsequently sent to my brother-in-law, Captain Lefroy, a copy of his letter and of the following reply to it from the Duke of Newcastle :—

DOWNING STREET, 17th June 1854.

DEAR LORD SEATON,—I regret that, from the pressure of business and the numerous preparations attendant upon the division of offices which has lately taken place, I have not been able hitherto to reply to your letter of the 27th May respecting Chief-Justice Robinson.

Long, however, before the receipt of that letter, I was fully aware of the course of public services and many other great merits of the Chief Justice, and also of the general estimation in which he was, and is, held in Canada, and it was my intention, before leaving office, to leave some mark of public recognition which would bear an honourable testimony, both to the province and to himself, of his past valuable services.

I sincerely rejoice, however, that I have received your letter,

as bearing out to the full extent my own views, and I take the earliest opportunity of informing you that I have already received the Queen's most gracious approval of the recommendation that a Baronetcy of the United Kingdom should be conferred upon Chief Justice Robinson. — Believe me, dear Lord Seaton, yours very faithfully,

NEWCASTLE.

Lord Seaton wrote also to my father, 19th June 1854 :—

It will be satisfactory to you to know that the Colonial Minister had determined, before he left that Department, to recommend some mark of distinction to be conferred on you.

I congratulate you sincerely on this recognition of your public services, and I am confident that it will afford the highest satisfaction at home and in Canada—west and east.

You will have heard of the sudden death of our old friend, Sir Peregrine Maitland, with great sorrow.

Lord Elgin, Governor-General of Canada, in notifying the Queen's intention to create him a Baronet, added a kind private note expressing the pleasure which this gave to him personally.

There were also many warm letters of congratulation from public bodies and private friends, and the Bar of Upper Canada, in an address conveying to him their satisfaction, said :—

All will bear testimony to the manly and becoming dignity, the patient attention, and the considerate and gratifying courtesy which have invariably characterised your Presidency on the Bench and your intercourse with the Bar. . . .

We cannot be forgetful of the important part your Lordship has borne in maintaining, by influence and example, the high tone and dignity of the one, and in respecting on all occasions the position and privileges of the other.

In 1854 the war with Russia (Crimean War) broke out, in which many from Canada took an active part;¹ and Sir Francis Head, writing to my father on 28th May 1854, thus refers to the death in action of Captain W. Arnold,² whose sister was the wife of my brother Lukin, and who, while on leave in Canada, had volunteered for service and joined the Turkish Army on the Danube:—

You will, I know, regret to learn that I have this morning received from Colonel Steele, Lord Raglan's Military Secretary, a private note informing me of the death in action of our noble, gallant, young friend, William Arnold. On account of his gentlemanlike bearing and high chivalrous spirit, Lady Head and I really and sincerely entertained for him maternal and paternal regard.

Captain Arnold joined a Division of the Turkish Army at Giurgevo on the Danube on the evening previous to an attack made upon the Russian position at Rustchuk on the opposite bank, in which he and two other British officers (out of four in all) and 700 men fell.

I may add here that it was largely in appreciation of the contributions from Canada to the Patriotic Fund raised after this war that I subsequently (in November 1857) received my own commission from the Prince Consort in the Rifle Brigade, of which he was Colonel-in-Chief.

¹ Among others who distinguished themselves may be mentioned Lieutenant (afterwards Colonel) Alexander Dunn, awarded the V.C. for bravery in the Light Cavalry charge at Balaclava.

² Son of John Arnold, Esq., of Toronto, brother of Colonel Arnold, 16th Lancers, who commanded the Cavalry Brigade in the Afghan War, 1839-40.

CHAPTER XIV

JOURNAL AND CORRESPONDENCE WHILE IN ENGLAND, ETC.

1855

Mrs. Hamilton Hamilton, Sir F. Head—Appointed Vice-President, S.P.G.—Bishop of New Zealand (Selwyn)—Rev. Ernest Hawkins, Judge Haliburton, Colonel Sabine—Royal Society Club—House of Lords—York Assizes—Samuel Warren, Parke, Cresswell, Canon Vernon Harcourt—*Nisi Prius* Court—Bishop of Exeter, Hallam, Lord Lyndhurst—Death of Sir R. Inglis—Westminster Hall—The Exchequer Court—Oral judgments—House of Lords, Arguments on a Scotch appeal—King's College, London—Sir E. Ryan, and appeal cases from Canada—Levée, St. James's Palace—Sir H. Holland, G. W. Bramwell, Q.C.—Queen's Birthday dinner—The *Great Eastern*—Dr. Cumming, Sir H. Rawlinson, Captain M'Clure, Faraday—Visits Bath, Frenchay, and Cleasby—Dublin: Lord Carlisle, Lord Seaton, Chief-Justice Lefroy—Killarney—Cork—Oxford: made Honorary D.C.L.—Sir J. Burgoyne—Murchison, Willes—Pemberton Leigh and Canadian judgments—Lord Campbell and Baron Parke as to taking evidence of parties to a suit—Guernsey—Return to Canada.

IN 1855 my father and mother paid their last visit to England, where my sisters, Emily (Mrs. Lefroy) and Mary (afterwards Mrs. MacInnes), were at this time.

They left Toronto on the 13th January, sailing from Boston on the 17th in the Cunard steamer *Asia*, Captain Lott, and were away from Canada a little over seven months. After touching at Halifax, they reached Liverpool on the 30th January, and went thence to Brighton, where my sisters were then staying, and took rooms at 10 New Steyne.

During this visit, which was unconnected with any public duty, my father made short trips to Ireland

and Guernsey; to Oxford, where he was given the honorary degree of D.C.L.; to Frenchay, near Bristol, where Colonel W. H. Robinson¹ was then living, and to Cleasby in Yorkshire. He saw again several of those whom he had met when last in England in 1838-40, including Sir F. Head, Lord Lyndhurst, Sir Robert Inglis, and Sir J. Pakington; but Sir Robert Peel, Sir Wilmot Horton, and the Duke of Wellington had in the interim passed away.

I give now some extracts from his journal:—

I found all well at Brighton.² We went to see Mrs. Hamilton Hamilton, daughter of Sir Frederick Robinson. I think I had not seen her since 1815 at Kingston, where her father commanded the forces, and was administering the civil government.

She was then a most lovely young woman, and is still a fine one—animated, intelligent, and agreeable—devoting herself wholly to the care of her husband, who has been for many years an invalid. He was British Minister at Rio de Janeiro.

I received very kind letters from Sir Robert Inglis, Mr. Turner,³ and Sir Francis Head, proposing that I should visit them. Sir R. Inglis gave me choice of days when I would dine with him, and begged of me to name any persons whom I should like to meet.

On February 4 and 5, 1855, Sir Francis Head, who, since my father's last visit to England, had moved from Warwickshire to Oxenden in Northamptonshire, writes:—

I was indeed glad this morning to see your handwriting, coupled with the postmark "Woolwich." My first feeling was

¹ Son of Sir William and grandson of Colonel Beverley Robinson.

² This entry is without date.

³ Of Rook's Nest, Godstone, Surrey.

one of thankfulness that you and Lady Robinson had got safe across, my second of joy that you and I were once again on the soil of good old England. Whether you arrive here by night or by day, "in thunder, lightning, or in hail," you will meet with a hearty welcome.

I have been in what I call "Jail" for the last six weeks, in consequence of my horse having reared up and fallen backwards on my knee and ankle, but I hope to be able to resume my "circuit," *i.e.* my hunting, as soon as the frost leaves us.

Since you were here Canada has grown into a great country, but Oxenden has not only not grown, it has shrivelled up, in consequence of the railway having drawn off the high road every single mail and store cart. Twenty years ago more than 100 per day passed—now *not one*. . . . Remember that by selecting Saturday as your day for coming here, you will enable me to introduce you to the quiet service and interior of our little village church, which I think you will be pleased with. I feel quite happy at the idea of your being in England.

In the old country, where your face and blue cloak are not known, I hope you will feel that for the few months you are to be among us, you are fairly entitled to enjoy your holiday; let your moustachios¹ grow, and do as you like!

Sir John Pakington also writes:—

I have heard with great satisfaction of your visit to England, and I look forward with great pleasure to seeing you again.

Journal continued.

3rd February (Saturday).—I went by railway to Cheltenham to see Mr. Merry, now in his ninety-fourth year.²

Some days after I went to town and dined with Sir Robert and Lady Inglis. I met there the Bishop of Lichfield

¹ Moustachios were now just coming into general wear in England. Before the Crimean War they were worn, as a rule, by heavy cavalry alone. Sir Francis probably knew that my father, like many others of his date, had no great liking for them.

² He died on the 23rd November following.

(Lonsdale), Lord Hatherton, Mr. Arthur Mills, Mr. Dudley Percival, son of Spencer Percival,¹ and several others.

I received a letter from the Society for the Propagation of the Gospel in Foreign Parts informing me that I had lately been elected a vice-president, and by special request attended a meeting of a select committee appointed to report on the late Clergy Reserves Act passed in Canada, and a letter from the Bishop of Toronto of 6th January thereupon. I found the discussion very pleasantly and courteously conducted, and I believe I was of use. On this occasion the Bishop of Lichfield, Lord Robert Cecil, Mr. Hawkins, and the Bishop of New Zealand² were present. The Bishop of London came in for a short time.

I saw much to admire in the Bishop of New Zealand, who was to sail in about ten days for his diocese, in a small vessel of his own, which he navigates as captain. He has a good athletic frame, broad square shoulders, not encumbered with flesh, a fine forehead, good face, kind expression of countenance, yet shrewd and determined, and speaks most fluently and to the purpose—full of good humour, and with great life and spirit, seeming at home in everything.

I had before attended the February monthly meeting of the Society, at which from thirty to forty were present. The Bishop of Jamaica³ spoke of my nomination to be vice-president in very complimentary terms.

I dined with Ernest Hawkins, 4 Dean Street, Park Lane, the Bishop of Lichfield, "Sam Slick" (Judge Haliburton), Charles Lefroy, Mr. Rickards and wife, Mr. Walker, Henry and Emily, and some others, a pleasant party.

Mr. Haliburton was in great spirits—has a book just coming out—I had much talk with him.⁴

¹ Prime Minister assassinated by Bellingham in the House of Commons, 1812.

² The well-known Bishop Selwyn.

³ Aubrey George Spencer.

⁴ Of this party "Henry" is Captain (afterwards Sir Henry) J. H. Lefroy, Charles Lefroy, his brother, the Rev. Ernest Hawkins, and Mr. (afterwards Sir George) Rickards, his brother-in-law. The Rev. Ernest Hawkins was Canon of Westminster and secretary to the Society for the Propagation of the Gospel. Judge Haliburton's book was no doubt "Nature and Human Nature," published 1855.

Judge Haliburton was an old acquaintance of my father, and in connection with his name I give the following note from him, written a few years before this date:—

WINDSOR, NOVA SCOTIA, 14th September 1847.

MY DEAR CHIEF-JUSTICE,—I received your note with very great pleasure.

It would afford me infinite gratification to have an opportunity of renewing my acquaintance with you, either here, in Canada, or in dear old England. There are many subjects which I should delight in talking over with you, in most of which I believe we fully agree.

These are, however, all too prolix for the limits of a note, which only enables me to assure you of my very great respect and regard.—I am, my dear Sir, yours always,

TH. HALIBURTON.

Journal continued.

Dined and breakfasted with Sir Robert Inglis. We had agreeable parties. Henry and Emily, Colonel Sabine, the Bishop of Jamaica, Mr. Mills, Mrs. Erskine and daughter, and various others. Sabine¹ I had not seen since he was in Canada in 1814–15 as lieutenant of artillery.

I was taken by Sir Robert Inglis to dine with the Royal Society Club at the Freemasons' Tavern at six o'clock. Sir Robert presided. There were Sir Benjamin Brodie,² Professor Wheatstone,³ a man of remarkable talent, unassuming and amiable, with a great turn for mechanical science.

Sir Benjamin Brodie looks well and active, but is thin and stoops. He sat next me. I had seen a good deal of him when I was last in England.

¹ Sir E. Sabine, R.A., served in the war in Canada in 1813–14. He established magnetic observatories in Toronto and the colonies generally in 1840. President of the Royal Society 1861, and died in 1883 in his 95th year.

² Sir Benjamin Brodie, the celebrated surgeon, President of the Royal Society, 1858–62.

³ Professor Wheatstone was the first to render the telegraph available for the public transmission of messages.

Sir Robert Inglis proposed the health of their guests, and was pleased to express himself in terms quite too laudatory of me, stating what Sir Robert Peel had told him of the impressions he had derived from his conversations with me. I had to say something in reply, only two or three sentences.

The secretary read (as all papers are read here by the secretary) a long paper by a Mr. Gosse, I believe the naturalist, who lived for some years in the townships of Lower Canada, on some subject of entomology.¹ After it was read Mr. Huxley² spoke on its general features, partly agreeing, partly questioning.

Whoever set our Canadian Institute going—I believe Lefroy³—copied very exactly the routine of proceedings at such meetings in England.

In the Royal Society's room I saw on the table an old thick volume, in which every Fellow of the Society has signed his name, among others Charles II., Newton, John Evelyn, and celebrities without end.

I attended a debate in the House of Commons, when Lord Palmerston gave his explanation of his taking office as Premier, after Lord J. Russell's retirement. It was an interesting debate. I heard besides Sir J. Graham, D'Israeli, Roebuck, Layard, Duncombe, and many others. Lord Palmerston shows best in replying to an attack. D'Israeli said some caustic clever things, but was too laboured—not easy and natural.

My father constantly attended the Law Courts in England, when opportunity offered, being interested in comparing their procedure with that of the Canadian Courts.

I got, he writes, from Julius Airey⁴ a printed circuit paper,

¹ Philip H. Gosse, author of the "Canadian Naturalist."

² Huxley, well-known naturalist, President Royal Society, died 1895.

³ Sir Henry Lefroy had much to do with the Canadian Institute at Toronto, and was its president for three or four years.

⁴ He and his brother, Sir Richard (afterwards Lord) Airey, were nephews of Colonel Talbot (see chap. xii.), and had been in Canada for some years.

as I wished to attend the assizes at some town where I should probably see the business best conducted; and I chose York, as Parke and Cresswell were to preside there, and I should have time to see the Minster well, and make acquaintance with Dr. Morris living near. Julius gave me a note to Mrs. Cresswell, a relative of his. They were then on the circuit at Newcastle.

Sir Francis Head writes to him a little later on:—

I was, and am, amused at your affection for our Courts of Law. I should have thought that during your holiday they would have been the *very last* places you would have visited. “Mais on retourne toujours à son premier amour,” and you therefore leave Lady R. for your first love, “The Court.”

As my father's references to well-known Judges of this date may have an interest to legal men, especially in Canada, I give several extracts from his Journal alluding to them.

Journal continued (no date).

I saw Lord Campbell and Chief-Justice Jervis, and Pollock, trying causes at the Guildhall. I liked Jervis's manner best. I saw also Sir William Page Wood,¹ and V. C. Stuart sitting in Equity.

On Tuesday, 6th March, I left London at half-past nine A.M., for York. Fitzgerald of Toronto was going to Edinburgh, and I proposed to him to go with me and stop a day or two at York.

We went to the Minster for afternoon service at four o'clock. I had a letter to Dr. Bower, D.C.L., a brother-in-law of Dr. Morris. Dr. Morris² came over from Driffield to meet me here, and next day we both dined at Dr. Bower's, and met an agreeable party, among them Samuel Warren—author

¹ Afterwards Lord Hatherley, Lord Chancellor.

² Dr. Beverley Robinson Morris, descended from the Colonel Morris who married Mary Philipse, the sister of Colonel Beverley Robinson's wife (Susannah Philipse: see page 13), afterwards came out to Canada and practised as a medical man for a time in Toronto.

of "The Diary of a London Physician," and "£10,000 a Year"—now Registrar of Hull, and attending the Assizes here as a barrister. A pleasant man, looking young and in great spirits. I saw the Criminal Court opened by Cresswell¹ on Wednesday, and on Thursday went and introduced myself to him. He made me sit by him, and asked me to dine with him and Judge Parke on Friday, which I did. The Grand Jury were of the party, and many others. Baron Parke² was late in getting away from the Nisi Prius Court, and kept us an hour, but he made up for all when he came, so full of good-humour and fun, the very picture of it. The foreman of the Grand Jury is Lord Dundas.

Baron Parke took Fitzgerald and me with him in his carriage to an evening party at the "Residence House." Mr. and Mrs. W. Vernon Harcourt were our hosts. He is Canon Residentiary, and one of the Prebends.³ We met here a large party.

The High Sheriff (Mr. Brown of Rossington) called on me and asked me to dine with him on Sunday. On Sunday I went to the Cathedral. The Judges, Sheriff, Mayor, and Corporation went in state. The choir was crowded. It was a spectacle well worth crossing the Atlantic to see. The Cathedral appears to me perfect, especially this portion of it. We had a pleasant party at the Sheriff's (twelve, I think).

Mr. and Mrs. Harcourt sent a kind invitation to dinner on Tuesday, which I was obliged to decline.

I went next day into the Nisi Prius Court, where Baron Parke presided.

I was amused with the Baron's good-humoured way of getting through the business. He let counsel take their own course, and very rarely interrupted them, and never seemed impatient; laughed at all the jokes, whether good or bad. Once when a counsel strenuously persisted in endeavouring to

¹ Sir Cresswell Cresswell, Puisne Judge Court of Common Pleas, afterwards Judge of Court of Probate and Divorce; died 1863.

² Baron Parke was in 1856 raised to the Peerage as Lord Wensleydale.

³ Canon of York 1824, was virtually the founder of the British Association; died 1871.

establish some point of law which the Baron thought absurd and untenable, he said, "Surely you don't mean to contend—so and so," and on the counsel earnestly stating that he did, the Baron laughed outright in his face, as much as to say "You're a funny fellow, to be sure," and merely said, "Oh, nonsense, nonsense," and so put an end to the argument much more conveniently than by treating it seriously, and bringing on the kind of altercation that we often see in Court.

Cresswell is a most able Judge. I can conceive nothing of the kind better than his summing up of a criminal case. He keeps the whole thread of the narrative and the ins and outs of the evidence wonderfully clear in his mind, and remarks on the testimony in an impartial, reasonable, and particularly lucid manner, but he has not Parke's amenity, courtesy, and good-humour.

From the time my father left York until the 18th April 1855, he kept no journal, which, he says, "I am sorry for, as I met many pleasant people, and saw much that was worth noting."

He evidently, however, visited Sir Francis Head, as the latter writing from Oxenden on the 1st April, says, "I have been very constantly thinking of the happiness I and Lady Head enjoyed at seeing you here."

He also mentions dining at Sir John Pakington's, whom he saw again more than once on this visit.

Journal continued.

18th April.—I dined at the Bishop of Exeter's, 17 Albemarle Street. Next me on my left was Hallam,¹ now past eighty, but hale, and with all his faculties perfect, his memory excellent, and great good-humour. He would make me precede him in going in, notwithstanding my insisting that I came

¹ Hallam, the historian, author of "View of the State of Europe during the Middle Ages" (1818).

"after i. e. Middle Ages." Next him sat the Bishop, Mrs. Phillpotts never dining on such occasions. Next him was Lord Lyndhurst, then Baron Alderson,¹ Mr. Cavendish, Sir William Heathcote, Lord Lovaine son of Lord Beverley, the Bishop of Peterboro',² a son of Lord-Justice Knight-Bruce,³ and the Lord Chief-Justice himself, who sat on my right. We had much delightful conversation, especially from Hallam, the Bishop of Exeter, and Lord Lyndhurst, the youngest of whom is seventy-seven. All remembered hearing Pitt, Fox, Burke, &c. We had no end of professional anecdotes of the Bench and Bar, in which Baron Alderson excels.

Lord Lyndhurst has become very infirm, but still clear and vigorous in his mental faculties. He did not come up into the drawing-room before dinner, but sat in the dining-room till dinner was announced, to save the fatigue of walking upstairs. After dinner he came upstairs without help.

I like Alderson much.

My excellent old friend, Sir Robert Inglis, died on Saturday, 5th May. I had seen him a very few days before, when he told me that he was not recovering his strength after an illness which had commenced with a cold in December last, and that he had been warned that he might drop off at any time suddenly.

It was so, in fact, for he was in his drawing-room in the evening, and died in the same night.

I have not met more kindness from any one in England. Considering that our acquaintance was casual, commencing with his calling upon me in 1839 without any introduction, it was remarkable.

Sir Robert Inglis's cordial friendship my father much valued. The *Times*, in announcing his death, says: "A more conscientious man never entered the walls of Parliament. Destroy fifty able poli-

¹ S. Edward Alderson, Judge, died 1857.

² George Davys.

³ Sir James Lewis Knight-Bruce, Lord Justice, Court of Chancery; died 1866.

ticians, and twice fifty able administrators, and it needs but five minutes' search to replace them, but we much question if there be a man in England who can take the place Sir Robert Inglis filled as representative of the University of Oxford."

Journal continued.

I attended, on two days, the Courts sitting in Westminster Hall in Term (Easter).

Lord Campbell¹ despatches business well, is earnest in his attention, his hearing perfect, and his memory, as it seemed to me, quite unimpaired.

In the Common Pleas, Jervis, C.J.,² is an acute business man, but looks in ill-health.

I was most in the Exchequer, because they were delivering judgments there. The Judges all gave their judgments orally from notes, as I suppose they generally do, when they dispose in the term of cases argued that term. These judgments delivered orally are far less satisfactory than written judgments—rambling, and not so clear, or so well arranged.

Parke, B., delivers his judgment clearly and pleasantly, giving his reasons distinctly and agreeably. Platt³ was rather dogmatic—"I totally deny," &c. Martin⁴ spoke clearly and with a particularly good voice.

. . . On the whole, I saw nothing very peculiar in the system here. Like circumstances seem to produce like courses and consequences, here and there (*i.e.* in England and Upper Canada).

I went also to the House of Lords, and heard an argument of a Scotch appeal on the construction of a will—whether an estate vested or not according to Scotch law.

It was evidently an appeal in effect from a Court of several judges in Scotland to the English Lord Chancellor on a point

¹ Raised to the Peerage 1841; Lord Chief-Justice 1850; Lord Chancellor 1859.

² Sir John Jervis, Chief-Justice of the Common Pleas; died 1856.

³ Sir Thomas Platt, Baron of the Exchequer; died 1862.

⁴ Sir Samuel Martin, Baron of the Exchequer; died 1883.

of Scotch law, and that Chancellor often appointed from political considerations. It seems unsatisfactory, but I believe is not complained of.

We attended, upon Dr. Jelf's¹ invitation, the annual distribution of prizes to medical students in King's College, Somerset House.

Emma, Mary, and I took luncheon at the Principal's, and at three walked over to the college.

The Bishop of Winchester² presided and presented the prizes, and did it happily and well.

I was asked by Lord Radstock to second the motion for a vote of thanks to the Bishop, which I did, and made a short speech.

At M^cClintock's,³ Chester Square, I met at dinner Sir Edward Ryan,⁴ P.C., a member of the Judicial Committee, Charles Lefroy, M.: and Mrs. Moody—she is sister of Bennett's father, our young friend in Toronto, and a clever, well-read woman.

Sir Edward Ryan spoke to me of the appeal case, *Holmes v. Matthews* (just determined), said it was a very interesting one, and was most strong and emphatic in his praise of the ability shown in the judgments sent from Upper Canada in that and the other cases. He said it was a matter of great remark every term. He regretted that I was not present at the argument and judgment, to hear in what terms our judgments were spoken of.

