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Dolan, G. R.
The governorship of Sir Charles
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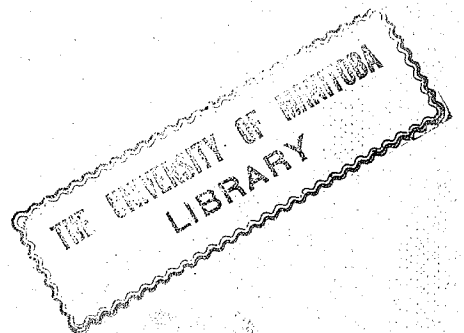
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P R E F A C E:

In the following treatise no attempt has been made to outline fully the life and character of Sir Chas. Bagot. The aim has been to show the purpose of his rule, and the changes which resulted politically, constitutionally and socially. His letters and despatches have been freely quoted, and in some cases the same arguments have been repeated, in an endeavour to show the motives and circumstances moulding his course. These letters have not been published before and some of them have been entirely overlooked by the writers of the makers of Canada series. In addition to his correspondence, the political pamphlets and the contemporary press editorials have been discussed. Selections have also been made from several authorities, but special attention has been paid to Shortt's Life of Sydenham, ^{URIN}Bonmot's, ^{IN}Huicks, Lafontaine, Baldwin; Grant and Egerton's History of Canada, Lord Durham's Report, Dent's History of Canada, Lines of Metcalfe and Lord Elgin in the ~~M~~akers of Canada, Life of Bagot in the National Biography series.

Calgary, February 12th, 1914.

G. R. Dolan



The Governorship of Sir Charles Bagot in Canada.

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The Governorship of Sir Charles Bagot in Canada.

Chapter I.

A Political Survey.

The period from 1846 to 1850 was one of the rapid transition in the government of Canada. An experiment, which was scarcely completed in the Motherland during the long stretch of one hundred and fifty years, was now being attempted, and brought to a successful issue within ten years. Never since the days of Rome had any country granted a colony or lesser ally self government, and the people of the Motherland were surprised and rather fearful that the leading Canadian politicians were about to put in practice, what had been granted in theory by the terms of the Union. The former idea of the autocratic rule of the governors was rapidly passing away among Canadians, but dying a very lingering death in England.

For forty years the colony had been governed by diplomats of the old school, many of them sincere in their desire to promote the best interests of the two Canadas, but professing responsibility only to the Colonial Office. The Rebellion of 1837 proved that this oligarchic as well as autocratic system of government had been a failure. Then the wise judgment of Lord Durham was sought, and his views were expressed in new and simple principles, which he advocated should be carried out, with due deference to racial jealousies and changing conditions. But he did not remain long enough to win the Canadians to his proposed reforms. It was the task of Lord Sydenham to convince the Canadians that Durham had conceived the needful remedial legislation for their political difficulties. But a rule of two years of even the most judicious governor could hardly accomplish this in fact. It remained for Sir Chas. Bagot to apply these principles in such an impartial way, that the prestige of the Imperial connection should not be

concealed.

lessened, and that the representations of the people should be conceded such powers as were best suited to their immediate needs. ✓

✓ The task of Lord Durham demanded great tact in handling the various factions (he) encountered. The evidence presented has to be sifted; the minds of the Loyalists were almost as much warped as the passionate feelings of the French who rankled under a sense of oppression and injustice. The French and English were not drawn together by a common hatred of the autocratic governors and the arbitrary ordinances issued from Downing Street. The English did not wish the more numerous French to have equal rights with themselves, and generally threw in their lot with the governors. They were strongly supported by public opinion in England, who ✓ never had outgrown the idea that the French were a conquered race, and their pretensions to share in the government must be firmly repressed. So that for many years the English minority in Quebec held a prominence in office, power, and wealth, far beyond the just claims of their members. Durham saw that this racial jealousy and mistrust must be gradually healed by the union of the two races on terms of equality, and by the fusion of the two races in legislation, education, business and social intercourse. Each succeeding governor was instructed to recognise no difference of race or religious creeds, to bring to their aid in their labors for the ✓ welfare of the provinces, all classes of the inhabitants.