11th May.—I attended a levée at St. James's Palace. There was an enormous crowd—not less, they said, than 530 *Presentations*.⁵

As I was rising I observed the Queen was saying something to me with a very benignant smile, and in a soft pleasing

¹ R. W. Jelf, D.D., Principal of King's College, 1844-68.

² Bishop Sumner, Bishop of Winchester, 1827-69.

³ First Lord Rathdonnell, married Miss Lefroy, sister of Sir Henry Lefroy.

⁴ Sir Edward Ryan, Assistant Controller of the Exchequer, 1851-62. Had been Chief-Justice of Bengal; died 1875.

⁵ He was presented by the Secretary of State for the Colonies on receiving the baronetage.

voice; but not expecting that she would say anything, I did not catch a word. I suppose it was some form of congratulation.

I wore the Order of the Bath and my Detroit medal. Warren¹ wondered what it could be, and was, or seemed, incredulous when I told him that it was not on account of any fight in Court, but for taking part in the capture of Detroit forty-two years ago.

I dined the same day with Mr. Franks of the Canada Company, 27 Cumberland Street, Portman Square. I observed here the new style² fully carried out. The gentleman of the house leads the way to dinner, with the lady among the guests who has precedence. The lady of the house stands fast, and the lady-guests keep their seats till she calls forward gentlemen one by one to take them out, having probably resolved beforehand who shall take whom. Then, when all were paired and sent off, I followed with her.

In coming into the drawing-room, before dinner, the husband and wife in every case walked forward separately, not arm in arm.

14th May.—I dined with Sir Henry Holland. His son having very lately lost his wife, he could have no large party. Besides myself, there was only Baron Alderson and Mr. Bramwell,³ Q.C., one of the Common Law Commissioners and a leading counsel on the home circuit. Sir Henry Holland's wife is a daughter of the Rev. Sydney Smith, the Edinburgh Reviewer. There is just coming out a life of Sydney Smith written by her.

Bramwell visited America, as I understood him, last year, and had a letter to me, but did not reach Toronto. He amused me, when I was introduced to him, by telling me that while in Lower Canada he inquired, "Suppose the independence of

¹ Samuel Warren, whom he had met at the levée, author of "Diary of a Physician," &c.

² This seems rather to fix the present custom as having come in about 1855.

³ George William Bramwell, Baron of the Exchequer, 1856, afterwards Lord Bramwell.

Canada should be conceded, who would be first President?" and was told, "Without doubt, Chief-Justice Robinson!"

I told him that he must have fallen in with some of my confederates, but that I had no such aspirations.

Sir Henry was warm in his admiration of Bond's Lake,¹ which Christopher drove him out to see.

Baron Alderson is full of fun and good-humour, and very unassuming in his manner.

Sir Henry Holland² more than once visited America. The following is a letter from him to my father, written two years before this date:—

23 BROOK STREET, LONDON, *March 18, 1853.*

MY DEAR CHIEF-JUSTICE,—Your letter of the 15th January was in every way most welcome to me, but above all as an expression of your friendship and esteem, upon which, whether meeting again or not, I shall ever set great value.

Whether I may visit America a third time is doubtful. Perhaps (and I shall gladly believe this) it is more probable that you may come over to England, to see what we are doing on this side of the Atlantic. You will find this old country of ours in a prosperous state, and with every aspect and likelihood of further advancement, if we do not run on too fast, or if a war with France does not intervene. In the latter event few can bring themselves seriously to believe, but, strangely enough, a question thus deeply important really depends on the individual character and position of the man who has by a sort of miracle (made up, however, of sagacious cunning, boldness, and chance) placed himself on the throne of that country. Little did I think of this eventuality when (twenty-one years ago) I was called to attend him in a serious illness in a London lodging, or again, more recently, when I attended him professionally about the time of his Boulogne expedition. I never

¹ About twenty miles north of Toronto.

² Very eminent as a physician, and created a baronet; father of the present Lord Knutsford, for some years Secretary of State for the Colonies.

thought him a commonplace man, as many here did, but I must fairly own that I formed no conception of the singular faculties he has since displayed. . . .

Let me entreat you to remember me with kindness to every one of your family now in Toronto. I shall ever retain a sense of your kindness to myself when with you.

Farewell, my dear Chief-Justice, and believe me, with great regard, yours faithfully,
H. HOLLAND.

16th May.—I dined with Lord Lyndhurst. I sat between Lord Hardwicke and Mr. Walpole, late Secretary of State. The rest of our party were the Marquis of Salisbury, Lord Stanley, Lord Campbell, C.J., and Edward Ellice—Lady Lyndhurst the only lady.

17th May.—I dined with Ernest Hawkins. We had Judge Coleridge there, his daughter, son, and son-in-law, and several others.

Coleridge¹ is a fine old man, most interesting in appearance and kind in his manners. We discussed many things, very agreeably—to me at least.

At half-past seven I went to 37 Chesham Street to the birthday dinner.²

The dinner has lost half its splendour as compared with former times, in consequence of the separation of the Department of War from that of the Colonies. When I was last here fifteen years ago, I dined at Lord Normanby's, then Secretary of State for the Colonies, and we had a very large and brilliant party, Lord Hill and all the Staff of the Army. . . .

We had I suppose about twenty-four or twenty-six. I found Lord John much older looking. He was very courteous to me, and called me up next to the Duke of Argyll, who sat on his left. The Bishop of Sierra Leone,³ just consecrated, was next me on my left. Lord Elgin was on Lord J. Russell's

¹ Sir John Taylor Coleridge, Judge of the Queen's Bench; retired 1858; died 1876; father of John Duke Coleridge (Lord Coleridge, Solicitor-General 1868, and afterwards Chief-Justice Court of Common Pleas).

² Dinner given on the Queen's birthday by Lord J. Russell, Secretary of State for the Colonies.

³ John Wills Weeks.

right, opposite to me. There were few others that I knew or whose names I caught.

His Grace, Lord John, Lord Elgin, and I had a good deal of conversation together, and I had much talk with my neighbour, the Bishop. He told me he had lived twenty years at Sierra Leone. I found he knew William Stanton well.¹

I came home at half-past ten. Many houses on my way were brilliantly illuminated.

18th May.—I went at half-past twelve to a meeting of the Financial Committee of the Society for the Propagation of the Gospel in Foreign Parts, as the matter to be considered was the Bishop of Toronto's request for aid from the Society to enable us to carry out the Commutation Scheme. We spent two hours over the question. About fifty attended, clergy and laity. Lord Powis spoke. He afterwards got himself introduced to me, when he thanked me in warm terms for the kindness he said we had shown his brother, Percy Herbert of the 43rd, in Toronto.² The Archbishop of Canterbury was in the chair.

Dined at the Lefroys'. Met Aylmer, Julius Airey, and young Robinson, grandson of Sir William, a clerk in the commissariat branch, at the War Office.³

19th May.—Went with J. M'Clintock, Sir George Forster, Mr. Forster, and Mr. Vere from the Carlton Club to see the immense steamer, the *Great Eastern*, building on the Isle of Dogs. We went from Hungerford Stairs in a small steamer down the river till we got opposite to the shipyard. Then we got into a small boat, rowed ashore, and visited the monster.

She is 695 feet long, of iron, built in compartments, and we were told will have four engines, in all 2500 horse-power, which seems small;⁴ she is but little advanced, but is expected to be launched this year.

¹ William Stanton of Toronto, and in the Commissariat Department.

² Afterwards Sir Percy Herbert, who was on the Quartermaster-General's Staff in the Crimea, and subsequently Quartermaster-General of the Army.

³ W. H. B. Robinson, died unmarried at Bermuda in 1856.

⁴ This was one of the chief reasons probably for the want of success of the *Great Eastern*. Of our present largest steamers the *Cedric* and *Celtic* only exceed her in length by five feet, but their engines have seven times greater horse-power.

20th May (Sunday).—We went to Dr. Cumming's chapel, Crown Court, near Drury Lane. Mr. Moffat, M.P., our fellow-passenger from Boston, had given us seats which he had there. It was crowded. The sermon was remarkable for ease of elocution, grace, and fluency, without effort or any attempt at display, the matter sound and sensible. No clap-trap either in the sentimental or any other line. They are lucky Presbyterians who have such a pastor.

21st May.—We went in a carriage with two horses, taking Emily with us, to Woolwich, to see Captain and Mrs. Younghusband¹ and visit the Arsenal. We lunched at the Younghusbands', and then went with him and Jonas Jones² to the Arsenal. We were much interested in our visit to the various workshops.

22nd May.—I went to a *conversazione* at the S.P.G. rooms, 79 Pall Mall, after having first gone with Henry Lefroy to see the experiments made by Mr. Goldsworthy Gurney on the power of the Bude light. I was amazed by the dazzling brilliancy of the light, and it seems to be obtained by a very simple process. I was much struck with Lefroy's quickness and apparent familiarity with the principles of optics and recent discoveries respecting them, as well as his ready comprehension of whatever in chemistry or otherwise Mr. Gurney desired to explain to him. As soon as we had finished I went to the Society's gathering. About sixty or seventy persons were there. The Bishop of London, a bishop from Scotland, Lord Powis, Dr. Jelf, King's College, a mixture of clergy and laity, among them T. Gore, the Hindoo Christian whom I dined with at Ernest Hawkins', and a Samaritan, a tall, fine-looking man from Mount Gherizim.

24th May.—Dined at Mr. Edward Ellice's, 18 Arlington Street, the curious old house of the Lord Arlington of the "Cabal" in Charles II.'s time.

¹ Afterwards General Younghusband (Royal Artillery).

² A son of the Mr. Justice Jones, Toronto, Canada, mentioned specially by Sir Francis Head in "The Emigrant" for services rendered to him in 1838.

We had of our party, besides young Ellice, Lord Stanley, Lady Dufferin, Lord Francis Seymour, chairman of the Sebastopol Committee, and Lady Seymour, a Major Rawlinson,¹ who has only two days ago returned from Bagdad. He does not, he told me, intend going out again, finding he suffers from heat, and the danger to health too great. I had next to me Captain McClure,² who made the North-West passage, though not with his ship. We had much talk. He served eighteen months on the lakes in Canada, chiefly stationed at Kingston, and suddenly left it in 1838, in consequence of having violated the American territory in pursuing and taking Kelly, an associate of Bill Johnson's, and concerned with him in destroying the *Sir Robert Peel*.

29th May.—I went with Henry in the evening to a soir e of the Civil Engineers, an annual meeting, 25 Great George Street, Westminster. There was an immense crowd of people. Mr. Simpson, C.E., presided. I saw there Faraday,³ Babbage,⁴ and many clever, eminent men.

My father now left London for Bath, Frenchay, Cleasby, &c., and writes:—

1st June.—At 4 left Bath for Frenchay in a fly. It is four miles from Bristol, a very pretty village. I found Colonel Robinson—formerly in the 72nd Highlanders, and still on half-pay—an agreeable, well-informed man. His wife is a daughter of Admiral Buckle.

We spent a most pleasant evening, and had much family chat about friends known to both.

I saw portraits of Sir William Robinson and his wife

¹ Afterwards Sir Henry Rawlinson, diplomatist and Orientalist, Consul at Bagdad, 1844–55, Envoy to Persia 1859.

² Captain (afterwards Sir Robert) McClure, R.N., discovered the North-West Passage, but had to abandon his ship, the *Investigator*. Parliament awarded officers and crew £10,000.

³ Michael Faraday, celebrated chemist and physicist, born 1791, died 1867.

⁴ Charles Babbage, mathematician, inventor of the calculating machine.

Catherine, daughter of General Skinner. Sir William died in 1837, she some years later.

I saw also miniatures of Colonel Beverley Robinson and his wife Susannah Philipse, a good-looking couple. I thought I could trace Sir William's face plainly in his mother's, and the Robinson features and face in the Colonel's. They have also a handsome portrait of Sir William Robinson when about twenty, and one of General Sir Frederick Robinson—small size, very like—and showing him to have been, what he really was, a splendid man, though this was taken when he was very old.

2nd June.—Left Frenchay at 10 A.M., and got to Bristol in time for the train *via* Cheltenham, Birmingham, and Derby to York. It was eleven at night when we reached York, and at 2 A.M. I took the night train to Darlington, arriving there at 3.5 A.M., and went to the Sun Inn.

3rd June (Sunday).—Drove to Cleasby, three miles up the Tees from Darlington, in time for church.

After church he made the acquaintance of the curate of Cleasby, the Rev. J. H. Coombe, who took him over the church and schoolhouse, showing him several things of interest in connection with Dr. John Robinson, Bishop of London, who, with his brother Christopher, the first of the family to emigrate to Virginia, was born in this village, where he built and endowed the schoolhouse and contributed to restore the church and parsonage.¹

Describing Cleasby my father writes:—

The Tees is a fine, clear, rapid river, about the size of the Credit (in Upper Canada) with perhaps a larger body of water in it. The banks are of fine gravel. Cleasby is certainly not a go-ahead place, but is a sweetly situated, quiet, little country village, no appearance of decay about it, or of wealth or business. The whole population is about 200. It is what

¹ See Appendix A., i.

is called a perpetual curacy, and the incumbent for the last sixteen years has been the Rev. James Jameson, who lives altogether at Ripon, and has never seen Cleasby for the last ten years. I have heard our Vice-Chancellor, the late Mr. Jameson, speak of his having a brother a clergyman living at Ripon, and have no doubt he is the same man.¹

The place has an excellent reputation for health, especially in the case of those who have weak lungs. It is in the North Riding of Yorkshire, and the little river Tees divides it from Durham. On all sides, from the high lands in the parish, the prospect is extremely pleasing; the water is excellent. The situation is beautiful and convenient, near Darlington, good roads, and pretty lanes.

There are many good families within a circuit of ten miles . . . I have set down these particulars that if any of our family should desire to establish themselves in England, temporarily or otherwise, they may know that they could scarcely do better than buy a small tract, and put up a comfortable house in the parish to which, in England, they belong, and—what to some people would be a recommendation, though to others the reverse—is that in the little village itself there is a good field for improvement, for it has been neglected, and is in consequence less taking to the eye than many others.

Croft is two miles off, through a lovely country; Durham about twenty; Ripon between twenty and thirty. At the mouth of the Tees is Redcar, a bathing-place with beautiful sands. The drive through Appleby to the Lakes in Westmoreland and Cumberland is short—about thirty miles or so. . . .

In the evening he drove to Darlington, and returned to London *via* York on Monday, 4th June.

Journal continued.

I was asked by Mr. Weld¹ to a conversazione at the Royal

¹ This was the case; the Rev. Mr. Jameson of Ripon being the brother of Vice-Chancellor Jameson of Toronto, whose wife, Anna Jameson, was the authoress of "Winter Studies and Summer Rambles in Canada" (1838).

² Mr. Weld, my father mentions, was half brother of Isaac Weld, who wrote a history of his travels in the United States and Canada in 1795-97.

Society's rooms on the 7th, and by Professor Potter to a similar reunion of the professors, &c., of the London University for the same evening, and by Baron Parke to dine with him, but having declined the two first under the impression that I should be in Ireland, I declined the last also. The Baron pressed me to go the Norfolk Circuit with him.

8th June (Saturday).—I went to Dublin by Holyhead, taking Jonas Jones with me. We left by the N.W. Railway at 9.15. We stopped at Chester long enough to dine. We got to Holyhead a few minutes after the correct time, and at about six set sail in the steamer *Anglesea* for Dublin. Boat full and weather cold.

We reached Kingston about eleven, and Morrison's Hotel, Dublin, about twelve.

Monday, 11th June.—Before breakfast came an invitation to dine to-day with the Lord Lieutenant, Lord Carlisle, at the Viceregal Lodge, in the Phoenix Park.

Soon after ten, I took Jonas Jones with me and we drove to Kilmainham to call on Lord Seaton, who occupies the Commander-in-Chief's quarters there; found him at home and looking surprisingly well.

He asked me to dine with him to-day, which I could not then for to-morrow, which I accepted.

He begs me also to come and dine with him every day, but I have little time to be in Dublin, if I want to see anything out of it. He took us over the hospital where the old pensioners live. We went then to the Four Courts, this day and to-morrow being the last two days of term.

Colonel Brown, the commissioner of the Dublin police, called and took me to hear the band of the 7th Dragoon Guards play in Merrion Square from four to six.

. . . I saw there, among many to whom I was introduced, Sir Duncan MacGregor, the same officer who behaved so nobly on the occasion of the loss of the *Kent* East Indiaman, and wrote so touching an account of it.

At dinner (at the Viceregal Lodge) we had about twenty-two. A French gentleman and lady of rank, the Marquis of Drogheda, a large staff, Dr. Todd, librarian of Trinity

College, &c. I sat next the Lord-Lieutenant on his left, next me was Mr. M'Donell, the National Education Commissioner. He spoke very highly of Robertson of the Normal School (in Toronto). The Dean of Ardagh took us in his carriage. Lord Carlisle was most attentive, talked to me of Peter Heward, whom he has a very kind remembrance of; also of Mr. Todd, Samuel Jarvis, and the Bishop (Strachan).

12th June.—Colonel Brown took me in his carriage round the town, and showed us the things best worth seeing. We went over all the apartments in the Castle and his police establishment. We visited the Bank of Ireland, and Dr. Todd took us over Trinity College, the library and museum. Sir Thomas Dean went over the new building with us, an addition to Trinity College which he is erecting as architect. He is the successful architect among more than thirty competitors for the new museum to be erected at Oxford.

Dined with Lord Seaton at Kilmainham; Colonel and Mrs. Wood, his son Major Colborne and his wife, Major Hillier and his wife, were of the party. In the evening we all went together to a ball given in the Rotunda to the Lord-Lieutenant by the officers of cavalry and artillery.

I was introduced by Lord Seaton to Lord Gough—a fine-looking old soldier. Colonel Gordon Higgins, late of Quebec, was one of the stewards. I came home before supper—about twelve.

Next day I went, in consequence of a note from Chief-Justice Lefroy,¹ to see him in his house in Leeson Street at a quarter before eleven. He had been too ill to be in Court in term, but he had made a great and not prudent effort to come this day to town in order to join with the other Judges in disposing of an important case, which had been argued, and which it was of consequence to have determined without delay.

I had barely time to go and see him, for we were off at twelve for Killarney. On his way to Court he drove me to my hotel, and I went at once to the railway station.

¹ Chief-Justice of the Queen's Bench in Ireland, 1852 to 1866, and a cousin of Captain (afterwards Sir Henry) Lefroy. He died in 1869 in his 94th year.

The Chief-Justice has a very kind manner, and a bright clear eye. It would have given me pleasure to have seen much more of him.

At eight we reached Killarney and put up at an excellent hotel, erected by the railway company, and kept by a German, Mr. Schell—one-and-a-half miles from the Lake. We walked to it while they were getting us supper.

14th June.—We got three horses, and with an excellent guide riding one of them, went about sixteen miles to the head of the Lake, met there a boat which two men had brought up for us (twelve miles) from Killarney, and then sent back our horses, and made the usual tour of the Lake. We took luncheon with us.

There are many scenes of great beauty in and around the Lake, high mountains, rapid clear streams, romantic little islands, and beautiful growth of wood. Innisfallen Island, about eighteen acres, with the ruins of an old monastery upon it and adorned with noble trees, now full of blossom, was most lovely. The chief proprietors of this beautiful country are Lord Kenmare and a Mr. Herbert.

In 1825 I dined with the then Lord Kenmare and Lady K., sister of Sir Wilmot Horton, at Sir Wilmot's house in Richmond Terrace; the only other guest was Mr. Huskisson. Now that Lord Kenmare is dead, his widow is so inconsolable that she has never since come to this enchanting spot, which she had done more than any other person to adorn, but lives at Brussels. The present Lord Kenmare is brother to her husband, and was so much attached to him that he has never returned to live at Killarney. Poor Huskisson met a miserable end in the Liverpool and Manchester Railway. Sir Wilmot Horton is dead, after years of suffering, and half his family and more have died.

15th June.—Rose about five and drove in a car to Muckross Abbey, a beautiful ruin, and having seen that and a waterfall returned, and at nine left for Cork by railway. We spent three hours looking at the old city, and at three embarked on the steamer *Shamrock*, which took us to Bristol (276 miles).

Here we arrived on Saturday evening, 16th June, at half-past seven. The cove of Cork and the banks of the Lea between it and the sea are very beautiful—full of fine seats and richly wooded.

My Irish excursion was in every respect a pleasant one, and much attention was proffered to us if we could have stayed.

On his return to London from Bristol on 17th June he went with my mother and my two sisters (Mrs. Lefroy and Mary) to Oxford, where he was to receive the honorary degree of D.C.L., and where Walter Merry¹ had taken rooms for them at the King's Arms, Oxford (near the Radcliffe Library).

Journal continued.

20th June.—Breakfasted with Dr. Jeune, Master of Pembroke College.

Sir William Heathcote and Mr. Gladstone, the two members for the University, were there; also Sir W. Gore Ouseley, Count Montalembert, the Bishop of Lincoln and his wife, Mr. Monckton Milnes, and some five or six others.

We breakfasted at nine, and at a quarter-past ten I went to my inn to get my doctor's hat and gown, and go to the Vice-Chancellor's (Dr. Cotton, Master of Worcester College), where we, *i.e.* those who were to take honorary degrees, were all to assemble at half-past ten, and go from thence in procession to the theatre, nearly half a mile.

Sir John Burgoyne² was staying at our inn, and we went together. The Warden of New College had lent me a doctor's gown and cap, which had belonged to his brother, and we assembled, including Lord Derby the Chancellor, and at half-

¹ Now the Rev. Walter Merry, rector of Lincoln College and public orator, a grandson of William Merry, who married Elizabeth Walker, sister of my mother's father.

² Afterwards Field-Marshal Sir John Burgoyne, Inspector-General of Fortifications, and distinguished in the Peninsular and Crimean Wars. Constable of the Tower, 1865.

past ten walked in red gowns and caps, the latter like old Spanish hats.

There were seventeen to be doctors, and we were arranged as follows :—

The Honourable James Buchanan, American Minister.
 Le Comte de Montalembert.
 Sir John Beverley Robinson.
 Lieut.-General Sir John Fox Burgoyne.
 Lieut.-General Sir de Lacy Evans.
 Sir William Gore Ouseley.
 Sir Charles Lyell Knight, F.R.S.
 Richard Monckton Milnes, Esq., M.P.
 Colonel Sabine, F.R.S.
 Thomas Graham, Esq., F.R.S.
 The Rev. Humphrey Lloyd, D.D.
 Philip Bury Duncan, Esq., M.A.
 The Rev. Frederick William Hope, F.R.S.
 Alfred Tennyson, Esq., Poet Laureate.
 George Gabriel Stokes, M.A., F.R.S.
 John Couch Adams, M.A., F.R.S.
 John Muir, Esq.

We walked, two and two, General Burgoyne and I together.

We were called, and the degrees conferred in the order in which I have given the names.

Buchanan is a tall, singular-looking man. Count de Montalembert a jolly, good-tempered-looking person. Burgoyne and Evans well decked with medals, the former a weather-beaten old soldier; Evans taller, but seeming to be much shaken.

When all was ended we went and took luncheon with the Vice-Chancellor at Worcester College; Lord Derby was there. Then we went in procession to see the corner-stone of the new museum laid at three P.M. Lord Derby laid it, and made a good speech. Prayers were read by the Vice-Chancellor, and a hymn and "God save the Queen" was sung by the thousands assembled.

At five, Emma, I, and Mary and all our party dined, as guests of the Warden of New College, in the college hall. Many ladies.

Thursday, 21st June.—We returned to town, being engaged to dinner, or we should have probably stayed over that day and seen more of the colleges, &c.

22nd June.—Dined at Baron Parke's, 56 Park Street; a large party. Lord Campbell, C.J., and his wife Lady Stratheden, Sir Roderick¹ and Lady Murchison, Willes,² the barrister, a sharp-witted agreeable man, Pemberton Leigh,³ Sir Henry and Lady Holland. I took in Lady Murchison. Her husband seems a frank, agreeable man. I had a good deal of talk with him.

When Pemberton Leigh was introduced to me he said, "I know Chief-Justice Robinson well, and he is well known in England by some admirable judgments which I have had the pleasure of reading, and which have been before the Privy Council—very admirable judgments," &c. I suppose I should have said something in return, but I said nothing.

Both Lord Campbell and Parke spoke decidedly in favour of hearing the evidence of parties in a suit. They said it made the trials much longer, but that that evil was lessened by the parties being treated more like other witnesses, and not suffered to go upon all occasions into a tedious rigmarole about themselves and their affairs, unconnected with the cause. It also, they said, undoubtedly gave rise to much perjury; but on the other hand, the ends of justice were better attained in general, and the jury could dispose more satisfactorily of the case after hearing what each party had to say on his own side. . . .

Baron Parke has the true spirit of a valuable public servant in him. He fairly admits that late changes (and they are just now talking of adding another circuit) have added immensely to the labours of the Judges, requiring usually three or four hours' daily attendance at chambers; but in the same breath he said, "There is no doubt it's better; these things can be best done in chambers."

¹ Sir Roderick Murchison, geologist, knighted 1846, created baronet 1866.

² Probably the future Sir James Shaw Willes, who became a Judge in the Court of Common Pleas shortly after this (3rd July 1855), and died in 1872.

³ Afterwards Lord Kingsdown. Raised to the Peerage 1858. See page 326.

Baron Parke told me one day that Willes was the best lawyer he had known practising at the Bar, and, he said, "I can speak for fifty years."

Here the journal ends; but shortly after this, during the month of July, my father went to the Isle of Wight, and thence, with Walter Merry, to Guernsey.

Here he spent a few days only, but was much interested in what he saw of the island, where many relations and connections of his old chief, in the war of 1812-15, Sir Isaac Brock, lived. While there he dined with the then Bailiff of Guernsey, Sir Peter Stafford Carey, and with Mr. Henry Tupper of Les Côtils, and met many people whom he was glad to see.

In August 1855 he returned to Canada, and Sir Francis Head writes to him on 3rd August:—

I cannot allow you and Lady R. and dear little Mary to leave good old England without writing one line. I shall often think of the few hours you spent here. I think we conversed together for one whole day, without much more intermission than the engine on the L. and N.-W. Railway wants to take in coke and water.

Apparently my father and Sir Francis met (for the last time) at one of the stations on the London and North-Western Railway on the former's way to Liverpool, for the latter writes from Oxenden, October 26, 1855:—

Lady Head and I were glad to learn, from the kind note written by you as soon as you reached the new side of the Atlantic, that you had safely crossed that pool which has so often been no respecter of persons.

We often talk of our farewell in the great hall of the London and North-Western station, and feel gratified at the feelings which brought you all there.

I have a very lively recollection of your house at Toronto, and as my thoughts often hover over it, I think it not impossible that you and Lady Robinson, if you will but listen attentively enough, may occasionally hear my "spirit" rapping¹ on the shingles that cover your roof.

They kept up their correspondence until my father's death, and in the last of Sir Francis's letters, September 17, 1862, he mentions the serious illness of Lord Seaton, who died not very long after, in April 1863.

¹ At this time "spirit-rapping" was attracting some attention, especially in the Western world.

CHAPTER XV

CLOSING YEARS—BECOMES PRESIDENT COURT OF ERROR AND APPEAL

1856 to 1863

Visit of the Prince of Wales (now King Edward VII.) to Canada—
Deputed by the Survivors of the War of 1812-15 to present him with
Address—Partial failure of health; applies for relief from duties of
Chief-Justice—Letter from Sir E. Head—Retires from Court of
Queen's Bench and becomes President Court of Error and Appeal—
Address by members of the Bar—Farewell Banquet—The *Globe* as to
him—Reply to Address of Law Society—Last illness: death and
funeral—Personal characteristics, &c.

To the occurrences of the years 1856-59 I need make
no special allusion.

In 1860 the Prince of Wales, now King Edward
VII., visited Canada, and my father was deputed by
the survivors of the war of 1812-15 to draft, and
present him with, an address.

Thus it became one of his last acts, while Chief-
Justice, to welcome to the Upper Province, on behalf
of his old comrades in its defence in 1812-15, the
heir to the throne, and after doing so he added—

. . . We rejoice in the thought that what your Royal
Highness has seen, and will see, of this prosperous and happy
province will enable you to judge how valuable a possession
was saved to the British Crown by the successful resistance
made in the trying contest in which it was our fortune to bear
a part; and your Royal Highness will then be also able to
judge how large a debt the Empire owes to the lamented hero
Brock, whose gallant and generous heart shrank not in the
darkest hour of the conflict from the most discouraging odds,
and whose example inspired the few with the ability and spirit
to do the work of many.

We pray that God may bless your Royal Highness with many years of health and happiness, and may lead you, by His providence, to walk in the paths of our revered and beloved Queen, to whom the world looks up as an illustrious example of all the virtues that can dignify the highest rank, support worthily the responsibilities of the most anxious station, and promote the peace, security, and happiness of private life.

By this time he had become a rather serious sufferer from attacks of gout, partly hereditary, his father having died from it when under forty years of age, but aggravated by lowness of system, brought on probably in great measure from too sedentary a life, and unremitting work at his desk.

The nature of his duties, and his anxiety to keep the business of the Court from falling into arrear, confined him too constantly to his library, and for some time past he had been unable to take the exercise which the medical men had repeatedly urged upon him as necessary to his health.

Feeling that he was becoming no longer equal to the severe strain of his work as Chief-Justice, he wrote, on the 16th March 1861, to Sir Edmund Head, Governor-General of Canada, hoping that after thirty-two years upon the Bench it would not be thought unreasonable that he "should desire some relief from the incessant labour by which the business of the Court had been kept from falling into arrear," and trusting that, by an arrangement then in contemplation, his duties might be confined to the Court of Appeal.

In reply Sir Edmund wrote to him privately on the same day :—

I have conferred with the Attorney-General for Upper Canada, and what he says has strengthened my own opinion

that your resignation as Chief-Justice at this moment would be embarrassing and inexpedient.

I am convinced that there would be great difficulties in filling your place . . .

May I venture to return your official letter? I do so with the sincere hope that you will consent to forego what I know you much desire, and thus make a sacrifice which, after so many years devoted to the public service, I have scarcely a right to ask at your hands.

In consequence of this his retirement from the Bench was for a time postponed; in May he had a serious attack of illness, and my mother referring to this writes to Colonel Lefroy in England:—

May 16, 1861.

For the last fortnight he has neither taken book nor pen in his hand. His sudden attack was a violent one, but, thank God, he is rallying from it.

He had been holding the assizes in Toronto for four weeks, steadily on the Bench from half-past nine A.M. to seven as the common hour, but varying, according to the business of the Court, to 9, 10, 11, and 1.

You know it is not his habit to complain of work that *has* to be done, and we noticed only an unusual and constant pallor. Our spring has been exceedingly cold, and owing to some unlucky hindrance (smoke it was said) no fire could be made either in the Court House or the Judge's room. Of this discomfort he constantly spoke, and seemed often chilled through. The last evening of the assizes a shivering fit came on, with violent pain in the limbs like cramp. He was brought home in a carriage, and from that time, for seven days, there was an entire prostration of body and thought—scarcely a power of utterance it appeared, or too great a disinclination to attempt it. His system had evidently received a severe shock.

Shortly afterwards, on 1st June 1861, an Act having been in the meantime passed authorising the appointment of any retired Judge of the Superior

Courts of Upper Canada to be Presiding Judge of the Court of Error and Appeal, he renewed his application to resign the Chief-Justiceship, writing officially to the late Sir John A. Macdonald, then Attorney-General of Upper Canada :—

An illness which I have had lately makes me feel more strongly the necessity of retiring from my judicial labours, either altogether or to such an extent as will enable me in future to have that occasional relaxation which I much need.

Under this conviction, I beg you will make known to his Excellency the Governor-General my wish to retire from the office of Chief-Justice either now or at any time before the next circuit, which will begin about the end of September next.

I desire, however, to take no step in this matter which does not meet with the entire concurrence of his Excellency.

It was not though until the 15th of March 1862 that his retirement was finally carried out, and he was appointed President of the Court of Error and Appeal.

Upon the close of his connection with the Court of Queen's Bench, addresses, expressive of their regret, were presented to him by the members of the Bar and the members and students of the Law Society, and he was invited by the Bar to a farewell banquet in Toronto. From the address which its members presented to him I quote the following extract :—

We use no language and offer no words of idle flattery, but with candour and pure sincerity, we hesitate not to say that by your zeal, indefatigable talents of the rarest and highest order, power of perception unequalled, patience, affability of manner, and a constant desire and anxiety to administer justice in its purity, you have never failed to inspire confidence, alike in the profession and the suitor, which will

ever be held dear in their memories, and have justly earned you an everlasting reputation as a jurist.

At this farewell banquet Mr. Henry Eccles, Q.C., treasurer of the Law Society, presided. It was held in June 1862 in the library of Osgoode Hall, and there were some 200 present, including many guests of the clergy and military.

In referring to it the *Globe* newspaper of Toronto, though it represented the political party to which my father had been opposed during his parliamentary life, made this generous allusion to him :—

We are not of the school of politics to which Sir John Robinson belonged, and were he in public life now, it is certain that we should differ widely from his views.

But that ought not, and shall not, prevent us paying a tribute of praise to a well-spent and honoured life. . . . Doubtless he was often in the wrong. Who has not been proved by time to be in the wrong? But no one will deny to him the credit of being perfectly sincere and honest in his convictions, and having laboured for them with conscientious zeal and assiduity.

In reference to one part of his public career no limit need be placed on our praises. He was a strong friend of British connection, and defended this outpost of England with a courage which knew no difficulty.

As the acknowledged head of society in this province, Sir John Robinson has exercised as great an influence as in his political sphere, and has used it in an eminently beneficial manner.

In his own personal habits temperate, frugal, chaste, and dignified, liberal in his hospitality, a friend of morality, and an enemy of excess, there can be no question that his example has had a powerful influence on social habits, not only in this city, but throughout the whole province.

As subject, parent, and member of society, he stands before his countrymen "sans peur et sans reproche," worthy of the

honours bestowed upon him by his Sovereign, and of the esteem and respect of his fellow-citizens.

The following formed the concluding paragraph of my father's reply to the address of the members of the Law Society:—

Leaving a Court in which the whole of the active part of my life has been passed could not fail to be attended with a painful feeling of regret, for I may say that, out of my family circle, it has constituted my home. The duties which it will give me pleasure to continue to discharge in the Court of Error and Appeal will associate me as in time past with my brothers of the Bench and of the Bar, so long as I may be blessed with health sufficient for their performance. And may God grant that we all may bear in mind the account which we must one day render of the time and talents committed to our charge.

Although the serious words which conclude this reply might have been spoken by my father solely under the influence of that feeling which all thoughtful men must experience when they lay down their more active work, after attaining the Psalmist's limit of man's years, still it is probable that, when he uttered them, he was conscious, from a sense of failing strength, that his own days would not be long prolonged.

He had never been forgetful of the end of life; and the following lines, preserved by my mother, and understood to be his own, may be taken to express the feelings of his heart:—

For me, I have no mortal fear
 No tremblings as I hurry down;
 The way is clear, the end is near,
 The goal, the glory, and the crown.
 Then shed no bitter tears for me
 As ye consign me to the dust;
 Rather rejoice that I shall be
 With God, my strength and trust.

In the early autumn of 1862 he had a severe attack of gout, which would not yield to treatment, and which he never entirely shook off; and though he continued to do his work, it became difficult for him to move about.

On 10th October, the sister of Sir Allan MacNab writes to him:—

Hearing from my brother John, who returned from Toronto this morning, that you were suffering from an attack of gout, reminded me of a wish expressed to me long ago by my dear brother Sir Allan, that, should you survive him, I would send you his crutches.¹ In complying with his request, I regret extremely that you should be suffering so much as to necessitate the use of them.

And my father, in thanking her for her letter, says:—

I am undergoing a tedious, but not very painful attack of gout, and at the end of ten weeks cannot make any use of my right foot, but there are some signs of amendment, though the only favourable symptom is increased pain.

At intervals there was some slight improvement, and early in January 1863 he was able—though the effort he made to do it was imprudent—to preside in the Court of Appeal.

On the 14th, after working for many hours upon his Judgments in some special cases, he was seized with an attack of severe pain, accompanied by great debility, and never, I think, subsequently left his room.

By the 28th there was so marked a failure of vital power that the medical men attending him² had

¹ These he afterwards constantly used.

² Drs. Hodder, Bovell, and Small.

little hope that his constitution would enable him to rally.

That afternoon Bishop Strachan and Dr. Grasett, Rector of St. James' Church, administered the sacrament to him, when he was able to join with them in the service. Upon his deathbed he repeated at intervals many passages from Pope's "Universal Prayer," which had always been a favourite of his, and on the 31st January, at a little before nine in the morning, he passed painlessly and peacefully to rest, relief from all suffering having been mercifully granted to him shortly before the close.

His was a bright morning, and, after the inevitable storms and troubles of the day, a serene and unclouded evening—harbinger, let us believe, of the peace which in the kingdom of glory shall be perpetual and unbroken.¹

All the members of his family were with him during his last illness. My sister Mary was at the time engaged to Donald MacInnes, of Dundurn, Hamilton, Canada, and their marriage took place quietly a few weeks later (April 30, 1863).

I may add that my mother's health began to give way soon afterwards. She died on 27th May 1865, and was laid to rest beside him. My father's sisters also—Mrs. Heward and Mrs. Boulton—both followed him to the grave in the year of his own death (1863).

Resolutions expressive of regret at my father's loss, and sympathy and condolence with his family, were passed by the members of the Bar, the members and students of the Law Society, the Corporation

¹ Address of Bishop Bethune to the students of Trinity College, alluding to my father.

of Trinity College, the Mayor and Corporation of Toronto, the Canadian Institute, the Church Society, and other public bodies.

At the request of the Law Society, and of many of the citizens of Toronto, the funeral was made a public one, and took place on Wednesday afternoon the 4th February 1863, amid every expression of general sorrow.

He was buried in St. James' Cemetery, near the beautifully wooded deep ravine beyond which, in 1794, "Castle Frank" stood.

The family vault in which my father lies was a gift from Bishop Strachan, who in a note to him of 23rd July 1848, says:—

I have caused a tomb, containing two vaults, to be erected in the ground I purchased in the cemetery. . . . As there is, in fact, no choice between the two, I have assigned the west to you, and the east to myself.

And he hopes that he will feel no reluctance to accept this gift.

When Bishop Strachan died in 1867, it was most properly decided that he should be interred under the chancel of that cathedral with which he had been so closely associated, but I give the above note, as there is something touching in it. It shows his attachment to my father, and that the thought was at one time in his mind that after this life they should rest near each other.

At the installation of the Hon. John Hillyard Cameron to succeed my father as chancellor of Trinity College, the Rev. Provost Whitaker said:—

Our College and University has lost in Sir John Robinson one of its wisest counsellors, one of its steadiest friends; a man

who never swerved for a moment from the course which he felt to be right, because that course might seem to involve unpopularity, or a sacrifice of material interests ; who had embraced exalted principles of action, and firmly adhered to those principles.

We have lost one who gave most patient attention to any subject on which his counsel was sought, bestowing on it indeed what others might esteem, in regard either to its absolute or relative importance, undue thought and labour. We have lost one whose equable temper, whose cheerful urbanity made it at all times a pleasure to hold communication with him.

I must be permitted to add that I believe any person coming from the old country must have been struck by the faithfulness with which he presented amongst us the type of an English gentleman, not only in respect of the more important points of moral principle and feeling, but also in respect of the minor graces of demeanour, those small details of conduct which scarcely admit of being particularised, but which collectively impart an inexpressible beauty to the life, and do assuredly indicate that a man has learned, by a delicate spiritual perception, to recognise what is due, before God, to his neighbour and to himself.

And Mr. Cameron, referring to what had been said above, added :—

You have well depicted the character of the late chancellor.

In every relation of life he stood pre-eminent, and to those who like myself, for upwards of twenty years, have enjoyed the privilege of close communion with him as their chief, there is no power in language to portray their high estimate of his ability.

His sweetness of temper, his gentleness of manner, his courtesy, were proverbial, and in the long roll on which this University shall write the names of her future chancellors, no name will ever be found of brighter lustre than the first.

I have inserted in the Appendix, more for family than general information, an account of my father's

funeral, and some obituary notices which appeared in the press;¹ also the inscriptions on tablets which, together with a memorial window to him, have been placed to his memory and that of other members of his family in the chancel of St. James' Cathedral, Toronto.

¹ Appendix B., vi. Omitting details of appointments and service, &c., which have been mentioned in the preceding pages, I have given full extracts from these notices in the press. Coming as they did from all parts of the country, and appearing in journals representing different shades of politics, they show the general estimation in which my father was held in Canada, and will be of interest to his descendants.

CHAPTER XVI

CONCLUSION—PERSONAL CHARACTERISTICS, ETC.

SPEAKING of my father's private life, and some of his personal characteristics, the *Law Journal* of Upper Canada, of March 1863, says :—

Sir John Robinson's social life exercised a great influence on the masses. His private life gained for him, if possible, more thoroughly the affections of the people than even his public services. He was emphatically a good man, and a God-fearing Christian. He had none of those peculiarities or eccentricities which frequently characterise the dispositions of great men. His manners and tastes were simple and unaffected. His conversation was varied with lively illustrations of wit and humour. Generously hospitable, none enjoyed sociability more than Sir John. His hand was at all times open to relieve any urgent case of suffering or necessity. His genuine kind-heartedness, and his downright honesty of purpose, made him the idol of society, and the valued companion of all who were honoured by his friendship.

He was gifted with remarkable accuracy and strength of memory, and from all parts of the country he was frequently appealed to to explain the relationship of present affairs with the distant past.

And in alluding to the purity of style of some of his addresses upon public occasions, it instances the one delivered at the laying the foundation-stone of the Provincial Lunatic Asylum in Toronto in 1846. I therefore give here a few extracts from this address, which was of some length :—

Let us consider who are the insane? Here we see one who for some inscrutable purpose of Providence, doubtless wise and just as we shall know hereafter, has in his blood or in his brain (for who can solve the mystery?) the seeds of hereditary insanity. There another who has lost his reason by chaining down his mind to the abstract problems of mathematical science, or perplexing himself amidst the combinations of mechanical powers, or with the boundless infinity of astronomical calculations.

Who can have a claim to sympathy if these have not? It is to such ardent minds that we owe in a great measure the elevation of our race. Forgetting that they had their "treasure in earthen vessels,"¹ they allowed themselves to be nobly reckless in the pursuit of science, not heeding the great truth that none of nature's laws can be disregarded with impunity.

We may be assured that, if it were given to us in such cases to look into the mysteries of the mental structure (if I may be pardoned the misuse of the expression) it would often be appalling to perceive how frightfully thin is the partition which separates the noblest flights of genius and the grandest speculations of science from the wild dreams of the visionary or the ravings of the maniac. Then, again, how many of the best and purest minds sink under the oppression of religious melancholy. Grief, too, sends its victims—grief for wounded affections or ruined fortunes—generally the most overwhelming in the kindest natures.

And even with regard to those whose intemperate excesses or perverted passions have led to the ruin of their intellect, how seldom can we tell that if we knew the force of their temptations, or could make due allowance for the pressure of adverse circumstances, or the absence of early discipline, we should not feel them to be much more deserving of compassion than of reproach?

Whatever may be the cause of their calamity, it is a delightful thought that "when nature being oppressed commands the

¹ 2 Corinthians iv. 7.

mind to suffer with the body," the directors of this asylum will be enabled, by the humane care of the Government, to proclaim to all alike, "What comfort to this great decay may come shall be supplied."

Nothing can be conceived more desolate than their condition, with all the alleviation that man can devise for it. In the expressive language of Scripture, "Their sun is gone down while it is yet day."

Two or three very good portraits of my father exist. One is in the library of Osgoode Hall, Toronto. It was taken in 1845 by Mr. Berthon of Toronto "by desire of the gentlemen of the profession of the Law."

Another is by George Richmond, R.A., and is in Beverley House. It was taken in London in 1855, and was in the Royal Academy of that year.

Another is a full-length photograph by Palmer of Toronto, taken about 1860.

I may add, from personal recollection of him, that in his reading he was particularly fond of history, biography, and travel. Some books of fiction interested him, but not many. Pope, Goldsmith, Campbell, and Scott were favourites. Shakespeare he read frequently, and upon his circuits he generally took with him either Virgil or Horace.

He read very fast, but yet had a retentive memory of all he read. This natural gift, and the exceptional power he possessed of concentrating his mind upon whatever subject engaged it, and yet at will dismissing this from it, were a great advantage to him. They have often astonished me. Having sat deeply absorbed at his desk upon legal work from nine o'clock in the morning until six in the evening, with but a

short interval, he would at dinner converse as freely and brightly upon general subjects, and with a mind apparently as divested of grave thoughts, as if they had never recently occupied it. The presence and conversation of others in the room with him, unless he were himself addressed, never disturbed him.

He very rarely alluded to local politics, though he followed them with interest. The reason no doubt was, that, having taken so prominent a part in them for many years, he was sensible that it was more becoming, in his position upon the Bench, not to discuss them.

He was punctual to a degree, not an exceptionally early riser, but never late for anything, and was naturally active in his habits. Though very temperate in his mode of life, he was not ascetic or extreme in anything.

As a young man he was fond of riding and horses. Up to the time (1838) when he had his first serious illness, he rode as frequently as he could in the evening, and often with his wife and children.

In 1828 he writes: "I intend riding to Newmarket in a few days.¹ Emma rides almost every evening, and Lukin." And he did not entirely give this up until about 1853, though latterly he could rarely find time for it.

It has been said with some truth by Mr. Fennings Taylor² that "he had the inclinations of a sportsman and the tastes of a naturalist, though he had not the time to gratify the one or cultivate the other." In everything connected with country life he was interested, and nothing gave him greater pleasure

¹ Newmarket is over thirty miles to the north of Toronto.

² "Portraits of British Americans."

than a visit to one of his farms, such as that at Bond's Lake, which he owned for some time. He would walk for hours over ground which he remembered as a boy, and took a keen delight in observing the changes which had taken place in the course of years. His memory for localities was unusually good; and in driving up Yonge Street from Toronto to Holland Landing, some forty miles, he could name almost all, if not all, the owners of farms upon each side of the road, and the different hands through which the land had passed from its first settlement.

He was devoted to young people and children.

Of his attachment to the Church of England I have said quite enough, and will only add that, though he spoke little of his religious feelings, these were very deep and consistent.

The Bible he studied constantly; Paley's works and Blair's, and other practical sermons, frequently.

Perhaps I may best convey the careful manner in which he examined the New Testament by saying that among his papers is a long memorandum, covering twenty-three pages of foolscap, in which all texts from Matthew to Ephesians inclusive¹ bearing upon the question of our justification by "faith" or by "works" are set down, contrasted, and commented on.

Though there is no summing up to show the conclusions of his mind, it is to be inferred from his comments that he believed that a true faith will always be followed by works.

His mind was so constituted that his thoughts upon religious subjects and their bearing upon life only added brightness and happiness to it, and never

¹ The intention apparently was to continue it through the whole of the New Testament.

brought gloom or depression. He writes to his sister, Mrs. Boulton, in 1839: "I never could understand why religion should make any one gloomy, and I think that we ought to suspect that we have a mistaken view of it if it has that tendency with ourselves."