In his Report, Durham pointed out that representative and irresponsible government could never be combined successfully, for the opinion and the spirit of the Anglo Saxon was not utterly changed by a few years stay in the colony. Even the French, who had never enjoyed any degree of liberty under the former regime, had acquired some of the aspiration of a free people under the mild rule of the British Government. It was absurd that the assemblies could make laws, and vote supplies, but not have the power to dismiss

the obnoxious officials of an alien race, who thwarted the aims of their legislation, of putting their own earnings into their own pockets. It was hardly reasonable to expect that the authorities across the ocean could decide the political difficulties, which baffled those who had grown up among the racial jealousies, and were very desirous of ending these incessant quarrels. He pointed out that the colonists had been trusted to elect an assembly, and no harmful results had followed. The friction, and later the Rebellion, had arisen, because the Assemblies could not trust the members of the Councils, whose interests were entirely at variance with their own. Just as greater confidence and responsibilities are placed upon a young man, as he draws away from his boyhood, so greater trust should be reposed on the Colonial Assemblies. The members of the Councils should be responsible to them, and the government should be carried on by the heads of departments according to usages of the British Constitution. The Governor should also follow their wishes and advice, except where these come in conflict with Imperial interests. The British Government showed its readiness to adopt the more important suggestions in the Report; it was published in May 1839; and in June 1840, the Act of Union embodying these provisions was passed by the Imperial Parliament.

Fortunately for Canada at this time the new Governor-General, Lord Sydenham, possessed much prudence as well as boldness, remarkable latent energy, and a charming personality. In November 1839, he succeeded in persuading the Special Council of the ~~Feasibility~~ possibility of adopting the proposals embodied in the Act; only three members out of fourteen opposed the resolutions, on the ground that the French Canadians would lose power in the united Assembly. But as we shall see, later the wishes of the great mass of the French people were roughly overruled, and they became bitterly opposed to a united parliament. This opposition was natural in Lower Canada,

but it would be probable that the British population in Upper Canada would welcome responsible institutions similar to those in England. Unfortunately the members of the Assembly were split into nearly a dozen factions: the Executive Council commanded no following, nor had the Governor any recognised party to carry out his wishes, no matter how popular they might be.

Moreover business was very stagnant and emigration to the more prosperous States was draining the country of its most energetic citizens. The country was on the verge of bankruptcy, as the annual revenue fell short of the current expenditure by \$75000 per annum. In some quarters annexation to the neighbouring Republic was openly advocated. The desperate condition of social and financial affairs no doubt assisted the proposals of Lord Sydenham, for the mass of the people welcomed any kind of change from the prevailing depressed state of affairs. Briefly the Governor proposed a union based upon equal representation from each Province; the guarantee of a sufficiently large civil list, and that the burden of debt of Upper Canada, incurred especially by public works should be shared by Lower Canada. Strenuous and ^{viz} ~~und~~ictive efforts were made to block these proposals by drastic amendments. The Compact party, the Radical wing, and even the Attorney - General Hagerman tried to block the progress of this measure. But the Governor used all his personal influence, and every prerogative attached to his position to push his cause. The Council passed the terms by a safe majority, and finally the Assembly of Upper Canada agreed with reluctance to the proposed changes. But many of the newspapers, which were the organs of the Family Compact, bitterly attacked the Governor, and through John Beverley Robinson, the chief justice of the Province, carried their protests to England, but the measure was passed by the Conservative administration of Sir Robert Peel.