This is perhaps well shown also in his choice of the text given below, when he was twenty-five years of age.

At this time, a year before his marriage, he was a great deal with Mr. Merry's family in London, and it was suggested by some of the latter that each one of the party should write a sermon in turn, and read it on Sunday evening.

The text my father chose for his was the 6th chapter of Micah, 6th, 7th, and 8th verses, explaining that the reason he selected it was that of the many summaries of our duty contained in the Scriptures, with the exception of that memorable one given by our Saviour in his Sermon upon the Mount, there was none to his mind so concise and yet so comprehensive, so sublime and yet so comforting and simple, and with the concluding lines in such striking contrast to the appeal which led to it, as this:—

MICAH vi. 6, 7, 8.

Wherewithal shall I come before the Lord and bow myself before the High God? Shall I come before Him with burnt offerings, with calves of a year old? Will the Lord be pleased with thousands of rams, or with ten thousands of rivers of oil? Shall I give my first-born for my transgression—the fruit of my body for the sin of my soul?

He hath showed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and love mercy, and to walk humbly with thy God?

APPENDIX A

I

EXTRACT from Act passed by the Legislature of the Upper Province of Canada on the 14th March 1815:—

“Whereas the glorious and honourable defence of this Province in the war with the United States of America hath necessarily called from their usual occupations and professions most of the Inhabitants of the Province, and amongst them very many Barristers, Students at Law, Attorneys, and Articled Clerks of Attorneys—whereby the regular meetings of the Benchers of the Law Society of the said Province have been, for many terms past, interrupted—several young gentlemen have been prevented from making due application for admission on the Books of the said Society as Students at Law; and several Students at Law have in like manner been prevented being called to the Bar to their manifest and great injury. . . .

“And whereas to obviate this evil, as far as they then could, at a meeting of the said Law Society, held as of Hilary Term in the fifty-fifth year of his present Majesty’s reign, the Benchers of the said Law Society did enter upon their books the names of several persons who have been prevented in manner aforesaid from obtaining their due admission as Students and Barristers.

“Therefore, to remove all doubts as to the legality of such entry, it is enacted that all names now entered on the Books of the Law Society as Students at Law, and Barristers, shall be deemed and held to be legally and regularly entered on the said books, and are hereby declared to be Students at Law and

Barristers within the Province, and of such standing as to time as is now allowed to each respectively upon the books of the Society.”

II

DESIGN of 61 Gold and 548 Silver Medals struck (but never issued) for the Loyal and Patriotic Society of York, Upper Canada, to reward merit and commemorate glorious exploits and extraordinary instances of courage and fidelity in the War of 1812-15.

“In a circle formed by a wreath of laurel, the words ‘For Merit’—Legend, ‘Presented by a grateful country.’

“On the reverse—A streight¹ between two lakes. On the north side a Beaver (emblem of peaceful industry), the ancient armorial bearing of Canada. In the background an English Lion slumbering.

“On the south side of the streight, the American Eagle planeing the air, as if checked from seizing the Beaver by the presence of the Lion—Legend, ‘Upper Canada preserved.’”

The medal was $2\frac{1}{4}$ inches in diameter.

After lying for some years in the Bank of Upper Canada, these medals were, in the year 1840, sold to Messrs. Charles Sewell and William Stennett, watchmakers in Toronto, for £393, 12s. 1d. currency.

I know of only two which have been preserved—one gold and one silver. They were in possession of the late Hon. G. W. Allan, of Moss Park, Toronto.

¹ Thus spelt, meaning “strait.”

III

NAMES OF SUBSCRIBERS¹ TO THE BALL GIVEN TO
THE LADIES AND STRANGERS OF YORK (TORONTO)

To Celebrate the Capture of Niagara by storm on the
19th December 1813

	Shares		Shares
Thomas Scott	5	George Cruikshank	2
Mr. Dumr. Powell	3	Angus Mackintosh	1
Wm. Campbell	3	Alexander Wood	2
John Strachan	2	Grant Powell	1
W. Allan	2	J. Heward	1
D. Cameron	2	Alexander Thern	1
John M'Gill	2	H. C. Horne	1
S. Jarvis	1	Wm. M. Jarvis	1
Thomas Ridout	1	William Lee	1
Wm. Jarvis	1	John B. Robinson	1
Mr. Baldwin	1	Mr. Boulton	1
Quetton St. George	2	Mr. P. Robinson	1
W. Chewett	2		—
John Beikie	1	Total	42

Expense of the assembly £74, 17s. 6d.

Each share = £1, 16s.

The bills for the assemblies at York in January 1814 show that Teneriffe wine and London market Madeira formed a principal part of the wine consumed; and the following entries as to expenses for the season 1814 occur:—

	£	s.	d.
Paid Brown for going several times round with subscriptions	1	2	6
„ Music for the season	22	15	0
„ Charles (a black man) for waiting	2	5	0
„ Lackie, the baker, for cakes	19	7	6
„ Female attendants	1	10	0
„ O'Keefe, for use of room	28	15	0
„ M'Intosh, for wine, &c.	55	15	7½

¹ The names of some of the subscribers to the ball and to the assemblies in 1814 given below, are not very legibly written in the original manuscript, so possibly may not be put down with perfect correctness.

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	Dollars
Colonel Maule's servant, and the fifer of the Niagara	6
Lemon, the violin player	10
For the use of a violin	1
Musicians of Canadian Fencibles	8
For advertising in the <i>Gazette</i>	1½

NAMES OF SUBSCRIBERS TO THE ASSEMBLIES AT YORK IN 1814

Thomas Scott.	William Campbell.	
W. Dummer Powell.	John Beikie.	
William Jarvis.	William Shanley.	
William Allan.	J. M'Gill.	
Alexander Wood.	Geo. Cruikshank.	
William Smith.	Geo. Shaw,	} 41st Regiment.
Grant Powell.	Richard Friend,	
S. Jarvis.	Wm. Faulkner,	
John B. Robinson.	J. Harford,	
P. Robinson.	H. Lott,	
George Ridout.	W. T. Hall,	
George Jarvis.	Richard Bullock,	
John Strachan.	Charles Lane,	
H. Baldwin.	H. D. Townshend,	
James Hands.	Geo. Edge,	
H. Lee.	James D. Perrin,	
J. Quesnet.	Alex. Major,	
Quetton St. George.	Dl. Cameron.	
— Kitson, Lt. R.E.	Tho. Ridout.	
W. Chewett.	Angus Mackintosh.	
Al. Thorn.	J. Heward.	
Capt. Lelievre.	N. Horne.	
Sam. P. Jarvis.	Major Givens.	
Wm. M. Jarvis.	Mr. Davenport, Royal Navy.	
Tho. Taylor.	Lieut. Ryerson, Incorp. Militia.	
D. Boulton, Jun.	„ Hamilton, „	
L. de Koven, Lt. Royal Newfoundland Regiment.	„ Ruttan, „	
Lieut. Ingonville.	„ Kirby, „	
	John Douglas, 8th Regt.	

R. Stanton.	Dr. O'Leary, Medical Staff.
Richard Shaw.	„ Forsyth „
Q.-Mr. Troughton, Lt. R.A.	„ White, „
James Macaulay.	„ Ward, „
William M'Aulay.	„ Robertson, „
Colonel Maule.	„ Lee, „
Mr. Kemble.	„ Palmer, „
Mr. Miles, 89th Regiment.	Mr. Irwin.
Mr. Gossett, Engineers.	Mr. M'Dougal, Incorp. Militia.
Major Walmsley, 82nd Regiment.	(Eight officers, Canadian Fencibles, for one night.)
Ed. Davis, Lt. 82 Regiment.	Lt. M'Dougall.
Mr. Wills, Royal Marines.	Dr. Young.
Mr. Pearson, Royal Navy.	Mrs. Deremzy.
Captain Barclay.	Mrs. Tallow.
Mr. Cruikshank.	Mrs. Janoway.
Colonel Glen, Incorp. Militia.	Daniel Claus.
Lt. Tomkins, R.A.	Mrs. Geale.
Major Kirby.	Mr. Rolph.
Mr. Archdeacon.	Mrs. Wallin.
Major de Haren.	Captain Walker.
Mr. Wall, Fort Adjt.	Captain Fraser.
Mr. Jackson, Q.M.G.	Captain M'Donell.
Lt. Jarvie, Incorp. Militia.	Captain Kerr.
	Ens. Warffe.

Evidently several of those whose names are given above subscribed for themselves and their families, so that a good number must often have been got together at these assemblies.

IV

THE FIRST AMERICAN REGIMENT, OR "QUEEN'S RANGERS"

The excellent services of the "Queen's Rangers" during the American Revolutionary War of 1775-83 deserve some special allusion. It was originally raised for the war in Connecticut and the vicinity of New York by Colonel Rogers.

Its ranks were filled eventually with loyalists, both colonists

and old country men; and, when disbanded, a number of its officers were men who had left their estates and settlements in Virginia to join it.

Lieut.-Colonel Simcoe, then a captain in the 40th Regiment, with provincial rank of major, obtained the command of the corps in October 1777, after it had already been frequently engaged and had suffered heavily at the battle of Brandywine (11th September 1777), a British victory, after which Philadelphia was occupied, and in which Colonel Simcoe had been also severely wounded while leading his company of the 40th.

No one can read the history of the operations of this corps—published by Colonel Simcoe in 1787—giving an account of the manner in which the different arms composing it were instructed and handled, without seeing that Colonel Simcoe himself was, as a commanding officer, very much in advance of the prevailing military ideas of his time.

In 1779, as a reward for the “faithful services and spirited conduct” of the corps, the rank of the officers was made permanent in America, and the regiment was styled and numbered “The 1st American Regiment,” or “Queen’s Rangers.”

Colonel Simcoe’s ability and skill as its leader were fully recognised by the Government, and had he lived he would most probably have risen to great distinction. After he had become a Lieutenant-General, and had retired from the appointment of Lieutenant-Governor of Upper Canada, and subsequently of Governor and Commander-in-Chief of St. Domingo, he was (in 1806, when the French were threatening Portugal), sent to the Tagus to concert with Lord St. Vincent as to measures of defence, and had been appointed Commander-in-Chief in India when he suddenly died on his passage home from Portugal at the age of fifty-four.

The corps of Queen’s Rangers was composed of both cavalry and infantry, and frequently had light guns attached to it as well.

When at its greatest strength, it consisted of two troops of dragoons, added on 25th August 1780; a body of “Huzzars”; eleven companies of infantry, viz.—eight ordinary companies, a grenadier company, a light infantry company, and a company

of Highlanders, with a 3-pounder light gun and an "amuzette"¹ attached. Occasionally a 6-pounder gun accompanied it, but the guns were worked by artillerymen and did not form a permanent part of the corps.²

The companies were very fully officered in proportion to their strength, which in Colonel Simcoe's opinion "proved the preservation of the corps in many trying situations." They were weak in numbers, and the regiment probably never exceeded in the actual field 500 efficient men, but these were constantly employed on outpost and light infantry duties, and however inclement the weather, the infantry (Colonel Simcoe says) "seldom marched less than ninety miles a week."

The corps was a light, or what was termed a "partisan" one, and was admirably adapted for scouting duty, there being hardly a district in which it operated which was not intimately known to some of the officers and men in it.

The dress was green, a green waistcoat with thin sleeves being worn as a fighting dress in warm weather, and an outer coat with sleeves provided to be put over it in winter. The Highland Company retained its national dress, and had its piper.

After the execution of Major André, and in his memory, black and white feathers were worn in the head-dress.³

The corps was repeatedly engaged with the enemy, and suffered in consequence a good deal of loss. On the 26th June 1781, it lost ten killed and twenty-three wounded in an affair near Williamsburg, Virginia, in the neighbourhood of William and Mary College. This affair took place at the forks of the road between Williamsburg and Jamestown in Virginia, and was termed the "Action at Spencer's Ordinary."

In it all arms of the "Queen's Rangers" were engaged and successfully repulsed three times their numbers of the Marquis de La Fayette's army. A casualty in the action caused the

¹ An amuzette was a light brass field gun throwing a ball of about $\frac{1}{2}$ lb. in weight, and was found of use no doubt under somewhat similar circumstances as the Boer "Pom-Poms" were in the recent war in South Africa.

² It appears that Col. Simcoe turned some of his light infantry into mounted infantry on certain occasions.

³ A picture of Cornet—afterwards Colonel—Jarvis in the dress of the Queen's Rangers, shows these feathers, and on his cross belt are the

letters $\begin{matrix} D \\ Q R \end{matrix}$ probably meaning "Dragoons Queen's Rangers."

vacant commission, to which my grandfather, Christopher Robinson, was appointed from this date.

After a career of many successes, it was its fate to form part of Lord Cornwallis's army, which was besieged in Yorktown, and, on the surrender of that place in October 1781, it was cantoned at Long Island.

At the peace of 1783 it was disbanded in Nova Scotia, the officers being placed on half-pay, and their provincial rank made permanent in the British army.

The value of its services cannot be better shown than by quoting the following letter from Sir Henry Clinton, the Commander-in-Chief, to Lord George Germaine, Secretary of State:—

CHARLESTON, SOUTH CAROLINA, 13th May 1780.

“Lieutenant-Colonel Simcoe has been at the head of a battalion since October 1777, which since that time has been the perpetual advance of the army.

“The history of the corps under his command is a series of gallant, skilful, and successful enterprises against the enemy, without a single reverse. The Queen's Rangers have killed or taken twice their own numbers. Colonel Simcoe himself has been thrice wounded, and I do not scruple to assert that his successes have been no less the fruit of the most extensive knowledge of his profession, which study and the experience within his reach could give him, than of the most watchful attention and shining courage.”

And again, in recommending the claims of the Queen's Rangers for British rank and establishment, Sir Henry Clinton says that he does so in justice to his country, “that in case of future war, it might not be deprived of the services of such a number of excellent officers.”

In consequence of these representations, the rank of the officers, previously only held in America, was made universal and permanent on 25th December 1782, and the corps, cavalry and infantry, enrolled in the British army.

Among the officers from Virginia in this corps was Captain Saunders, under whose immediate command my grandfather served at one time; and I give below the list of officers as they appear in the British Army List of 1783 shortly before the disbandment of the regiment.

FIRST AMERICAN REGIMENT (OR QUEEN'S RANGERS)

Lieutenant-Colonel Comt. John Graves Simcoe, Regimental			
Rank 25th December 1782.			
Army Rank 19th December 1781.			
Captain John Saunders,	Regimental Rank 25th Dec. 1782.		
„ David Shank,	„	„	„
„ Thomas Ivie Cooke,	„	„	„
Lieutenant Allan M'Nab,	„	„	„
„ George Albies,	„	„	„
„ John Wilson,	„	„	„
„ George Spencer,	„	„	„
„ William Digby Lawler,	„	„	„
Cornet Benjamin Thompson,	„	„	„
„ Thomas Merritt,	„	„	„
„ Benjamin Murison Woolsey,	„	„	„
„ William Jarvis,	„	„	„
„ Samuel Clayton,	„	„	„
Adjutant William Digby Lawler,	„	„	„
Major Richard Armstrong,	„	„	„
Captain John Mackay,	„	„	„
„ Francis Stephenson,	„	„	„
„ Robert M'Crea,	„	„	„
„ James Murray,	„	„	„
„ James Kerr,	„	„	„
„ Stair Agnew,	„	„	„
„ John M'Gill,	„	„	„
„ Samuel Smith,	„	„	„
„ John Whitlock,	„	„	„
„ Æneas Shaw,	„	„	„
„ Hon. Ben. Wallop (in second),	„	„	„
Lieutenant George Ormond,	„	„	„
„ William Atkinson,	„	„	„
„ Nathaniel Fitzpatrick,	„	„	„
„ Thomas Murray,	„	„	„
„ Alexander Matheson,	„	„	„
„ George Pendred,	„	„	„
„ Charles Dunlop,	„	„	„
„ Hugh Mackay,	„	„	„

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Lieutenant Adam Allen,	Regimental Rank	25th Dec. 1782.
" Richard Holland,	" "	"
" Caleb Howe,	" "	"
" Andrew M'Can,	" "	"
" St. John Dunlop,	" "	"
Ensign Swift Armstrong,	"	"
" Nathaniel Munday,	"	"
" Charles Henry Miller,	"	"
" John Ross,	"	"
" Andrew Armstrong,	"	"
" Edward Murray,	"	"
" Creighton M'Crea,	"	"
" Christopher Robinson,	"	"
" Charles Matheson,	"	"
Chaplain John Agnew,	"	"
Adjutant George Ormond,	"	"
Qr.-Master George Hamilton,	"	"
Surgeon Alexander Kelloch,	"	"
Agent, Mr. Wilkinson at General Conway's.		

The names on the first part of the above list are apparently those of the cavalry portion of the corps at this date (1783), but I think that some of the officers had served also with the infantry branch. The date of regimental rank, 25th December (Christmas Day) 1782, is the date on which that rank was granted in the British army.

Some years after the disbandment of the corps, another, to which the same name was given, was raised in Canada.

The colours of the corps are now in possession of Colonel Simcoe's descendants at Wolford, near Honiton, Devon, where I saw them in 1897.

V

THE UNION BILL OF 1839

Grounds of Objection to some of its Provisions apart from the main Measure of the Union.

As to the new districts and the formation of District Councils, provided for in the above bill, my father writes thus in "Canada and the Canada Bill":—

“Canada has for years been divided into districts. In Upper Canada alone there are more than twelve, each being divided into counties corresponding in most respects in nature and design to English counties, with their bodies of Magistrates, Courts, &c.

“The twenty districts of Canada now existing cover a space of not less than the eighty-five counties into which Great Britain is divided for purposes exactly similar.

“If it be intended that the present division into districts shall cease when the new Act comes into effect there can be no question that as regards Upper Canada at least, the bill, in its present form, ought never to become a law: 1st, it makes no provision whatever for the administration of justice within Quebec, Montreal, Toronto, and Kingston; 2nd, it makes no provision for the future discharge of duties which are now performed by the various civil authorities in each of the several districts, and which are not of a nature to be superintended by a merely legislative body like the District Councils; 3rd, the councils would have authority to appropriate the district funds raised under the present laws, and so the magistrates would be left without the means of performing the duties now entrusted to them; 4th, which is even more material, it is wholly out of the question that this range of duties, including the administration of justice, civil and criminal, can be discharged within such extensive circles of territory as are proposed by the Act, with a due regard to the interests and convenience of the inhabitants.”

As to the creation of “Elective Councils” in each district, he writes:—“I cannot think it possible that this provision as to Elective Councils, though the details occupy a fourth part of the bill which has been introduced, will, after due consideration, be retained in any Act that shall be passed for the future government of Canada. . . .

“The powers and duties of such councils could not fail to bring them most inconveniently into collision with the provincial legislature and the local magistracy; and the elections to these councils, which would be recurring annually throughout the whole colony, would keep the country in a perpetual state of agitation and excitement.

“It is evident also that they would subject the people to great expense. The fox in the fable objected to having the swarm of flies driven away that were filling themselves with his blood, because he apprehended that a new swarm would succeed to them, which, being active and empty, would soon take from him the little he had left. This bill, with less consideration for the people, would introduce a second swarm to prey (as the report would have us to apprehend) upon the life-blood of the commonwealth, without driving away the first.”

The restrictions under which the bill placed the councils would not, he argued, prove effective.

As to the determination of the districts and electoral divisions by means of arbitrators (two for each province and an umpire), provided for in the bill, he writes:—

“This is a very important clause, for upon the operation of this provision it depends whether those who are favourable to the measure of uniting the Provinces would be likely to see those advantages realised which they have been led to expect from it. It is this clause which lays the foundation of the new constitution so far as this result is concerned.

“By giving to the arbitrators the power of creating the electoral divisions, and assigning to them their boundaries, the bill leaves it to depend on their discretion how the Assembly shall, in the first instance at least, be composed—except that it places restrictions upon them in the exercise of their discretion.¹

“The Government knows what population Lower Canada contains, and they know also the population of Upper Canada—the extent of the several counties in both provinces; the manner in which the population is distributed among them; how that population is at present composed; in what proportions the representation is distributed; upon what principles and by what laws it is regulated—all these circumstances are well known to the Government.

¹ These restrictions, as in the case of those under which the District Councils were placed, he viewed as insufficient for their purpose, explaining his reasons for this view.

“Then why devolve upon arbitrators a discretionary power of this kind, upon the right exercise of which it is certain that everything must depend.

“Besides the uncertainty of attaining a satisfactory result through an arbitration, it is prudent to consider that this method of proceeding, if it is to answer the desired object, will be beyond measure the most invidious course, and such as must be attended with much greater difficulty than the other.”

As to the proposed alteration in the constitution of the Legislative Council (Upper House), he writes:—

“It certainly seems not a little singular that at the very time when it is proposed to add greatly to the weight of the representative branch of the Legislature in Canada, by concentrating it in one assembly more numerous than any other similar body in the British Colonies, it should be thought prudent to diminish the weight of the other branch of the Legislature by destroying its claim to independence, and by placing its members every eight years at the pleasure of the Crown, or (as the bill is in effect) at the mercy of the Governor.

“That the members shall hold their office but for eight years, and at the end of that time may be reappointed or not at the pleasure of the Government, appears to be a new invention in government, adopted apparently from the practice in some joint-stock companies. It certainly would tend to sink as low as it could well be sunk the character of the members of the Legislative Council for independence of conduct; and it is difficult to understand in what point of view it can have been thought to be an improvement upon the constitution.

“Instead of holding their seats, as they now do, on a tenure that enables them fearlessly to stand between their fellow-subjects and any danger that may threaten them, either from an arbitrary government on the one hand, or from a rash and unwise popular body on the other, they would be fairly warned that, during the *eight years*, they must so shape their course as to give no offence.

“When the period should come round, if by an honest discharge of their duty they shall have drawn upon themselves

the denunciations of the Assembly, a weak governor will shrink from reappointing them from timidity; if, by resisting some unwise and injurious proposition of the Government, they shall have incurred his displeasure, an arbitrary governor would abandon them from resentment."

As to the proposed substitution of the term "President" for "Speaker," he writes:—

"The latter is the correct English designation for this officer in the upper branch of the legislature as well as in the other. It certainly cannot be an advantage to destroy unnecessarily any point of resemblance, even in form or name, between the representative constitution in the colonies and in the mother country."

As to the proposal to concede to the colonial legislature the power to pass laws as to prorogation and dissolution of the Houses of Parliament, he writes:—

"This clause may appear unimportant to some persons, but not to any whose judgment and experience enable them to estimate its possible consequences.

"The prerogative of the Crown, as it applies to the dissolution of the representative branch, is of importance: it is part of the law and constitution of Parliament.

"In the Canadas this prerogative has been very sparingly used; and I imagine that the framers of this bill had no other instance of it in their recollection than the one which occurred two or three years ago in Upper Canada, which was very remarkable, both in respect to the occasion, and the consequences of the measure.

"In 1836, the Assembly, in order to reduce the Government to an implicit compliance with their will, refused to vote a shilling to support the ordinary charges of the civil government; and at the same time they passed resolutions encouraging and applauding the party in Lower Canada, who were evidently driving the people to the most desperate courses. Fortunately the King had a representative in the government of the province,¹ who saw clearly the course which his duty to

¹ Sir Francis Bond Head, Lieut.-Governor of Upper Canada, 1836-38.

the country demanded, and who had the manliness and honesty not to shrink from it. He dissolved the Assembly; thousands of their constituents had, by public addresses, entreated him to do so; and a great majority of the population rejoiced to see the prerogative used, which the constitution had placed in his hands in order to meet such exigencies.

“It need hardly be asked, whether the Assembly which had been dissolved would have passed those laws which enabled the Government to meet the dangers of the time.”

As to the proposal to attach Gaspé and the Magdalen Islands to New Brunswick, he writes:—

“As it is an important change for the inhabitants of a country to place them under a new government and jurisdiction, it would seem proper that the motives for detaching them from Lower Canada—which I believe to be reasonable and sufficient—should be stated in the Act.

“I am not aware what may be the particular reasons for attaching the Magdalen Islands to the province of New Brunswick rather than to Prince Edward Island, or to Nova Scotia by incorporating them with Cape Breton, either of which arrangement would seem to be more convenient, looking only to relative position.”

VI

CHANGES in the Emoluments of the Chief-Justice of Upper Canada between 1817 (*i.e.* after the conclusion of the war of 1812–15) and 1841 (after the union of the Provinces).

Between 1817 and 1840, when the Union Bill passed into law, the Chief-Justice—as was the custom in other British colonies—was a member of, and presided in, both the Executive and Legislative Councils. In addition to his salary as Chief Justice he received as Chairman of the Executive Council £100 stg., and as Speaker of the Legislative Council, £360 stg. a year.

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The following table shows the changes which occurred between 1817 and 1841:—

Year.	Population of Upper Canada (about)	Yearly Emoluments.	Amount (stg.).
1817	100,000	As Chief-Justice . . .	£ s. d. 1100 0 0
		For offices in the Executive and Legislative Councils . . .	460 0 0
		Total . . .	1560 0 0
1829	185,000	Salary of Chief-Justice raised (in Sir W. Campbell's time) to .	1500 0 0
		For offices in Executive and Legislative Councils . . .	460 0 0
		Total ¹ . . .	1960 0 0
1841	465,000	Chief-Justice ceased to hold office in Executive or Legislative Council; therefore income was reduced to his salary as Chief-Justice . . . Total	1500 0 0

Thus the occupant of the post of Chief-Justice received as annual income in 1817 more than he did in 1841, when the population had more than quadrupled, and the work of the Courts had become very much heavier; and in 1829,² £460 (or over £500 Canadian currency) more than he afterwards did in 1841.

It may be added that now the Chief-Justice receives (according to Whitaker) £1400 a year, with a population of over two millions.

¹ This does not include travelling allowance, which (for expenses on circuit, &c.) averaged at this period about £100 a year.

² My father became Chief-Justice in this year.

VII

SIR FRANCIS HEAD AND THE CANADIAN
REBELLION, 1837-38

Probably few Governors in any portion of the British Empire have ever been placed in a position in many respects more difficult, trying, and anxious than that occupied by Sir Francis Head during his term of office in Upper Canada from 1836 to 1838.

The political circumstances of the province, the excited state of party feeling, and the line which he deemed it his duty to take, have, while they made him many friends and admirers, necessarily subjected him to much hostile criticism from those opposed to his conduct of affairs, and this has occasionally been of an unfounded as well as petty character.

As one instance of this, I may give the following extract from an article in the *Edinburgh Review* for April 1847, p. 373, referring to the threatened attack on Toronto on the 6th December 1837. The writer says:—

“Sir F. Head now took a step which subjected him, and we think justly, to the loudest censure from the citizens of Toronto.

“He sent his own family on board a steamer in the lake. Now, though no one will be very hard on him for showing such affection for his family, it must be recollected that the other families in Toronto had no such means of refuge.”

Mr. John Charles Dent also, in “The Story of the Upper Canadian Rebellion,” 1885, quotes from Mr. W. L. Mackenzie’s “Flag of Truce,” chap. viii., to this effect:—

“He (Sir Francis Head) had his family out in the bay as if they were china.”

It may interest Canadian readers to know what really did take place on this occasion, as related by Sir Francis Head himself in a letter to the *Morning Chronicle* in 1847, referring to the article in the *Edinburgh Review*. A copy of this letter was kindly shown to me by his grandson, Sir Robert Head:—

“The truth” (Sir Francis writes) “of the story is as follows. On leaving Government House, on the night of the Rebellion,

to take up my position in the market-place, I conducted my family to the house of Her Majesty's Solicitor-General,¹ where they remained the whole night.

"On the afternoon of the next day, the present Bishop of Toronto² recommended several families to go on board two steamers, which were not in the lake, but lying moored in the harbour. They did so; and Lady Head and my daughter, sharing equally with them the accommodation, remained on board one of those two crowded vessels, until the Mayor of Toronto, accompanied by several of the principal citizens of Toronto, far from entertaining the feelings described (by the writer of the article in the *Edinburgh Review*), came alongside to congratulate them loudly upon the defeat of the rebels."

From this it appears that it was Archdeacon Strachan, and not Sir Francis Head, who arranged for certain families—Lady Head's among them—to go on board the steamers, one of which I have always heard was the steam-packet *Transit*, Captain H. Richardson, which then plied between Toronto and Lewiston, touching at Niagara and Queenston, and making the passage in about four hours.

It was known that some of the Government officials in Toronto were specially obnoxious to the rebel leaders, and it was understood to be part of the object of the latter to secure their persons; it was also evident that it would greatly embarrass the action of the Government should the families of these officials fall into the rebel hands.

The motives, therefore, which influenced Archdeacon Strachan in arranging that these families, among others, should be placed in comparative safety in case the attack on the city succeeded, are very intelligible, and will justify his having acted upon them to most of those who are aware of the facts.

To any one who may have derived the impression, from what has been written by opponents of the policy of Sir Francis Head, that that policy did not, taking it as a whole, commend

¹ Mr. William Henry Draper, afterwards Chief-Justice of Upper Canada.

² Then Archdeacon Strachan.

itself to the mass of the people of Upper Canada at the time, I would point to the published addresses which, when he relinquished office, were forwarded to him from both Houses of the Upper Canadian Parliament; from the Assembly of New Brunswick; and from almost every township, and every class of the inhabitants, of Upper Canada. They are couched in terms which leave no doubt of their thorough sincerity; and express a most warm appreciation of his public services, a great personal respect, and much regret at his departure.

APPENDIX B

I

JOHN ROBINSON, D.D., BISHOP OF BRISTOL, AND AFTERWARDS OF LONDON

DR. JOHN ROBINSON, brother of Christopher Robinson the first of the family to emigrate to Virginia, deserves rather special mention in this memoir, were it only on account of the leading part he took, as First British Plenipotentiary, at the Congress of Utrecht; since the treaty which followed this Congress much affected British influence and interests both in the old and new world, and particularly in what is now the Dominion of Canada.

Of this treaty Seeley says: ¹ "In the history of the expansion of England one of the greatest epochs is marked by the Treaty of Utrecht. In our survey this date stands out almost as prominently as the date of the Spanish Armada. At the time of the Armada we saw England entering the race for the first time. At Utrecht England wins the race. The Treaty of Utrecht left England the first state in the world."

His career was an unusually eventful and varied one, being more that of a diplomatist than a churchman, for he filled both characters, and was also constantly in the field with Charles XII. of Sweden during his campaigns.

He was the last ecclesiastic to occupy a high office of state, and the only one since the Reformation to hold that of Lord Privy Seal.

History records that his exertions and influence in Sweden in 1700 had much to do with the policy and events which resulted in the obtaining for Europe the permanent concession of the free navigation of the North Sea; and at the Treaty of Utrecht in 1713, he was largely instrumental in securing to England Newfoundland, Acadia (Nova Scotia), Hudson's Bay, and the

¹ Seeley's "Expansion of England" (1897).

island of St. Christopher, while she retained her conquests of Gibraltar and Minorca.

For some years before and after his death, the measures he had advocated had fallen into disfavour. The Treaty of Utrecht, though different views have been taken of it since, was denounced in unmeasured terms by the political party opposed to the Tory Government which had approved of it; the Government fell and the bishop narrowly escaped impeachment, only doing so, as it was humorously said, by "the benefit of clergy," while Lord Strafford, who had accompanied him as the Second Plenipotentiary to Utrecht, was impeached. Lord Macaulay says of this treaty: "No parliamentary struggle from the time of the Exclusion Bill to the time of the Reform Bill has been so violent as that which took place between the authors of the treaty and the war party. The members of hostile factions would scarcely speak to each other, or bow to each other. The schism extended to the most remote counties of England."

Bishop Robinson was the son of John Robinson of Cleasby and Elizabeth, daughter of Christopher Potter, also of Cleasby, and was born at Cleasby, a small village near the Tees in Yorkshire, November 7, 1650. Before this period the family had been settled at Crosthwaite near Romald-Kirk further north in the same county.

Of his immediate relations his sisters Mary and Frances, a cousin (see page 439), and his elder brother Christopher went out to Virginia.¹ A sister Clara was married to Sir Edward Wood, Kt.; his father's brothers, Thomas and Richard, were merchants in London, and his father's sister Elizabeth was married to Colonel (Sir) Anthony Wharton of Gillingwood, Yorkshire—described as Lieut.-Colonel to Henry Lord Percy, Deputy Governor of Oxford. In the generation previous to that, his father's uncle William had become a merchant in London, where he died in 1634 and is buried in St. Helen's Church, and several of the family are described as Russian, Turkey, and

¹ Frances married the Rev. J. Shepherd, minister of Christchurch, Virginia; 2ndly, the Rev. Samuel Gray, afterwards the vicar of East Risbon, Norfolk, England. She had left Virginia and was living in England in 1712. Of Mary there are no particulars, except that she married and left no children.

Hamburg merchants belonging to the various London city companies.

Further back than this I could not trace the family from registers, deeds, wills, &c., with any certainty, but the tradition is that it came originally from still farther north than Romald-Kirk, *i.e.* from Westmoreland or Scotland. I visited Romald-Kirk about 1875 and obtained some information from the Rev. Robinson Bell, vicar of Laith Kirk, but little of a definite kind. Apparently between 1400 and 1500 the family were small owners of land in that neighbourhood.

Bishop Robinson seems to have been the first member of the family to make any mark in the world, and he is described, in a letter to Christopher Robinson in Virginia, by an agent in England in 1758, as "the good bishop, the founder of your family."

It is certain that his father, John Robinson of Cleasby, who died just before this son was born, was not in good circumstances; and an entry made on the flyleaf of the church register at Cleasby, about 130 years ago, and referring to the bishop, states that he was believed to have come "from a good family in the county which had decayed, his immediate parents being poor," and that he always "came once in the year to Cleasby to visit the cottage in which he was born."

For his early education he was indebted to the Rev. Ralph Robinson, possibly a relation, at Coniscliffe; and he was afterwards sent to Oxford 1669-1670, where he became a B.A. of Brasenose, October 21, 1673; M.A. of Oriel, March 5, 1683 (probably on some visit to England from Sweden) and D.D. by diploma, August 7, 1710.

In 1677, while a fellow of Oriel, he obtained leave of absence¹ to go to Sweden, as chaplain and tutor to the children of his brother-in-law, Sir Edward Wood,² then envoy at Stockholm, where he resided for some years.

In most of the notices of the bishop some of the details as

¹ His leave was renewed from year to year till 1685, when he resigned his fellowship.

² Sir Edward Wood, who had married his sister Clara, was knighted, and received a pension for his services in the cause of Charles II. He was also Gentleman Usher to Queen Catherine. Very possibly it was to his influence that both the bishop and his brother Christopher in Virginia owed some of their success in life.

to his early life and education are incorrectly given; but what I have mentioned above rests on pedigrees registered at the Herald's College,¹ his own correspondence preserved in the Record Office, and other authentic papers.

Having acted in Sweden as secretary to various envoys (and also as envoy when the others were absent upon leave) for six years, he was in 1683 appointed to be Envoy Extraordinary at Stockholm, a post he held for twenty-five years. In all he was over thirty years in Sweden, during which time he wrote a history of that country published in London in 1695. He returned to England finally in 1708, becoming on his return, successively Dean of Windsor, Bishop of Bristol, and of London.

He was twice married, first to Mary, daughter of William Langton of the How, County Palatine, Lancaster. She died 27th November 1718, and was buried in St. Helen's Church, Bishopsgate. Second to Emma, widow of Thomas Cornwallis of Abermarles, Wales, and daughter of Sir Job Charlton, Bart., Chief-Justice of England temp. Charles II. She died 1747.

Bishop Robinson died 11th April 1723, while on a visit to Hampstead, of asthma, and both he and his second wife were buried in Fulham churchyard. His stepdaughter, Miss Letitia Cornwallis, left by her will a sum of money, the interest of which is still expended in keeping his tomb and the railings enclosing it in good order.²

He left no children by either marriage, and by his will the manor of Hewick, near Ripon in Yorkshire, passed to the son of his brother Christopher in Virginia.

King William had a high opinion of his capacity, and he possessed in an exceptional degree the favour and confidence of Charles XII. of Sweden.

In 1692 he secured the adherence of the latter to the English alliance at a time when the French were very anxious to frustrate this.

¹ That of Bishop Robinson in 1712 and one of William Robinson, his great-uncle, in 1633.

² On this tomb are his arms, impaling those of Langton and Charlton, and the motto "Propere et Provide"; but on memorials to him at Cleasby and elsewhere there is an old Norse (Runic) motto, "Madr er moldur auki," "Man is but dust and ashes," which he adopted apparently in Sweden.

In 1700 he was instrumental in obtaining the renewal of the Treaty of the Hague. He was constantly in personal communication with Sir George Rooke when the latter, as commander-in-chief of a combined Dutch and English fleet, was sent to the Sound to support Charles XII. against the Danes. He strongly urged the King to risk a junction of the Swedish fleet with the Dutch and English, a measure which, being fortunately effected, brought the Danes to terms. Sir George Rooke writes thus to the Secretary of State from Gothenburg, 13th June 1700:—

“I found Dr. Robinson here, who has been extremely useful to the service in many particulars. I wish I could have persuaded him to proceed with us in the Fleet, but he says he will keep pace with us by land as we advance by sea.”

He accompanied Charles XII. in his expedition in 1700 against the forces of Denmark, Russia, and Poland, and in his despatch to Lord Manchester, dated December 8th, gives an interesting account of what took place on the eve of the Battle of Narva (30th November 1700), in which Charles XII., then in his nineteenth year, attacked 75,000 Russians in an entrenched position during a snowstorm, with about a fourth of their strength, and gained a complete victory.

At this period Sweden and the Swedish army held a very important position in Europe.

In 1702 and 1703 he was much with the King. In 1704 the Duke of Marlborough wrote a very high opinion of his excellent influence at the Swedish Court; and in 1707 intended to employ him to conduct the negotiations with Charles XII., which he subsequently was sent himself from England to carry out.

He acted as interpreter at the celebrated private interview between Charles XII. and the Duke in that year, when the former was encamped with his army near Leipsig dictating terms of peace to the King of Poland. In subsequent years he was sent on various public missions to Warsaw, the Hague, Hamburg, and elsewhere, during which he kept up a close correspondence with the Government at home.¹

¹ Many of the facts mentioned in this account are taken from his correspondence and despatches preserved in the Record Office, London. See also “Dictionary of National Biography.”

Lediard, in his "Life of Marlborough" (1743), says of him: "He followed the camps of Charles XII., and always supported the character so becoming his cloth (though he had for the time exchanged it for the sword), of being very grave and sober. Besides being a man of solid sense, he was always vigilant and careful of the interests of his Sovereign."

Lord Peterborough writes (July 22, 1707): "Mr. Robinson has all the good qualities a minister can have, and is a man of great integrity."

He had apparently an unusual aptitude for languages, being able, it is said, to write and speak well Latin, Swedish, Dutch, French, and German, and he translated the English Liturgy into German.

Wheatley dedicated to him his work on "The Common Prayer" in a very eulogistic preface.

In 1695 he declined the deanery of Lincoln, as he thought "others would be more useful in the government of the Church," his time having been so much spent in non-clerical duties; and in 1702, when desired by the Secretary of State to say if he would like the bishopric of Carlisle, wrote as follows:—

"I am perfectly persuaded that I ought not, and therefore I cannot, accept at present. If I return home, and after some years spent in the service of the Church in an inferior station, be thought worthy of such advancement, I may then probably be less averse to it."

In 1709, he similarly declined the bishopric of Chichester.

In 1697, King William gave him a prebend's stall at Canterbury.

In 1709, after returning from Sweden to live in England, he accepted the deanery of Windsor, and was the year following appointed Bishop of Bristol. In 1711 he was made Lord Privy Seal. In 1712 he was sent as First Plenipotentiary to the Congress of Utrecht.

This Congress, at which the bishop took a very leading part, was assembled to discuss terms of peace after years of exhausting war, which England, in conjunction with her allies, had carried on with France and other Powers on the Continent. Great Britain, France, the States-General, the Duke of Savoy, Austria, and Prussia sent plenipotentiaries.

The proceedings at the Congress were conducted with much form and state, and were protracted.

The bishop sailed for Holland early in January 1712. At one time it seemed as if the various Powers could not come to terms, but a treaty, the conditions of which were approved by the Government and the Queen in England, was finally signed on April 11, 1713.

The year following (1714) the bishop was made Bishop of London, which office he held until his death in 1723.

As a Churchman he was a zealous supporter of orthodoxy, but belonged to what was then termed the Moderate party.

It illustrates his times to mention that when in 1716 the Rev. Lawrence Howell, for merely writing a pamphlet of non-juring tendencies, called "The Schism in the Church of England truly stated," was sentenced to three years' imprisonment, a fine of £500, to be whipped and degraded, and stripped of his gown by the public executioner, Bishop Robinson stepped in to save him from the whipping, which, at his intercession, was not carried out. "Well," cried the Coffee-House Whigs, "the fellow ought to have been hanged."¹

He was a liberal benefactor to Oriel College, where he erected new buildings to the east of the garden in what is now the back quadrangle, and founded three scholarships; and a small likeness of him appears on the Oxford Almanacs, engraved by Vertue in 1736 and 1742, as a benefactor of Oriel and of Balliol, to which latter College he gave an advowson.

He also contributed largely towards improvements to the deanery at Bristol, the Abbey Church of St. Albans, and the parish church at Cleasby, where he built and endowed a school-house, in addition to assisting in the restoration of the church and parsonage.

He attended Queen Anne in her last moments,² and Noble, in his "Biographical History of England" (1806), says: "The character of Dr. Robinson stands on too firm a basis to be shaken by malice or envy. It is well known that the Queen intended him for the See of Canterbury in the event of Tenison's death."

¹ "London and the Jacobite Times," by Dr. Doran (1877).

² Mrs. Strickland's "Lives of the Queens of England."

The Treaty of Utrecht, with which he was associated, has been denounced by some as not securing enough from France, but, on the other hand, it has met with the strong approval of others.

The Duke of Manchester, in "Court and Society from Elizabeth to Anne" (1864), thus sums it up: "That treaty not only secured our Protestant succession, terminated the wars of Queen Anne, separated for ever the Crowns of France and Spain, and destroyed the fortifications of Dunkirk, but made especial provision for the enlargement of the British Colonies in America." It also retained to us Gibraltar and Minorca, and gained many advantages for trade.

Lord Strafford, writing to Bishop Robinson, 7th October 1713, and alluding to his own treatment in connection with the treaty, says:—

"The uprightness of my behaviour throughout the whole course of the negotiations has been such as I am sure your equity and candour will always make you a witness for.

"Your Lordship's letter which I received this morning was kind and sincere, which is indeed the greatest comfort could be to me in the midst of my afflictions. What I have done to deserve such usage from any of Her Majesty's ministers, as God is my witness, I know not."

What Seeley says of this treaty we have already quoted, and Lord Macaulay, a strong opponent of the Government which approved it, yet says: "We are for the Peace of Utrecht. The decision was beneficial to the State" ("Critical and Historical Essays," by T. Babington Macaulay).

The *Gentleman's Magazine* for August 1715, referring to the bishop's part in the treaty, says: "As he followed his instructions and obeyed his mistress's orders, it is some surprise to the considering part of the world how this gentleman can be called to account for the doing of that which, had he not done, would have more endangered his life and reputation. It is to be hoped he will escape their fury."

Two or three portraits of the bishop exist. Queen Anne had one painted for her by Dahl, and presented to him, which at his death was given by his widow to Oriel College; another is at Fulham, and another at the Charterhouse, of which he was a governor. There is also a small memorial window to him at

St. Helen's Church, Bishopgate, London; and one to the memory of him and of his brother Christopher, has been put in by the latter's descendants, in the church at Cleasby, Yorkshire.

Several of the family are buried at St. Helen's Church, Bishopgate, among them John Robinson, died 1599, to whom there is a monument in very fair preservation, and William Robinson, who died in 1634, both merchants of London. The latter, a great-uncle of Bishop Robinson, was married to a grand-daughter of the former (Katherine Watkin, daughter of Giffard Watkin and Katherine Robinson), and there was probably a relationship also apart from this marriage. The arms are identical.

Each of these left small legacies to provide loaves of bread for the poor, which are still distributed every Sunday after morning service at that church. There used also to be a dole table, "the gift of William Robinson, 1633," in the church, but I am not sure whether, owing to recent restorations, it is still there, various benefaction boards, &c., having been removed a few years ago, and other changes made.

II

AS to CHRISTOPHER ROBINSON HEWICK, Middlesex Co., Virginia, and Colonel BEVERLEY ROBINSON, Beverley House, on the Hudson River, near New York.

When Christopher Robinson, elder brother of John Robinson, afterwards Bishop of London, emigrated from Cleasby in Yorkshire to Virginia about 1666, he acquired, partly by grants from the Crown and partly by purchase, a good deal of land in the counties of Middlesex and Essex, a portion of which consisted of a large plantation near Urbanna on the Rappahannock River in the former county, about twenty miles above the point where the river empties itself into Chesapeake Bay. Here he built the house in which he died, while Secretary of the colony, in 1693.

The records of the Courthouse in Middlesex show that, before he became Secretary, he took an active part in public matters. He was Coroner of the county in 1686, Clerk of the Court in 1688, and subsequently a Member of the House of Burgesses. In militia affairs also he bore his share, and he

was a Vestryman and Churchwarden of Christ Church near Urbanna.

The following entry occurs, 12th December 1687, in the Court minutes, showing that the militia were determined to turn out creditably:—

“That Mr. Christopher Robinson do, by the first opportunity, send for Trumpetts with silver mouth pieces to be hanged with black and wth silke. One horse Collours with Staffe two Bootes,¹ and two handsome bells and one Ffoot Collours for which this Courte do promise and engage the said Christopher Robinson shall be paid in the County Leavy next yeare.”

The situation of his plantation must have been a very favourable one for settlement. It was well wooded, water was good and plentiful; deer and other game, oysters and fish abounded.

A stream—still called the “Robinson Creek”—near the plantation, was navigable for boats of some size, and by it tobacco and other produce of the land could be conveyed to the broad waters of the Rappahannock (here about three miles wide), and thence to the sea, and supplies brought up.

The planters in Virginia at this date seem to have led a life of ease and comfort, and in spite of the indifference of the roads at certain periods of the year, there was a good deal of social gathering and festivity.

These were the days of slavery, and labour was obtained from slaves, and apprentices brought out from England. One of the slaves at Hewick mentioned in a will bears the name of “Cleasby.”

An entry in the Courthouse minutes of 7th October 1689, says:—

“Certificate is granted to Mr. Christopher Robinson for the importation of 52 persons into this county—26 whites and 26 negroes.”

Grants of land were given to those who brought in many settlers.

Most of the essentials and many of the luxuries of life were

¹ The “Boote” was probably the socket to receive the staff of the Colour.

procured from the planter's own estates; they sent their sons to William and Mary College at Williamsburgh,¹ and often to England for their education. Christopher Robinson sent his son John, afterwards President of the Council of Virginia, to Bishop Robinson in England, to be placed at school, and between 1721 and 1737 four of his (Christopher's) grandsons² were sent to Oriel College, Oxford, where the bishop had founded scholarships.