It is interesting to note briefly the course of Lord Sydenham in his efforts to implant his ideas of responsible government among these warring and selfish factions. His strong personality and firm attitude in defence of these principles were soon to be sorely tried. Before the first union House had assembled: Mr. Baldwin for some unaccountable reason strove to wreck the Government by a union of the extreme Reformers of Upper Canada, and the French Canadians partly of the Lower Province. The bold demands of his ministers caused the Governor to ask for an immediate resignation, and the steadfast conduct of the Governor was supported by the great majority of the members of Upper Canada, and the unnatural union did not take place. Lord Sydenham soon showed his interpretation of the clauses in the Act of Union dealing with the responsibility of the governor to the Assembly. The governor was responsible to the Imperial Government alone, but on all local matters, the desires of the subordinate officials must be consulted, His advisers or the members of his administration must possess the confidence of the members of the Assembly. The Imperial authority shall be exercised in a manner consistent with the popular wishes as expressed by the House. The Governor's enemies declare that he did not voluntarily accept these principles, or always carry them out. But his letters and despatches show that his policy, and generally friendly treatment of parties and leaders was based upon this conception of responsible government. The optimistic tone of his private letters and the glowing tributes of such reformers, as Dr. Egerton Ryerson and Jos. Howe prove the great success of his ardent efforts. The very fact that a man of his energetic buoyant character resigned his noble work within two years, proves that he felt that many of the difficulties of Responsible Government had been surmounted. It was better for Canada that a successor with fresh zeal, and without local prejudices should foster the policy of conciliation, harmony and colonial liberty, so well planted by his bold unflinching industry.

His Character and Previous Public Career

Bagot was appointed governor general on October 7th. 1841, and arrived in Kingston on Monday, January 10th. 1842. He had been chosen by the Tory administration of Sir Robert Peel. He had been a member of parliament for many years, and had been honored by diplomatic missions at Paris, Washington, and St. Petersburg. He had proven his capacity as a tactful arbiter by his skilful handling of the bitter racial and religious factions of the Netherlands. Thus he had shown that he was capable of bringing to a successful issue problems and difficulties, which required the gentle but firm words, rather than the stinging blow. The fact that he had acted as the English representative at such important centres as the above three, proves that the Imperial Government placed much reliance upon his skill, tact and firmness. The condition of France from 1815 till 1854, and the feelings between England and the United States were bitter and vindictive as the result of the useless War of 1812. Then before the era of the cable and the telegraph, an answer to a dispatch from America would require at least two months, so that the residing consul at Washington, would have to make important decisions solely upon his own responsibility. Nor had he the press to guide him, as there were few dailies, and these did not have the circulation or influence, which they command to-day.

Much has been written against the character of Bagot. But in all the press articles and dispatches, which have been preserved, no mention has been made, or even any hint given of any previous faults or failures. So that the public official, against whom no previous charge had been brought, could hardly have failed so utterly within the space of fourteen months. But we must consider that party feeling was so keen, and racial prejudices so deeply

rooted, that the press and even leading politicians were carried away in their better feelings towards each other. Lord Sydenham was bitterly attacked by the French party. Metcalfe was even more bitterly attacked by the Reformers. Lord Durham and his distinguished son-in-law, Lord Elgin, who have been judged by all impartial critics since, as absolutely impartial, were bitterly upbraided by the French press.

But a careful reading of all the letters and dispatches of Bagot, with an eye to the perplexing conditions of the years 1841-43, convinces the open minded reader that the governor was honest in his actions, and sincere in all his motives. From the first he conceived a very liberal view of the meaning of responsible government, and endeavored to carry it out, as far ^{as} his responsibilities to the Imperial authorities would permit him. There was nothing personally to be gained by favoring the French population, but rather hostility from almost all the other parties, and cold censure from England. But he was endeavoring to carry out his primary instructions that he should draw all parties and classes together. Then he was charged with being a 'trimmer' and "time server". This charge is true if it conveys the idea that a conciliatory policy demands that both sides of every question, and the claims of every opponent should be considered. But if it implies that the governor dealt with each as it arose, without any ~~indulging~~ settled policy, then the imputation has no foundation in fact, for Bagot could easily have adopted a policy of drift with his Executive Council, a course which was urged upon him by Lord Stanley.

There is no doubt that Bagot was very affable and courteous to all his officials, and towards the leaders of all parties. Draper, the Attorney General who resigned rather than set at the same council board as Baldwin, still maintained his pleasant relations with the Government House. La fontaine, though disagreeing with the public policy of Bagot, in words of great sincerity expresses his admiration and friendship for the Governor. The members of his

Executive, such as Ogden and Davidson, who were forced to retire owing to the admission of the French Canadians, never openly expressed any rancour against the Government. Even before his admission of the French leaders of Lower Canada, he was very popular with the French, and his visits to Montreal and Quebec were greeted with signal enthusiasm. His earlier appointments, such as the promotion of Judge Vallières to the chief-justiceship of Montreal, and Dr. Meilleur to be superintendent of public instruction, convinced the French that the new Governor wished to give them a fair share of the public offices.