In the will of Christopher Robinson (1693), the plantation at Hewick is spoken of under the name of "The Grange," but in that of his grandson, made in 1750, as the "tract of land commonly called Hewick, or the 'burnt house,'" from which it is to be inferred that the house on it had possibly at one time suffered from fire. No doubt the name Hewick was taken from the manor of "Hewick upon Bridge," near Ripon in Yorkshire, and adopted after this had come into the possession of the family in Virginia.

This manor, about 1000 acres in extent, was purchased by Bishop Robinson from Sir Giles Arthington, and left by him at his death without children, in 1723, to Christopher Robinson, the eldest son of his brother, in Virginia.

Hewick in Yorkshire was subsequently sold—the sale being completed March 12, 1776—to Sir Fletcher Norton, Speaker of the House of Commons, afterwards Lord Grantley, for £16,000, a portion of the proceeds of the sale being devoted to the purchase of land, &c., in Virginia.

Hewick House, in Virginia, and some of the property with it, after coming down through four generations of Christopher Robinsons, was willed by the last Christopher, who died unmarried in 1775, to his sister Elizabeth, who married William Steptoe, and whose daughter, Mrs. Christian, lived at Hewick until it was sold to a Mr. Jones, Prosecuting Attorney for the

¹ William and Mary College, of which Christopher Robinson was one of the trustees under the original charter from the Crown in Feb. 1693, was built from plans by Sir Christopher Wren. A history of the College was published in Richmond, Virginia, in 1874, by Randolph and English.

² These were Christopher, son of John, President of the Council, matriculated 1721; B.A., 1724, died at Oxford, 1738. Also Christopher, matriculated 1724. Peter matriculated 1737. William matriculated 1737, B.A., 1740, all sons of Christopher Robinson of Hewick, elder brother of John Robinson, President of the Council.

county of Middlesex, about 1874—a family burial-ground on the land being reserved.

Not many years after this the house was destroyed by fire.

Another portion of the property descended, through a sister of Elizabeth Steptoe, to a Mr. Purkins, who was living upon it in 1875.

There are descendants of the family still in Virginia or other parts of America. Christopher Robinson, who emigrated about 1666, was, as we have said, not the only one of his family to go out to Virginia. His sisters Mary and Frances certainly did so, and married there; also a cousin, a son of his uncle William Robinson of Cleasby, but whose name is not mentioned (see p. 429).

When I was in Virginia in 1875 I obtained much accurate information, based on legal documents and official records, respecting various members of the family, from the late Conway Robinson² of the Vineyard, near Washington, whose own family came, I believe, from Yorkshire.

Though we could not trace the exact link of connection between his branch and ours, most probably they were closely connected.

COLONEL BEVERLEY ROBINSON AND BEVERLEY HOUSE.

“Beverley House” was situated nearly opposite West Point, close to Garrison’s Landing, in the Highlands, bordering the Hudson River in the State of New York. It was built by Colonel Beverley Robinson, son of John Robinson, President of the Council of Virginia, about 1750, before the separation of the American Colonies from Great Britain.

A writer in *Appleton’s Journal*, January 1876, thus alludes to Beverley House:—

¹ I visited both Hewick in Yorkshire and Hewick in Virginia, in 1875. The Yorkshire property was still in the possession of Lord Grantley’s descendants, and had greatly increased in value. The villages of “Bridge-Hewick,” and “Copt-Hewick,” are only a few miles from Ripon. “Hewick” in Virginia was a substantially built red-brick two-storied house, with an old-fashioned Dutch roof. It was untenanted at the time of my visit.

² A leading member of the Bar in Virginia, author of some well-known legal and historical works, and at one time chairman of the Executive Committee of the Historical Society of Virginia.

"It was fashioned after the prevailing style of the country seats in England at that period. The gardens, lawns, fruit-orchards, fields, and deer-park were fit surroundings for the military scholar and English gentleman. . . .

"Beverley' has been the scene of a score of interesting events. No other house in the country was so frequently the resort of Washington, during the eight years which tried men's souls, as Beverley. Under no roof were so many foreigners of distinction sheltered. And all the illustrious generals of the army, as well as the great majority of the statesmen who were tinkering at the foundation of the new Republic, broke bread in its long-to-be-remembered dining-room."

Immediately after Colonel Beverley Robinson joined the army under Sir Henry Clinton, his wife and family were forced to leave their home, and the furniture and contents of the house were seized by the revolutionary authorities.

The situation of Beverley' House led to its being often the headquarters of the revolutionary generals during the war. It is interesting also to mention that in the old colonial days, some years previous to the war, when Washington was serving under the Crown, there was a friendship between him, Lieutenant-Colonel Roger Morris, 35th Regiment, and the families of Colonel Beverley Robinson and Philipse.

Washington and Lieutenant-Colonel Morris served together on the staff of General Braddock at the disastrous battle on the Monongahela river, where Braddock was killed and Morris severely wounded, and, according to tradition, Washington was deeply attached to Mary Philipse, a sister of Mrs. Beverley Robinson, before her marriage with Colonel Morris.

It was John Robinson, a brother of Colonel Beverley, and then Speaker of the House of Burgesses in Virginia, who, on Washington's taking his seat in the House,¹ expressed to him the thanks of the Colony for his services against the French and Indians "with great dignity, but with such warmth of colouring and strength of expression as entirely to confound him."

On September 25, 1780, Colonel Beverley Robinson, in

¹ See Wirt's "Life of Patrick Henry" (1850).

writing to Washington to desire that Major André, just captured, might be set at liberty, concludes with, "I am, sir, not forgetting our former acquaintance,—Your very humble servant," &c.

Probably all these mentioned above had met together more than once in Beverley House.

Sir Frederick Robinson, a son of Colonel Beverley Robinson, thus alludes to his father and his life at this house in his Journal:—

"Certainly since the time of the golden age there never was more perfect domestic happiness and rural life than that which he and his family enjoyed. My father was adored by his tenantry, almost all of whom followed his fortunes in the revolutionary war, and sacrificed their interest to their attachment."

In 1815 Sir Frederick revisited his old home, after an absence of thirty-two years, and writes thus in one of his letters:—

"After breakfast I walked about a mile to see my old nurse and foster-father. The latter had completed his ninety-second year and was perfectly childish. 'Mammy' was about eighty, but still hearty. I found all so little altered, that it brought tears to my eyes, and many a heavy sigh to my heart."

Beverley House passed into the possession of Richard Arden, Esq., in whose family it remained for several years.

It was purchased, about 1872, by the Hon. Hamilton Fish, a well-known American statesman, and was burnt down in 1892.¹

The following allusion to its destruction by fire is taken from an American paper of March 1892:—

"A FAMOUS HOUSE IN ASHES.

"The Beverley Robinson Mansion, at Garrison in the Highlands, was totally destroyed by fire this morning. All the antique furniture was burned, including a lot of silver ware. The fire originated in the main chimney. It was in this house

¹ I saw Beverley House on the Hudson in 1875. It was a long two-storied house, built of wood, with comfortable though low-roofed rooms, and was then in very fair preservation. The house was, I found, spoken of locally as the "Robinson House," rather than Beverley House, and the landing-place near it as the "Robinson Dock."

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that Benedict Arnold concocted his treasonable plans during the Revolution, by which West Point and the control of the colony north of it were to be handed over to the British in 1780."

From the time that Christopher Robinson went to Virginia (about 1666) the name of "Beverley" occurs frequently among his descendants.

Both he and Robert Beverley emigrated about the same period from Yorkshire, and during the first three generations in Virginia there were several marriages between the two families. In those days the planters frequently married at a very early age.

Christopher Robinson married (second wife) in 1687 Katherine (*née* Hone), the widow of Robert Beverley.¹ His son John Robinson (by his first wife, Agatha Bertram), President of the Council of Virginia, married in 1702 Katherine, daughter of Robert Beverley (by his first wife, Mary Keeble). Another of his sons, Christopher, "Naval Officer for Rappahannock River," a post connected with the Customs, married in 1703 the widow of William Beverley (son of the above Robert Beverley), and a grandson, William Robinson, married in 1737 Agatha, daughter of Harry Beverley, another son of this Robert Beverley.

It is owing to this connection and (among the descendants of those who adhered to the Crown in the Revolution) out of regard to the memory of Colonel Beverley Robinson, that the name became so general in the family.

III

SIR FREDERICK AND SIR WILLIAM ROBINSON

Sir Frederick Robinson, born 1777, entered the army very young, about fourteen years of age, and after seventy-five years in the service died "the oldest soldier in the army"² at Brighton, January 1, 1852. During his career he saw a great deal of active service; first in the King's Loyal American Regiment (commanded by his father) and afterwards in the

¹ This Robert Beverley was father of Robert Beverley, the historian of Virginia.

² This is stated on his tombstone in Hove Churchyard, near Brighton, and in published obituaries of him.

17th Regiment, during the American Revolutionary War. He was at the battle of Horseneck and at Stony Point, where he was made prisoner.

Then at the capture of Martinique, St. Lucia, and Guadeloupe in the West Indies (1794).

Next in the Peninsula, where he commanded a brigade at the action of Osma, the Battle of Vittoria, the storming of St. Sebastian, the Passages of the Bidassoa and Nive, and the actions around Bayonne, where he succeeded just before the peace to the command of the 5th Division.

Finally in Canada during the campaign of 1814, where he commanded a brigade at the attack on Plattsburg, but after having forced the passage of the Saranac, was ordered to retire.

He was Commander-in-Chief and Provincial Governor of Upper Canada for a time in 1815-16, and was subsequently Governor of Tobago.

He served in several regiments, including the 88th, 60th, and 38th, and was Colonel-in-Chief of the 59th and afterwards of the 39th Regiment and a G.C.B. when he died. He received the gold medal for Vittoria with two clasps for St. Sebastian and the Nive, and the silver war medal and clasps for these services, given for the Peninsular War in 1847, and was several times mentioned in despatches.

For a time he was Inspector of Recruits in a part of England, and he took an active interest in the organising and raising volunteers in London during the threatened invasion by Napoleon, for which services he received a piece of plate from the governor and company of the Bank of England. He also wrote several pamphlets urging the establishment and advantages of rifle corps.

These pamphlets show that he was, at all events in some respects, rather in advance of the general military ideas of his day, and no doubt his experience of campaigning in America had shown him the value of trained riflemen and sharpshooters. He was twice married and left descendants.

SIR WILLIAM ROBINSON.

Sir William Robinson entered the commissariat department when very young, saw much service in Holland and elsewhere, and was in the ill-fated Walcheren Expedition in 1809.

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He then embarked for Nova Scotia, and in the war of 1812-15 was in charge of the commissariat department in Canada.

His services were warmly acknowledged by the Government, and he was made a Knight of Hanover.

He died in England in 1836, and there is a tablet to his memory in the church at Thornbury, in Gloucestershire.

He married Katherine, daughter of Cortlandt Skinner, Attorney-General of New Jersey, who died at Wisthorp House, Marlow, Bucks, in 1843, and left descendants.

I give below letters¹ from Sir Frederick Robinson to his sisters, describing the Battle of Vittoria, and storming of St. Sebastian, which are interesting, and show the heavy losses which occurred at the taking of the latter place.

To SUSANNAH ROBINSON.

*“ALBEMIR, one league in front of SALVATIERRA,
24th June, 1813.*

“MY DEAR SUE,—I have just time to tell you I am safe and well after the glorious Battle of Vittoria. It was fought on the 21st, and the result is the total rout and separation of the French army, with the loss of all their artillery, amounting now to one hundred and fifty pieces, also two thousand baggage carts and cars, an incredible amount of mules, together with King Joseph's private baggage and three millions of dollars in the military chest.

“Never was there so well-planned an action, nor could it have been better executed, although I fear our loss has been dreadfully severe.

“You will be all delighted to hear that it fell to my lot to perform a very arduous and principal part in this bloody drama.

“I was ordered to attack a village in front with my whole brigade, in which the French had posted five times our numbers, with the hedges in every part lined with sharpshooters.

“Well knowing that our great chief likes prompt measures, I ordered the brigade to charge at once, and in a quarter of an

¹ In the possession of the descendants of Colonel W. H. Robinson, Frenchay, near Bristol.

hour we drove them over a bridge on the opposite side with dreadful havoc, the bridge being so choked with dead that the living had no way of escaping but by leaping over the sides into the water, where numbers were drowned.

"They made three attempts to retake the village but failed, and our first brigade coming to our support, secured the conquest, although the enemy had a column of 15,000 men with artillery on the opposite bank, and within a quarter of a mile of us.

"We took one gun which had done terrible mischief as we advanced down a narrow lane, but their loss was horrible to look at. Ours, I lament to say, was very heavy too.

"Two of my colonels were desperately wounded, and one, I fear, must die.

"William de Lancy was upon the hill, and I understand exclaimed that it was the most gallant attack he ever saw, and that he would not sleep till he had made a proper report to Lord Wellington.¹

"I have just received the thanks of Sir Thomas Graham and the congratulations of every one. I had some very narrow escapes. One ball through my hat, another through my clothes and grazing my ribs on my right side, and my horse shot in two places.

"I have lost some officers of great value, but they died in the execution of their duty, and I hope will be rewarded elsewhere.

"I rode through Vittoria the next morning, and certainly no words can describe the scene on every side of the town for a mile or two. English carriages without number, thousands of animals, and the ground covered with fragments of various kinds, as well as carcases of men and horses. We are now in close pursuit and expect to invest Pampeluna the day after to-morrow.

"Give my love to mother² and Anne.—Ever affectionately
yours,
F. PHIL. R.

"P.S. I received a letter from you yesterday dated in May."

¹ The services rendered by Sir Frederick and his brigade, both at Vittoria and the storming of St. Sebastian, were duly acknowledged by Lord Wellington in his despatches.

² Mrs. Beverley Robinson, then aged about eighty-six, and living at Thornbury.

*To his sister JOANNA (wife of the Rev. Richard Slade,
Rector of Thornbury).*

ST. SEBASTIAN, 2nd September, 1813.

“MY DEAR ANNE,—I hope I shall be first to inform you of the glorious exploit of the 31st August, in the storming and carrying the strong works of this place, which is with great truth called the little Gibraltar. But how will you and mother and Sue be delighted to hear that the attack was entrusted to my brigade.

“At ten o'clock in the morning I had a thousand men in the trenches ready to rush towards the breach the moment I should give the signal. They were to gain the top and maintain themselves there until supported by the rest of the division, and a reinforcement which had arrived the evening before from the other division in front.

“We were all aware of the strength of the place, although according to the technical term there was a breach, but that breach was as high and as steep as your house, and the descent on the other side was thirty feet perpendicular, and at a little distance enclosed with high walls, behind which were stationed sharpshooters, and bombs were placed before them to be thrown down upon my people as soon as they should descend.

“Never did hearts beat so high in dreadful expectation as those of the lookers-on, at the head of whom were Sir Thomas Graham, Sir James Leith, General Oswald, and Hay.

“We had to pass from the mouth of the trenches over the seashore for about a hundred yards, which was covered with large slippery stones, or deep mud.

“Our first brigade had failed in this attempt with cruel slaughter about a month before, and the natural emulation of soldiers made my gallant fellows the more determined to conquer or die.

“At eleven o'clock I gave the word to advance, which was instantly obeyed with a shout that gave promise of success. The fire of grape and musketry against us cannot be described. The strand and the bottom of the breach were in five minutes covered with dead and wounded, notwithstanding which they

gained the top, and maintained it for three hours, when, by the explosion of one of the enemy's mines, a passage was opened into the town.

"In an instant the whole division, as well as the other troops, charged into it, and the French ran in crowds to the Castle. In two hours more the town was completely ours. The castle being immediately above it made it a warm berth for a short time, but nothing could have prevented our keeping possession until the engineers could make it secure.

"The melancholy part of my story is yet to come. Out of the thousand brave fellows who accomplished this extraordinary feat—with the addition of two hundred more that came up some time after—seven hundred and forty, together with fifty officers, were killed and wounded on the breach, and in advancing to it.

"Among the rest my Excellency was laid sprawling in the mud by a ball through my beautiful face, which occasions my sitting as unnaturally upright as any boarding-school miss. Fortunately my teeth and jaw-bone are safe, but I shall have a nice little scar to remind me of St. Sebastian for the remainder of my life.

"Sir James Leith is badly wounded. General Oswald received three contusions, which, though troublesome at present, will soon be of no consequence.

"My people are the constant theme of admiration, not only of our own army, but of the French prisoners, three hundred of whom are now under my window confined in a garden, and whenever I happen to stand at the window they pay me every compliment in their power.

"I have no doubt our great Chief will think we have done our duty, but at what a fearful price have we gained applause. I have but five hundred men left in three regiments. All my best officers are gone; no less than seventy-five of them have been killed and wounded at Vittoria and this place.

"The town unfortunately took fire and is now almost in ruins. The inhabitants fled as soon as they could, and left everything to the soldiers. You, and all those who hear it, will scarcely credit me when I say that, although our people were destroyed by the enemy in such numbers before they entered the town, yet, when once in, all the Frenchmen they overtook were made prisoners, hardly a man being killed.

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"What other troops in the whole world can act thus? They seek glory and will always find it. To be a soldier of the 2nd Brigade will ever be considered an honour; every one admires them.

"All the generals and others of the most experienced officers say it was the most gallant and desperate service ever performed.

"The French general believed it to be impracticable, and told the inhabitants so, and I am told cried with anguish and despair when he found we had got in.

"Give my love to my mother and Sue. Ask the former whether she means to give her Frippy any new socks, since he has been a good boy.

"Remember me most kindly to your Sposa; I should like amazingly to have done with stopping musket balls with my head and to be once more traversing the fields with him. Farewell, my dear Anne. Write to the Hincks for me, and to such other friends as you know are interested in my welfare. I cannot write another letter till I am a little more supple in the neck.—Yours affectionately,
F. PHIL. R."

Addressed Mrs. SLADE, Thornbury, Bristol.

IV

CHILDREN OF CHRISTOPHER ROBINSON OF THE QUEEN'S RANGERS AND ESTHER SAYRE

Peter (the eldest), born in New Brunswick 1785. He represented the county of York for several years in the House of Assembly, Upper Canada, was a member both of the Executive and Legislative Council, and Commissioner of Crown Lands.

He took a great interest in emigration and in the settlement of Peterboro', which is called after him.

In the war of 1812 he commanded a volunteer rifle company which accompanied General Brock in the expedition to Detroit, and he performed good service at the post of Michilimakinac in 1813. Died unmarried in 1838.

Mary, born 1787. Married, November 26, 1806, Stephen Heward, formerly of Cumberland, England, and for many

years Clerk of the Peace for the home district. Died in 1863 at Toronto, leaving several children.

Sarah, born at L'Assomption in Lower Canada, 1789. Married, January 13, 1808, G. D'Arcy Boulton, barrister, son of G. D'Arcy Boulton, then Solicitor-General for Upper Canada, and subsequently Judge of the Court of Queen's Bench. Died 1863 at Toronto, leaving several children.

John Beverley, born at Berthier in Lower Canada, July 26, 1791 (the subject of this memoir).

William Benjamin, born at Kingston in Upper Canada December 22, 1797. He represented the county of Simcoe in the House of Assembly for twenty-five years. Was Inspector-General for Canada, with a seat in the Executive Council. Held the office of Chief Commissioner for Public Works, 1846-47. Was selected as Commissioner by the Government in 1850 to make a treaty with the Indians on the north shores of Lakes Huron and Superior. One of the Commissioners of the Canada Company. He married Eliza Anne, daughter of Colonel W. Jarvis (formerly an officer of the Queen's Rangers, and Secretary of the Upper Province of Canada). Died in 1873 at Toronto, leaving no children.

Esther died young and unmarried, in 1811.

V

CHILDREN OF SIR JOHN BEVERLEY AND EMMA
ROBINSON

James Lukin, eldest son, born 27th March 1818, barrister-at-law, Middle Temple, London, and of Upper Canada. Served in the Militia in the rebellion of 1837, at Navy Island. Married, 15th May 1845, Elizabeth, eldest daughter of John Arnold, Esq., of Toronto, and formerly of Halstead, near Sevenoaks, Kent. She died 1896. Succeeded his father as second baronet 1863, and died 21st August 1894, leaving children, of whom the eldest (Sir Frederick Arnold Robinson) succeeded as third baronet (died 1901).

John Beverley, born 20th February 1820, barrister-at-law, Upper Canada. Several times M.P. for Toronto. Served in the rebellion of 1837 as A.D.C. to Sir Francis Head, Lieutenant-Governor of Upper Canada. President of the Executive Coun-

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cil, 1862. Represented Algoma and afterwards West Toronto in the Dominion Parliament, and was Lieutenant-Governor of Ontario 1880-87. Married, 30th June 1847, Mary Jane (who died 1892), daughter of Christopher Hagerman, Esq., Puisne Judge, Court of Queen's Bench, Upper Canada. Died 19th June 1895, leaving children, of whom the eldest, Sir John Beverley Robinson, is now fourth baronet. Wounded at Limeridge 1866, when serving as a volunteer during the Fenian invasion of the Niagara frontier.

Emily Merry, born 14th July 1821. Married, 16th April 1846, Captain (afterwards General Sir John Henry) Lefroy, R.A., subsequently Governor of Bermuda, and afterwards of Tasmania, who died 1890. She died 25th January 1859, leaving children. Sir Henry Lefroy married (secondly) Charlotte Anna, daughter of Colonel T. Dundas, of Fingask, and widow of Colonel Armine Mountain, C.B. No children.

Augusta Anne, born 3rd September 1823. Married, 31st October 1844, James M'Gill Strachan (died 1870), formerly captain 68th Light Infantry, and son of the Right Rev. Dr. John Strachan, Bishop of Toronto. She died 12th November 1900, leaving no children.

Louisa Matilda, born 9th October 1825. Married, 16th April 1846, the Hon. G. W. Allan, of Moss Park, Toronto, who died 1902. She died at Rome 13th May 1852; no children. Mr. Allan married (secondly) Adelaide, daughter of the Rev. Thomas Schreiber, leaving children.

Christopher, born 21st January 1828, barrister-at-law, Upper Canada, and K.C. Counsel for the Crown in the *Queen v. Riel*, after the Riel Rebellion, 1885. Counsel for the Dominion of Canada at the Behring Sea Arbitration in Paris, 1893 (offered knighthood); also before the Alaska Boundary Tribunal in London (1903). Married, 1879, Elizabeth Street, daughter of the Hon. J. B. Plumb, and has children.

Mary Amelia, born 3rd March 1831. Married the Hon. Donald M'Innes, of Hamilton, Ontario, Member of the Dominion Senate, who died 1st December 1900. She died 16th March 1879, leaving children.

Charles Walker, born 3rd April 1836. Entered the Rifle Brigade 1857; served in the Indian Mutiny, the Ashanti Campaign 1873-74, and Zulu War 1879. Assistant Military

Secretary to the Commander-in-Chief 1890-2. Commanded the troops at Mauritius 1892-5. Lieutenant-Governor, Royal Hospital, Chelsea, 1895-8. Retired 1898 Major-General, C.B. Married, 16th October 1884, Margaret Frances, daughter of General Sir Archibald Alison, Bart., G.C.B., and has children.

VI

FUNERAL, OBITUARY NOTICES,¹ ETC.

From "Toronto Daily Leader," February 5, 1863.

THE LATE CHIEF-JUSTICE

THE FUNERAL PROCESSION AND SERVICES

The remains of Sir John Beverley Robinson, lately Chief-Justice of the Court of Queen's Bench for Upper Canada, were yesterday consigned to their last resting-place amid the profound grief, as manifested in every possible and proper form, of an entire community, among whom he had passed the best days of an honourable and prolonged life. There was no gorgeous pageant to mark the progress to the tomb, no vain display to mock the sorrows of the bereaved; but if the glittering and externally imposing parade were wanting that sometimes pretentiously attends the obsequies of men even less eminent than the late Chief-Justice, there was not lacking a more impressive, because more sincere, demonstration—the demonstration that thousands in Toronto yesterday mournfully made from respect for one whose death all regarded truly with emotions of sorrow. From twelve o'clock till four, when the last sad rites were over, business was suspended in the city, and nearly all the stores were closed, in order that those engaged in them might participate in the solemn ceremonies. Evidence of the general feeling of respect for the memory of Sir John Robinson was everywhere apparent, and, witnessed by a stranger, could not fail to impress him with an exalted idea

¹ From these notices many details as to my father's services, &c., already given in previous pages, have been omitted; and as I have often quoted from the obituary notice of him which appeared in the *Law Journal of Upper Canada*, March 1863, I do not add more from this source here.

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of the virtues of one whose burial was attended by such universal signs of melancholy.

The day was decidedly the coldest of the season. The air was keen and piercing and the frost most intense. Notwithstanding this drawback a very large number of persons was assembled at one o'clock at Osgoode Hall, in the main hall of which building the body, enclosed in a coffin covered with black cloth, lay preparatory to removal to St. James' Cemetery. Osgoode Hall, the scene of the last labours of the departed judge, was regarded as the most fitting place for the funeral procession to form, and the body had accordingly been conveyed thither from the late residence of the deceased about an hour previously. The lid had been finally closed and the features were not exposed to view. A plate on the coffin bore the following inscription:—"Sir John Beverley Robinson, Baronet. Born, 26th July, 1791. Died, 31st January, 1863. Aged 71 years 6 months and 5 days."

About half-past one o'clock the funeral cortège was formed at the head of York Street. First, there were the officiating clergymen, Rev. H. J. Grassett and Rev. E. Baldwin; then the volunteers, comprising the various companies of the 2nd Battalion, and one company of the 10th Battalion, without arms; then Major-General Napier and staff, with the officers of the garrison, in uniform; the medical profession, of which there was a goodly representation; the clergy, embracing many of different denominations; the members of the County Council; the Mayor and members of the City Council; the Senate, professors, and undergraduates of the University of Toronto; the professors and undergraduates of Trinity College; the pallbearers in carriages—the Hon. Chief-Justice M'Lean, Q.B., Hon. Chief-Justice Draper, C.P., Chancellor Vankoughnet, Hon. Justice Hagarty, Hon. Justice Richards, Hon. Justice Morrison, Hon. Vice-Chancellor Spragge, and Hon. H. J. Boulton; then the hearse containing the body, followed by the mourners, members of the family of the deceased, in carriages; by the Treasurer and members of the Law Society of Upper Canada in their robes; and by the officers of the Courts, the whole winding up with a number of citizens on foot and in carriages. The order of the procession, it will thus be seen, was the same as arranged by the Law Society, of which notice had previously

been given through the press. The whole cortège—all the persons composing which were on foot, except the pall-bearers and mourners, with those who brought up the rear—was very lengthy; and the number would undoubtedly have been much increased had the weather been less severe.

The route of the procession lay along York and King Streets to St. James' Cathedral. The stores, as we have remarked, were all closed. The streets, notwithstanding the severity of the weather, were crowded with spectators. The procession moved slowly along and halted at the Cathedral, the galleries of which were already filled with ladies, the lower part of the sacred edifice being reserved for those who took part in the procession. On the hearse reaching the main entrance the coffin was taken out, placed upon a bier, carried into the church, and deposited in the centre aisle in front of the pulpit. At the door the body was met by the officiating clergymen, who preceded it to the reading-desk, the choir singing the introductory sentences of the burial service of the Church of England, commencing "I am the resurrection and the life," to music composed by the organist, Mr. John Carter. During the singing of this piece the body of the church rapidly filled up, and soon almost every available spot was occupied. Probably there were altogether three or four thousand people assembled. The venerable Bishop Strachan occupied his desk on the east side of the chancel, and seemed much affected by the last rites that were being paid to his former pupil and late friend. On the conclusion of the solemn chaunt, the 39th and 90th Psalms were read by the Rev. Mr. Baldwin, after which the anthem, "Blessed are the dead," from Spohr's "Last Judgment," was sung by the choir. The Rev. Mr. Grasset then read the lesson from the 25th chapter, 1st Corinthians, and the service here ended by Handel's Dead March in "Saul," played on the organ by Mr. Carter.

The body was then carried out, replaced in the hearse, and the procession being again formed, marched slowly along King and Parliament Streets to St. James' Cemetery, in the north-eastern part of which is situated the family vault of the deceased baronet. The body was carefully lowered into its last abode, and the remainder of the burial service performed by the Rev. Mr. Grasset, when the sad assemblage silently dispersed.

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LAW SOCIETY.

ORDER OF PROCESSION AT THE FUNERAL OF THE LATE SIR
JOHN BEVERLEY ROBINSON, BART.

VOLUNTEERS.

REGULARS.

MAJOR-GENERAL COMMANDING.

MEDICAL PROFESSION.

CLERGY.

COUNTY COUNCIL.

CORPORATION OF TORONTO.

HEADS OF DEPARTMENTS.

UNIVERSITY OF TORONTO.

MEMBERS OF LEGISLATIVE ASSEMBLY AND LEGISLATIVE COUNCIL.

TRINITY COLLEGE.

PALL-BEARERS.

THE BODY.

THE MOURNERS.

THE LAW SOCIETY.

THE OFFICERS OF THE COURTS.

CITIZENS.

The Procession will move from Osgoode Hall at 1 P.M. on Wednesday the 4th instant. Then proceed down York Street along King Street to the Cathedral Church of St. James, where the funeral service will be performed. Thence along King Street to Parliament Street, and along Parliament Street to St. James' Cemetery. J. HILLYARD CAMERON, *Treasurer.*

2nd Feb. 1863.

*Extract from "The Daily Leader," Toronto,
2nd February 1863.*

DEATH OF EX-CHIEF-JUSTICE ROBINSON, BART.

We share the profound sorrow which will be felt throughout the province, and especially throughout Upper Canada, on hearing of the death of Sir John Robinson.

A man who, occupying for more than half a century a most

prominent position among us, admired for consummate ability, revered for deep judicial knowledge and unsullied integrity, loved by all those who approached him intimately, and, we may almost say, adored by those allied to him by closer and dearer ties, whose conduct, talent, and position combined to give him a very powerful influence over the community of which he formed a part, cannot be taken away from our midst without his removal creating a shock which must vibrate through every heart. But a few months since we chronicled his resignation of the office of Chief-Justice of Upper Canada, expressing our hope that the country might still for many years enjoy the benefit of his matured judgment and deep learning as President of the Court of Appeal, the duties of which office he undertook on retiring from the more exhausting labours of his previous position. Though of ripe age, exceeding the "threescore years and ten," he was one whose powers, physical or mental, no other excess had exhausted save an untiring energy in the discharge of onerous duties, public and private, social and domestic; and we had deemed that Divine Providence might have allotted to him a more prolonged evening of life, radiant and beneficial to the last moment ere the shadows of night closed his career.

It has been ordered otherwise, and in little more than six months from the time of the expression of that hope we are called upon to announce that he is no more. He died on Saturday morning last at half-past eight o'clock, at his residence, Richmond Street West. Up to within a very short time of his death, he showed but little symptoms of his approaching end; but the fell Reaper did his work speedily. Troubled, more or less, for many years with gout, it finally seized upon him with a degree of virulence which it was beyond the power of medical skill to avert.

The statutes passed while Sir J. B. Robinson was a member of the Legislature, some of the most important of which were framed by himself, afford a ready test of his clear perception of an existing defect or evil, and of the remedy most fitted to remove it, and at the same time most suitable to the exigencies of a young and rising community. But in his desire to foster the interests of the province, he never lost sight of its relations to the Empire; and his resolute uncompromising opposition to

everything which to him savoured of an anti-British tendency, or which tended to diminish that influence or control which in his judgment the Crown ought to possess in Colonial affairs, caused much of that political hostility which met him during one period of his career, but which has, long long since, subsided into a full conviction of his honesty of purpose, if not of the soundness of all his views in regard to Colonial administration. But distinguished as his reputation was before he rose to the Bench, it was there that he displayed the highest perfection of his character.

If in some few and now almost forgotten instances political animosity followed him even there, assuredly he carried with him no remembrance of its existence, and exhibited an entire freedom from its influence, and the people of Upper Canada by common consent recognised in him those qualities which alike elevated the character of our Courts and established unbounded confidence in the purity of the administration of justice. To quick appreciation of facts—to a power of most exact discrimination, and a marvellous faculty of lucid arrangement and statement, he added untiring patience, unwearied industry—always increasing his own large store of legal knowledge and always applying his qualities, natural and acquired, in the interests of truth and justice. No research was spared, no consideration was overlooked, which could aid in coming to a right conclusion, and even the unsuccessful suitor could not fail to recognise the earnest effort as well as the ability and integrity that had been employed in disposing of his case. Equally good reasons had the Bar to appreciate and admire him. To the lofty dignity combined with the unassuming courtesy of his conduct to them is owing much of the right-minded and agreeable tone in which the business of our Courts has been usually conducted. Prompt to repress the slightest indecorum—looking to the leaders of the Bar for a fitting example to their juniors—he was kind and affable to all, and uniting firmness to the finished manner of a high-bred gentleman, he sustained the dignity of the Court in the highest degree, and inspired self-respect, and the observance of fitting decorum, as becoming the character of a learned and honourable profession. In his hands the power of the Court was only a terror to the evil-doer, while he sought to employ it as a bulwark for the protection of the innocent, the weak, or the oppressed.

He was a sincere and earnest Christian, not merely in the sense of a devout worshipper, but as one who felt it a duty to exert his best faculties for the support and extension of the "pure and reformed faith" of the Church to which he belonged. He took an active part in the establishment of the Church Society for the diocese of Toronto.

Such was the man whom Upper Canada has lost. Such is the bright example which he has left behind him. Thus has closed the career of one of the noblest examples of an upright judge and Christian gentleman which this land of ours may hope to see. Whether viewed in his public or private relations, he has lived equally pure, upright, unselfish, and amiable—

"Through all this track of years
Wearing the white flower of a blameless life."

Extract from "The Daily Globe," Toronto, 2nd February 1863.

DEATH OF SIR JOHN BEVERLEY ROBINSON, BART.

We are called upon to record the death of another ornament of the Bench and honoured citizen. On Saturday morning, a few minutes before nine o'clock, Sir John Beverley Robinson, Bart., President of the Court of Appeals, and late Chief-Justice of the Queen's Bench, died at the ripe age of seventy-two years. He had been afflicted by an attack of gout for two months, but no apprehensions of a fatal result were entertained until within the last three or four weeks. Contrary to the wishes of his friends, he presided at a meeting of the Court of Appeals a month ago, and, returning home, persisted in preparing his judgments upon the cases he had heard. He laboured from an early hour in the morning until late in the evening, for while there was anything left undone he could not feel at rest. The sense of unfinished work weighed as a burden upon his mind, provocative in him of uneasiness and disquiet. But the exertion he made was too great for him. Last Wednesday week he was compelled to take to his bed, from which he never rose. He died surrounded by his family and friends, his latest hours being soothed by all that affection and deep respect could dictate. Gently and peacefully he yielded up his spirit to his Maker. There is no man whose departure could cause a greater void in

our society, or tend more completely to separate the past from the present, than his.

The great experience gained by Sir John B. Robinson during his long career as a lawyer, as leading officer of the Crown, and as Chief-Justice, caused his decisions to be received with the greatest confidence. His possession for twenty years of a seat in Parliament, during which time he had much to do with the framing of our Canadian laws, and with the adaptation of the laws of the mother country to the wants of this province, gave him a great and decided advantage. His numerous judgments, spread through many volumes of our law reports, are clear and well argued. Though not an eloquent speaker, he was possessed of a great flow of language, and the power of placing his arguments in the plainest and most forcible light. He is remembered by those who had to contend with him as a formidable antagonist, though his kindness and dignity very seldom allowed him anywhere to be led into embittered personal contests:

From "The Kingston Daily News," 5th February 1863 (reprinted also in "The Times," Woodstock, Canada, 13th February 1863, and in other papers).

IN MEMORIAM

"Thy spirit ere our fatal loss
Did ever rise from high to higher,
As mounts the homeward altar-fire,
As flies the lighter through the gross."

Participating in the sorrow of the whole community, we desire this day to record our humble tribute to departed worth. One who has been identified with the history of the province for more than half a century—the chief judge of the land, the pride of the Bar, the ornament of society, and uniting with his public services those amiable qualities which adorn a Christian and a gentleman—has been removed from us, leaving a name *sans peur sans reproche*, long to remain a household word in every Canadian home.

The services of Sir John Robinson, though not perhaps so fully as they might have been, were certainly appreciated, and

not only by the gratitude and esteem of the people he served, but also by the personal distinction and favour of his Sovereign—and never were honours more deservedly bestowed, more gracefully borne, more dearly won—honours that reflected alike grace on the hand of her who gave them, as they descended with credit on the head of him who received them.

On the day when the grave will enclose his mortal remains, we desire, in grateful homage to his precious memory, to record, in imperfect words, a slight sketch of his exemplary character.

Born to be a great man, nature had combined in Sir John Robison admirable gifts. Possessed of a handsome and manly countenance, a dignified and graceful figure, an open and courteous manner, together with an amiable and endearing disposition, he might at any time have been singled out as a representative man. He had talents of the highest order, which he exercised with disinterested loyalty, and, though the recipient of the highest honours, he bore them with unaffected humility.

A scion of that grand old stock we love to remember as the U.E. Loyalists, true to the traditions of his ancestors, the blood-stained heights of Queenston, the glorious capture of Detroit, found him foremost to repel the enemies of his King, to preserve inviolate the integrity of his native soil. Though himself a leader, he was cheerful to be led, and when troubles from within threatened more recently to dim the lustre of the Crown, we found him, the highest in the land, and no longer a youth, the first to shoulder the musket, to buckle on the cross-belts, and boldly stand forth to baffle his country's foes with the humblest of men. Loyalty with him was no mere sentiment: it required not to be kindled by excitement, fanned by passion, or fed by the hope of future reward: deeply rooted, it twined in tendrils round his heart, it welled from his very soul.

Called, as we next find him, to the Councils of his Sovereign, he established with his pen the victories of the sword. Chosen as the representative of the people, he gave them wise laws for their future happiness and contentment.

Of all the virtues in public men, that which is perhaps evinced most seldom is that happy combination of wisdom and discretion which advises and directs measures, unalloyed by prejudice and untarnished by selfish ends. True it is that the wisest and best of men have erred, for mortality must be

fallible. But nations must ever delight to honour those who have spent their lives in their country's cause, to forget their errors, and to applaud the purity of their motives, their usefulness, and zeal.

The prominent position Sir John Robinson held in the Legislature necessarily brought him in contact with many who differed from him, but even these held him in honourable estimation; and none will deny that the jealousies and animosities attendant upon his political career have long since been lived down, and are now almost entirely forgotten. As a speaker, Sir John was fluent and elegant, his arguments were forcible and his language classical and refined, and seldom did he raise his musical and eloquent voice without conveying assurance to his friends and discomfort to his opponents. In politics he was Conservative, a Tory of the old school, a true type of "a Church and King man." The policy of his Government was essentially imperial, not cosmopolitan. Devoted to British institutions, and attached to well-established customs, he opposed alike all experiments in legislation, and those reforms which had little else than the novelty of change to recommend them. Truly it may be said of him that he feared no man; and actuated by patriotism, inspired by duty, and ever jealous of the chastity of his oath, he gave his support only to such measures as he considered conducive to the prosperity of his country, and advised such laws as tended to the advancement of religion and virtue.

In the scene which he loved, and where he laboured most, among the members of his chosen profession, he was ever regarded with veneration and pride. Possessed of a legal mind, with great accuracy and strength of memory, deeply read in every branch of jurisprudence, speedy in despatch, but never impatient, cautious, laborious, and painstaking, he stood pre-eminent as a lawyer, and had no rival to envy his position as first judge in the province. Amid all the trials and difficulties of his station, he preserved unscathed the integrity of his honour. Unawed by a frown, unswayed by a smile, uninfluenced by feeling, and unruffled by passion, he "truly and faithfully administered justice, to the punishment of wickedness and vice, and to the maintenance of true religion and virtue." It was after three-and-thirty years of anxiety and toil, amid the

grateful applause of all his compeers, without one enemy, without one spot on his memory, he doffed the ermine from his shoulders, and with fitting sorrow returned it to his Sovereign, in stainless purity. Oft, indeed, will the authority of his name be invoked in those scenes which witnessed so many years of his useful life, for though the laws he made may change with successive ages, his greatness, his wisdom, and his judgments are for all time.

With the same becoming dignity with which he presided over the Judiciary, he took, as Chancellor of the University of Trinity College, his seat at the head of her Council. It was a happy thought that caused the Church to place so distinguished a son in that proud position. He valued it—he strove to make himself worthy of it—he succeeded—and who can replace him?

It may be thought that the sphere was a limited one in which Sir John Robinson attained his eminence; but when we consider how varied were his attainments, and how fitly he performed the duties of the different positions he occupied, our conception of the narrowness of the field of his labours will be considerably extended. With an intellect so grand, with ideas so large and comprehensive, a ripe scholar, and a polished gentleman, he would have attained eminence almost in any country.

The golden rule of this truly great man was Duty. It guided every thought, it actuated every motive: he inscribed it on his banner, he fought under its inspiration. Indeed, it was his persistent devotion to duty that led to the great mistake of his life; and it is with melancholy gratitude we record his unhappy error. Gifted with a healthful and active mind, together with a strong and vigorous constitution, he overlooked the great truth that none of Nature's laws can be transgressed with impunity, and that there are boundaries which human exertion must strive in vain to pass. And with a zeal and noble self-devotion, which neither the premonitory warnings of disease nor bodily suffering could abate, he weighed down his earthly tenement by incessant toil, and rather than seek the necessary repose which length of services permitted and impaired health demanded, he sacrificed his valued life in obedience to the sacred dictates of conscientious duty.

He is now taken from us, and his place knows him no more;

but though he has gone, he has left us the legacy of heroes, the memory of his great name, the inspiration of his great example.

In giving the character of Sir John Robinson, it is difficult not to blend those excellencies which raised him so high in public estimation with those private virtues which showed his stability and moral worth. His manners, simple but dignified, shunned pedantry, scorned dissimulation, and despised affectation. He was of easy access, cheerful and instructive, eloquent and truthful. He was well read in philosophy and history, with a great taste for poetry and the arts. Accomplished in classic literature, he has been known during the fatigues and labours of the circuit to find relaxation in a Latin poem. In his youth he took great delight in all manly sports, and in his later years found constant enjoyment in improving the garden attached to his residence. He was fond of sociability, and was most generously hospitable. He loved to promote good humour and happiness, and his powers of conversation, with his lively wit, never failed to be thoroughly appreciated. He had a kind word for everybody, and a hard or ungenerous expression was foreign to his lips. In short, he had a conscience clear and void of offence—he had a heart of charity, a soul of love.

But far above all the excellencies we have mentioned, he had a higher, a nobler, and a happier character, without which he might have been admired and even respected, but could have been scarcely either loved or esteemed. Sir John Robinson was a *good* man—good in the holiest and purest sense of the word—a goodness uniting the duties of a subject with the piety of a Christian. In the world but not of it, his practical religion evidenced itself in his everyday life. He feared God, he loved his Saviour, looking to His all-sufficient atonement for his eternal salvation; and truly he evinced “the fruits of the Spirit in all goodness, righteousness, and truth.” Deep-seated and unwavering was his attachment to the Church of England, to whose communion he belonged; and to promote its welfare was among the chief objects of his life. Though deeply imbued with her doctrines, with a strict regard to her discipline, and uncompromising in his belief of the truths she taught, he never tarnished his zeal by bigotry, or clouded the purity of his love by fanaticism. Obeying the Divine decree, “to love thy

neighbour as thyself," to be of use or give pleasure to his fellow-creatures was an element in his nature essential to happiness. In fact we may sum up the entire character of this truly great and good man by saying that—loving as a husband, affectionate as a brother, indulgent as a parent, faithful as a friend, loyal as a citizen, and prayerful as a Christian—in all the relations of life he was found blameless. Peace and serenity blessed the last moments of his earthly pilgrimage. Surrounded by all he held most dear, calmed in the assurance of a heavenly rest, his soul, pillowed in the bosom of his Saviour, was wafted to the mansions of his Father's house, there to receive an everlasting crown of glory that fadeth not away.

He has gone, but he yet lives—lives to his dear ones, who will embalm his sweet memory in loving hearts—lives to faithful ones, who will cherish the remembrance of his friendship among the choicest of earthly blessings—lives to a grateful people, who will long preserve green the beauty of his purity and virtue—lives to future generations, who, with pride, will recall his greatness, copy his example, and ever delight to honour the imperishable name of

CANADA'S BEST AND GREATEST SON.

Extract from "The British Standard," Perth, County of Lanark, Canada, 4th February 1863.

DEATH OF SIR J. B. ROBINSON

"Star after star decays!" The most honest and able gentleman that ever Upper Canada produced has been called away, in the fulness of years and honours. On Saturday last, died, at his residence in Toronto, Sir John Beverley Robinson, Bart., for many years Chief-Justice of Her Majesty's Court of Queen's Bench in Upper Canada. By his decease, the Crown has lost a most devoted and loyal subject, and the Church a warm-hearted, zealous, and faithful son. As an upright judge, he had no superior; as a citizen, in every relation of life, but few equals; as an upright knight, *sans* "fear or reproach," the old Chief-Justice will be held in long and grateful remembrance.

Link after link of the chain which binds the past generation to the present is being rudely snapped. A few more, and all the old historic names which adorn the escutcheon of the Upper Province, and add grace and dignity to its record, will have passed away.

The "Old Chief" was, in the fullest sense of the term, a profound—and thereby we mean a deeply read—lawyer. In early days a brilliant advocate; in mature years, the adornment of the Bench. Kind and considerate, many a gentleman who appends the word "barrister" after his signature, will, now that the "Old Chief" is laid low, call to grateful remembrance the encouragement which he received, in his early efforts, at his hands. He was a ripe, though not a brilliant scholar. His great characteristic was solidity of judgment: a Paladin of the ancient sort, he stood without a rival. His very bearing was chivalrous. Had he lived in the days of England's Mighty Regicide, he had graced the ranks of the Cavaliers, gallant men who poured out their blood like water on behalf of a family scarcely worthy of the heroic efforts which were made in their behalf. Loyalty to the Crown was sternly impersonified in the person of the Old Chief; with him, loyalty was not merely a duty, but a passion; and Canada will never look upon his like again. From the *Montreal Gazette* we copy the following article, being a graceful tribute to the memory of the deceased:—

"News of the death of Chief-Justice Sir John Beverley Robinson, Bart., comes very quickly upon the heels of that which told us of the departure from among us of Bishop Mountain. Our last impression contained the announcement of his illness, and now we hear of his death at the age of seventy-one. Chief-Justice Robinson was one of the foremost men in Upper Canada, and for many years his name has been familiar as a household word. The son of a United Empire Loyalist, he was long the pride of the party known as the 'Family Compact,' which at times excited the utmost enmity of faction and the warmest affection of friends. It may be said emphatically that the Crown of Great Britain never had a more loyal subject than him whose death we now announce. With him loyalty was something more than a sentiment; it was a religion. It was born with him, and ran in his blood. . . .

Whatever may be the strength or value of the opinions of those who widely differ from Chief-Justice Robinson, the existence in any country of a class of men holding political opinions with the convictions of religion cannot be a matter of indifference. They gave, under what we may call the old colonial régime in Canada, the reins of government into the hands of their possessors, who also were the men of cultivation and the gentlemen of the colony. It is much to say of him that the bitterness of faction has not left one stain upon his name. His diction was clear, and often eloquent. But his fame will not rest upon his rhetoric. He was, beyond cavil, a man of high legal and other attainments and of clear head; although it must be said that he owed the success which he obtained as well to his birth and position as to his undoubted intellect and attainments. He was an attached member of the Church of England; and, take him for all in all, he leaves behind him a name and character of which any man might be justly proud."

*Extract from "The Illustrated London News,"
London, 7th March 1863.*

SIR J. B. ROBINSON, BART.

. . . Sir John Robinson died at Beverley House on the 31st of January, leaving behind him a name which will ever be of high repute in the history of Canada. Sir Francis Head, in "The Emigrant," published in 1846, delineated him as follows:— "Of Chief-Justice Robinson's character, I will only allow myself briefly to say, that a combination of such strong religious and moral principles, modesty of mind, and such instinctive talent for speaking and writing, I have never before been acquainted with: that every Lieutenant-Governor of Upper Canada for the last twenty-five years has officially expressed an opinion of this nature, which by general acclamation I firmly believe would be acknowledged by every man in the North American colonies whose opinion is of any value." Sir John Beverley Robinson was buried on the 4th ult. in the family vault in St. James's Cemetery, Toronto.

466 SIR JOHN BEVERLEY ROBINSON

*Extract from "The Guernsey Star," Guernsey, Channel Islands,
28th February 1863.*

SIR JOHN B. ROBINSON, BART. AND C.B.

The death, at Toronto, on the 31st ult., of this eminent and excellent man—the late Chief-Justice of Upper Canada—has been recently announced. He was born in July 1791, and was thus in his seventy-second year. In August 1812, or above half a century since, he served under Sir Isaac Brock as a lieutenant of militia, at the capture of Detroit; and was also present on the 13th of October following at the battle of Queenston Heights, when, unfortunately for his country, "the Hero of Upper Canada," as he is still affectionately termed in that province, was killed. . . . Sir John Robinson visited Guernsey in July 1855, partly for the purpose of seeing the birthplace and family of his former chieftain, for whose memory and services he entertained the highest affection.

From a Toronto Journal, 7th February 1863.

THE LATE SIR J. B. ROBINSON, BART.

A bitter loss thou bring'st to us, O Death,
Dread tyrant reigning o'er the sons of earth,
Oh, who shall tell our land what matchless worth
Has passed away before thy blighting breath?

Wise in his counsels, just, yet not severe,
True to his country and his country's Queen,
Now only are his virtues truly seen,
O fatal sight, bought with a price so dear.

Pure as the snow that decks his lonely bed,
And o'er his rest spreads nature's virgin pall,
So pure and spotless seemed his life to all
That loved him living, and bewail him dead.

Dead to all earthly honours and our love,
With higher praise and glory he is crowned,
That mercy shown on earth, his soul has found,
And stands acquitted at the bar above.

MEMORIAL TABLETS TO SIR JOHN BEVERLEY ROBINSON
AND MEMBERS OF HIS FAMILY IN THE CHANCEL OF THE
CATHEDRAL CHURCH OF ST. JAMES, TORONTO.

TO
THE
GLORY OF GOD
AND
IN MEMORY

OF
THE HONOURABLE

SIR JOHN BEVERLEY ROBINSON, BARONET,

Born 26th July 1791. Died 30th January 1863.

Having served with distinction at the Capture of Detroit and the
Battle of Queenston Heights in 1812, he was in the same year
at the early age of 21 years

Appointed Acting Attorney-General of Upper Canada
and subsequently became

Solicitor-General and Attorney-General of the Province.
He was elected as the first representative of the Town of York,
and sat in the House of Assembly until he was appointed
Speaker of the Legislative Council

and

Chief-Justice of Upper Canada,

which latter office he held for nearly thirty-three years,
when he was appointed the first President of the Court of Appeal.

He was first Chancellor of the University of
Trinity College, Toronto.

A consistent and earnest Churchman, he was a constant attendant
of this Church from its foundation.

ALSO
IN MEMORY OF
EMMA

HIS WIFE

Daughter of Charles Walker, Esquire
of Harlesden, Middlesex, England.

Born 10th July 1793. Died 29th May 1865.

“ Her children rise up, and call her blessed.”

This Window and Tablet are erected by their children.

468 SIR JOHN BEVERLEY ROBINSON

IN
MEMORY

OF

CHRISTOPHER ROBINSON

Born in Virginia about 1768

Died at York (now Toronto) 2nd November 1798

Buried in the Garrison Burial Ground.

After serving the Crown as an Officer of the Queen's Rangers, in the American Revolutionary War, he settled in Canada, and was appointed Deputy Ranger of Crown Woods.

He was one of the first Benchers of the Law Society of Upper Canada, and in the second Parliament of the Province represented Lennox and Addington, in the House of Assembly.

ALSO OF

ESTHER, his Wife, daughter of the Rev. John Sayre.

Died 1827.

ALSO OF THEIR CHILDREN

PETER. Member for York and of the Executive and Legislative Councils, and Commissioner of Crown Lands.

Born 1785. Died 1838.

MARY, Wife of Stephen Heward. Born 1787. Died 1863.

SARAH, Wife of D'Arcy Boulton. Born 1789. Died 1863.

JOHN BEVERLEY, for many years Chief-Justice of Upper Canada.

Born 1791. Died 1863.

WILLIAM BENJAMIN. Member of the Legislative Assembly, Inspector-General of Upper Canada, and Commissioner of the Canada Company. Born 1797. Died 1873.

Married Eliza Ann Jarvis. Born 1801. Died 1865.

ESTHER. Died unmarried, 1811.

This Tablet is erected by the grandchildren of

CHRISTOPHER ROBINSON

and ESTHER SAYRE, his Wife.

APPENDIX C

THE UNITED EMPIRE LOYALISTS

It may be of use that, in this Life of a descendant of the United Empire Loyalists, I should refer here, more fully than I have done in Chapters I. and VII., to these Pioneers of Upper Canada.

One of the earliest mentions of them, and which accounts probably for the designation by which they are known, is contained in a Record which states that, at the suggestion of General Gage,¹ Governor and Commander-in-Chief in North America at the outbreak of the Revolutionary War, a number of Loyalists met together, October 28, 1775, at Boston, then in a British Colony (which was besieged in that year), and formed a Society called

“The Loyalist Associators desiring the Unity of the Empire.”

Afterwards, when, at the close of the contest, they came, as exiles, to Nova Scotia and also to Canada, where Lord Dorchester,² who had himself fought in the Revolutionary Contest, was Governor-General, they were spoken of as “The United Empire Loyalists.”

Imperial Unity, *i.e.* that the Empire should remain bound together, throughout its wide extent, in the closest union beneath the British flag, is now generally realised as of supreme importance to the well-being and greatness of the nation.

¹ General the Hon. Thomas Gage, a brother of Viscount Gage, and who died 1788.

² General Sir Guy Carleton, 1st Baron Dorchester, was Lieut.-Governor of Canada, 1766-70; Governor, 1775-78; Commander-in-Chief in America, 1781-83; Governor of Quebec, &c., 1786-96. For his services to Canada, especially in the American Revolutionary War, he was raised to the Peerage in 1786, the supporters to his coat of arms being two beavers—distinctive of Canada. He was one of the ablest and most distinguished of the governors of Canada.

The history therefore of "The United Empire Loyalists," who may be said to have been Imperial Pioneers fighting and suffering much for this Unity, has a very special interest.

A hundred and twenty years ago, *i.e.* in 1784, when, after the Revolutionary War in America, the Treaty of Separation had granted Independence to the old British Colonies now the United States, every one was well aware who were meant by the United Empire—or, as they have been sometimes termed, The American—Loyalists, for they were then emigrating by thousands, from what had been their homes, into neighbouring British possessions, where they could once more be under the old flag.

But since the outbreak of the Revolutionary War, when they may be said to have received their distinctive designation, much has occurred which has tended with some to obscure its origin and meaning; and this tendency has been increased by the different senses in which the word "America" is often used—sometimes to include the whole continent, with Canada, and more frequently to imply the United States alone.

For instance, during the Revolutionary War itself there were other Loyalists whose homes were not in those colonies which had rebelled, but who, as well as the United Empire Loyalists, had fought for the Crown; such as the loyal subjects, both French and English, who defended Canada, under Lord Dorchester, against the American Revolutionary Forces in 1775-76, at the siege of Quebec.

Again, in the war of 1812-15, other loyal subjects of the king fought side by side with the United Empire Loyalists and their descendants against "America," then The United States, chiefly in defence of Canada.

Also the United States have had their own struggle for Union during the Civil War between the North and South which terminated in 1865.

To Canadians, and those well versed in the history of the New World, all this creates no uncertainty as to who are meant by the American Loyalists or The United Empire Loyalists, but with some others it does: they are doubtful, and not without justification, what Americans are meant—*i.e.* whether British Americans, or citizens of the United States; what unity they fought for, and even to what cause they were loyal.

Moreover, as it is long since the immigration of these United Empire Loyalists into Canada took place, and as in Canadian history they have, although belonging to different political parties (see page 193), been, as a body, at periods of agitation, staunch to Government, an impression—certainly an erroneous one—seems to have grown up among some that they were more or less a British Government party or clique; and on that account were possibly unduly favoured and honoured.

It may therefore be of service to explain here exactly who they were, and record some matters of interest with respect to them.

The United Empire Loyalists are those who when the British Colonies in America, now incorporated in the United States, rose in rebellion in 1775, and civil war broke out in their midst, took the royal side, in order to keep those colonies under the Crown, and within the Empire.

They were, in short, Royalists, and by their opponents (no matter what their political views on other subjects than loyalty to the Crown might be) were termed "Tories."

The revolutionary contest which went on for eight years had all the bitterness of civil war: it divided families into two camps, father against son, and brother against brother; and, as in the end the royal was the losing side, it entailed persecution, confiscation of property, and banishment upon those who had supported that side.

Whether on the whole the result of the war was a misfortune to the world or even to Great Britain herself may be now a doubtful question (see pages 70-72), but it left the United Empire Loyalists in a cruel position.

It is the circumstances of their situation which distinguishes them from those other Loyalists who fought for the Crown in Canada in 1775-76 and in 1812-15. No rebellion and separation from the Crown had taken place in Canada, which remained firm in her loyalty; and so the subjects of the king there had not been called upon to endure, in addition to the hardships of war, all the persecution, suffering, pecuniary loss, and rupture of family ties, which had fallen upon the "United Empire Loyalists" who came as refugees to Canadian soil.

As far as loyalty is concerned, however, all the Loyalists had a common devotion to their sovereign; and it may be

added that although the United Empire Loyalists were, from the circumstances of the settlement of those colonies which had been their homes, largely British and Protestant, there were no more staunch loyalists in Canada, during the War of the Revolution, and in that of 1812-15, than the members of the higher French families, and members of the Roman Catholic Church. Of the Scotch Highland Loyalists many were Roman Catholics as well as Presbyterians.

What distinguishes the "United Empire Loyalists" from others is that they were very special sufferers from their fidelity to what became a lost cause, and to tenets which they valued above everything in life. Among them, as well as among their opponents, were many to whom staunch adherence to their convictions may be said to have been almost a religion, and to have come down in their blood.

Some, for instance the De Lanceys, were direct descendants of the Huguenots; and many were Jacobites—*émigrés* to the New World after the risings in Scotland in 1689, 1715, and 1745. Among the latter were Captain Allan M'Donald and his wife, the celebrated Flora M'Donald;¹ the Glengarry Highlanders, &c.

I need not dwell at length upon the unhappy situation of Loyalist families in New York, New Jersey, Connecticut, Virginia, North and South Carolina, Georgia, &c. All this is to be clearly gathered from what has been written by descendants of those opposed to their views, but who do not the less admire the constancy they displayed in adversity. Their story, though no really exhaustive history of them has yet appeared, is to be found in Lorenzo Sabine's "American Loyalists," 1842, and "Biographical Sketches of the Loyalists of the American Revolution," 1864; but the author says in his preface, explaining his difficulty in obtaining particulars:—

"Men who like the Loyalists separate themselves from their friends and kindred, who are driven from their homes, who surrender the hopes and expectations of life, and who become outlaws, wanderers, and exiles—such men leave few memorials behind them; their papers are scattered and lost, and their very names pass from human recollection. . . . Of

¹ Five of Flora M'Donald's sons fought in the Revolutionary War in various Loyalist corps. Her husband, Allan M'Donald of Kingsburgh, was in the "Royal Highland Emigrants," afterwards 84th Regiment. (Trans. U.E.L. Assoc., Ont., 1901-2.

several of the Loyalists who were high in office; of others who were men of talents and acquirements; and of still others who were of less consideration, I have been able, after long and extreme researches, to learn scarcely more than their names, or the single fact that for their political opinions they were proscribed and banished."

Mr. George Ellis, President of the Massachusetts Historical Society, writes: "The terms 'Tories,' 'Loyalists,' 'Refugees,' are burdened with the piteous record of wrong and suffering;" and Mr. Theodore Roosevelt, referring to the mob outrages in New York in 1775, writes: "It is impossible to paint in too dark colours the ferocity of the strife between Whigs and Tories. The mob broke into and plundered the houses of wealthy Loyalists, rode Tories on rails; or tarred, feathered, or otherwise brutally maltreated them, or utterly refused to others the liberty of speech they so vociferously demanded for themselves."

It is from no mere petty or unworthy feeling that, in Canada, and elsewhere, the descendants of these firm Loyalists are proud to have come down from them, for it would be a great reflection upon themselves were it not so. These men, says Professor Lecky, "were contending for an ideal which was at least as worthy as that for which Washington fought. The maintenance of one free, industrial, and pacific Empire, comprising the whole of the English race, may have been a dream, but it was at least a noble one."—"History of the Eighteenth Century.")

When, driven from their old homes, they sought new ones in 1784, a few went to England, but the large majority, left without resources, moved naturally to the British possessions on their own side of the Atlantic.

Some thousands came to Canada—which was then chiefly French in population (what is now the province of Quebec), having been a British colony for about twenty-five years, and here, as elsewhere in the British provinces, they were cordially welcomed.

As settlers they were of a character invaluable, especially for the upper portions of Canada, then almost unsettled, and to which the great majority, though not all of them, went.

Republican views had triumphed in the United States, and

were about to triumph in Old France, but they had not become dominant in Canada, although that country lay upon the American border, a fact which speaks much for the good understanding existing between Lord Dorchester, as well as other early Governors, and those they ruled, under the old British régime.

At that period British and French in Canada were (see page 254) not opposed to each other, as for a time they became more or less, during the agitations of later years, and then, as now, both were, in the mass, strongly monarchical in feeling.

It was here that the U.E. Loyalists received that distinction which has been termed their "Charter in Canada," so I must refer more particularly to it.

The official record states that on the 9th November 1789, in the Council Chamber at Quebec, the Governor, Lord Dorchester, "expressed his desire to put a mark of honour upon those families who had adhered to the unity of the Empire, and joined the Royal Standard in America¹ before the Treaty of Separation in the year 1783."

This desire the Council met in the way which it was then most to the interest of the province and most in their power to meet it, by directing that the sons and daughters of these Loyalists—both born and to be born—as well as the Loyalists themselves, should, under certain restrictions, receive grants of land from the Crown; but it was further ordered that "a register should be made of the names of all persons falling under the description aforementioned, to the end that their posterity may be discriminated from future settlers, in the parish registers, and rolls of the militia of their respective districts, and other public remembrancers of the province, as proper objects by their persevering in the fidelity and conduct so honourable to their ancestors, for distinguished benefits and privileges." This direction was carried out; and the register then made of their names, and now preserved in the Crown Lands Department, Toronto, is called The U.E. Loyalist Roll, or List.²

¹ Meaning in the Colonies which separated from the Crown, now the United States.

² Published in "The Centennial of the Settlement of Upper Canada, 1784-1884," by the Centennial Committee. Toronto, 1885.

The members of Council present when this Order, or Ordinance, was passed were:—

H.E. The Right Hon. Lord Dorchester (Governor-General)	
The Hon. William Smith (Chief-Justice)	
Hugh Finlay	George Powell
Thomas Dunn	Henry Caldwell
Edward Harrison	William Grant
John Collins	François Baby
Adam Mabane	Charles de Lanaudière
J. G. C. Delery	Le Comte Dupré

In connection with the above names it is to be noticed that they are representative of Canada generally, and of no mere party in it.

Lord Dorchester had commanded the British forces at the siege of Quebec in 1775-76, and no governor has ever been more respected by all classes, French and English, than he was. "From the first," writes Mr. MacMullen, "he had been a true friend to Canada; and its people had been largely indebted to his humanity, sound common sense, and love of constitutional liberty"¹ for the condition of the country at this period.

Colonel Le Comte Dupré, of an old French family, had commanded the Canadian Militia at the siege of Quebec. He is stated in history to have saved the garrison, by his alertness, from surprise on one occasion.

The names of Delery (or De Lery), Baby, and De Lanaudière are also French; and any one who will turn to Canadian biographies can see from them and from those of Chief-Justice William Smith, Thomas Dunn, and others, that this Council was composed of moderate men of no extreme political views, and of different religious persuasions.

They were certainly all Loyalist in feeling, but that they did not pass the Order in Council of the 9th November 1789 to do honour to their own immediate loyal followers or themselves is very clear, for no names except those of United Empire Loyalists, immigrants to Canada from the colonies which had rebelled, appear on the official lists (the United Empire Loyalist Roll) which they directed to be drawn up and registered.

The "Mark of Honour" to the United Empire Loyalists was in fact—and this adds greatly to its value—a Canadian

¹ "History of Canada," p. 222.

distinction conferred by the Government of Loyal Canada upon her new sons (with their posterity) who had in their old homes so unflinchingly upheld the principles which she herself held dear, and who had made the sacrifices they had for "One Empire under One Flag."

It was not conferred for any political or party service, was confined to no rank or class, and was honourable alike to those connected with its bestowal and those who received it.

If any of the United Empire Loyalists may have entertained too high ideas of their individual claims upon Government (see page 194)—and there can of course be no claim but fitness to public employment—it can at least be said on their behalf that it would be difficult to find in any part of the Empire hereditary honours or marks of distinction which have been awarded for services to the Crown more good and faithful than those of these men, or which date from an origin more honourable than that of the Order,¹ or Ordinance, passed in Canada by the representative of the King in Council on the 9th November 1789.

United Empire Loyalist Associations now exist in all parts of the Canadian Dominion, and United Empire Loyalists are declared² to be the families and posterity of those who "adhered to the unity of the Empire, and joined the Royal Standard in America before the Treaty of Separation in the year 1783;" or who "both at, and after, the Revolution were in consequence of their loyalty driven out of the revolted States, or found continued residence in those States to be intolerable by reason of the persecutions to which they were subjected, and voluntarily withdrew therefrom in order to reside under the flag to which they desired that they and their children should remain for ever loyal."

The United Empire Loyalists in Canada are the descendants there of those coming under the above description, and the aim of the United Empire Loyalist Associations is to perpetuate the unity of the Empire, to preserve the traditions of the Loyalists, and to unite together their descendants, irrespective of political party, nationality, creed, or social rank.

¹ Every Ordinance passed by the Council at this period had to be transmitted within six months for the approbation of the king.

² Constitution and By-laws of the United Empire Loyalists' Association of Ontario, 1898. Of this John Beverley Robinson, Lt.-Gov., Ontario, 1880-7, was President in 1893.

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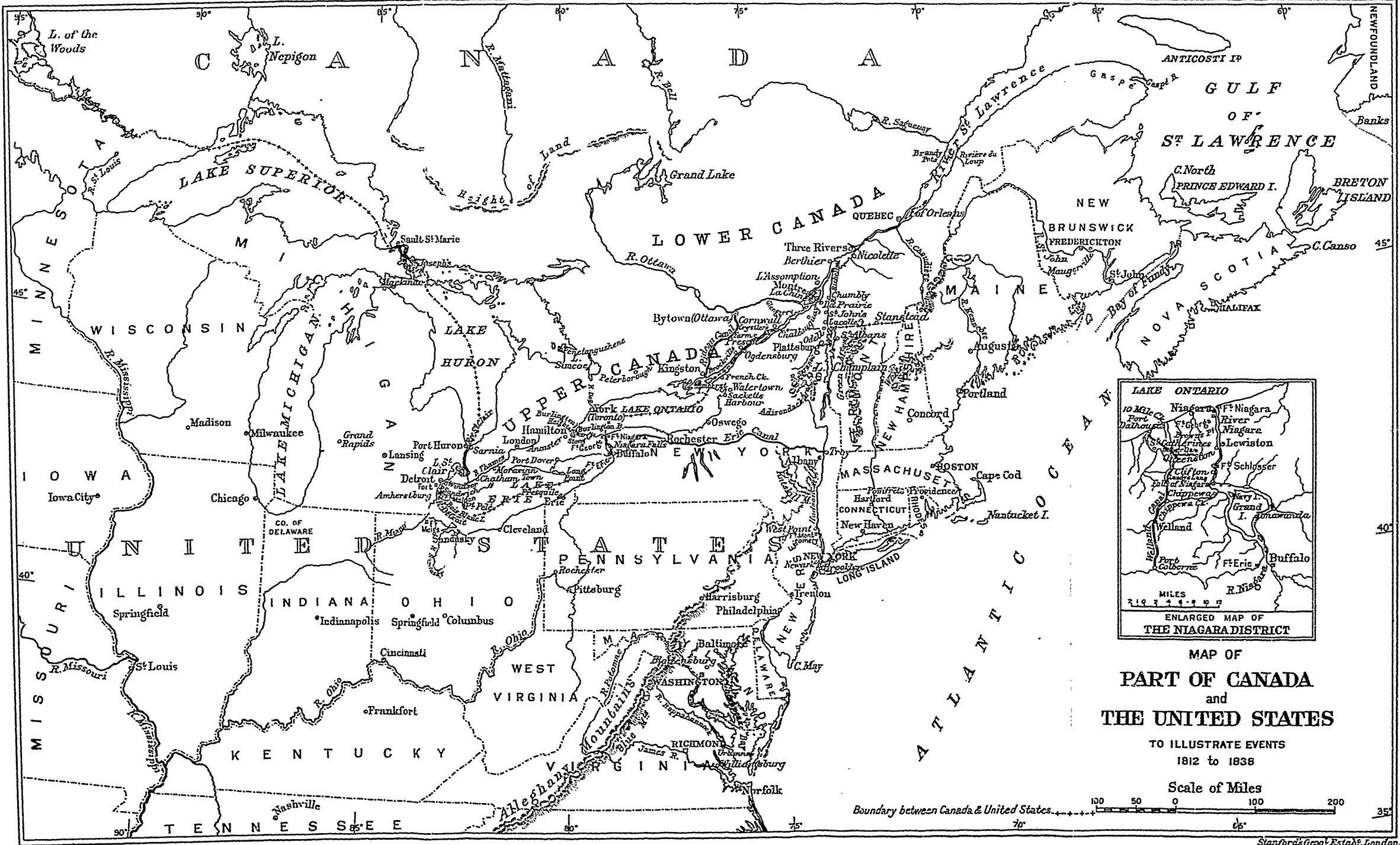
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**MAP OF
PART OF CANADA
and
THE UNITED STATES**
TO ILLUSTRATE EVENTS
1812 to 1838
Scale of Miles