Nor did he display any of the traits of an arrogant autocrat. It was a novelty to the people not to have an autocratic ruler. Under the Constitutional Act, they never had any other kind, because the constitution placed the balance of power in the governor's hands. Even Sydenham had exercised his prerogatives in a rather arbitrary manner, so that Bagot might easily have considered himself above his advisers and forced his wishes and policies upon them. But he always consulted the members of his Council individually, before he made any new policy. Draper was consulted before the admission of Sir Francis Hicks, and the admission to the French was fully discussed in private before negotiations with Lafontaine were opened. So that very friendly relationships prevailed between the Governor and his Councils.

Every letter and action of the Governor proves that he was sincere and conscientious. He endeavored to carry out the Imperial instructions that no party or race should be favored, all races and creeds should be equally favored. He resolutely set himself against any favoritism to the Anglican Church, and to clear himself of any bias, probably favored the members of the Roman Catholic Church more than he otherwise would have done. It was probably his fine sense of honor and justice, as much as the coming difficulties of his Executive, which urged him to admit the French Canadians to a fair representation

in his Government, before instructions could reach him from the Colonial office. Lord Stanley and Sir Robert Peel admitted that this step was fair and right, but rather premature. In his dying hours he was comforted by the knowledge that he had acted justly and conscientiously, and history has supported his deeds, rather than the charges of his critics.

Chapter III.

The Civil List Dispute.

The commission under which Bagot held office was of a two-fold character. He was to be Captain-General and Governor-in-chief of all the provinces in Canada. Stanley in his first despatch enlarges upon the nature of the powers of the Governor-General under the new constitution. He was to know no distinction of national origin or religious creeds: to consult within certain bounds the wishes of the mass of the Community. Probably Stanley was endeavoring to buoy up the hopes of the new Governor by a rosy view of the racial and religious conditions, for his previous despatches show that the union of the two races after almost fifty years separation, would be a continuous source of rivalries and jealousies. The late rebellion had aggravated these animosities, so that almost every act of the Governor, no matter how fair it might be, was sure to be misinterpreted. Stanley adds further that the Act of Union had removed certain sources of embarrassment and misunderstanding, especially the settlement of the Civil List: the surrender of the crown revenues, and the important provision which prohibited the House of Assembly from entertaining any money vote except upon the recommendation of the Crown. Succeeding events will show that these difficulties were far from being satisfactorily settled. Bagot was further enjoined to give every encouragement to religious education and secular instruction, but to be averse from the predominance of any single church. Evidently the authorities felt

that the colonial officials were too much swayed by the higher clergy of the Anglican Church. Stanley continues with some practical advice.. "It must be your policy to seek to withdraw the Legislature and the ~~peo~~ population generally from the discussion of abstract questions, by which the government in Canada in former times has been too often and too seriously embarrassed, to the calm and dispassionate consideration of practical measures, for the improvement and advancement of the internal prosperity of the Province," This had been one of the real causes for the success of Sydenham, for in the busy session of 1841, many useful measures were passed, which not only claimed the direct attention of the legislators, but whose aim was to provide work for the penniless immigrant, and lessen the prevailing commercial depression.

The despatch continues that the ablest men were to be consulted without reference to distinction of local party: also he was to do his utmost to promote and retain harmonious action between the branches of the Legislature: it would be a great mistake if measures were to be deliberately affirmed by majorities of the Assembly, and subsequently rejected by the Legislative Council. This shows that the kernel of responsible government: that the Executive Council should possess the confidence of the majority of the Assembly along party laws, was as yet not aimed at by the authorities of Downing Street. For the course of Sydenham had met with the approval of Lord Stanley. For in most cases Sydenham acted as his own minister, especially as an initiative and motive force in his administration. His strong personality controlled the Executive Council and his influence was strongly felt in the Assembly; Bagot was also enjoined to follow the course of his predecessor in regard to the settlement of waste lands by British immigrants: to complete the public works, such as canals and public buildings which had been begun, and to preserve friendly relationships with the people of United States. This last clause was added in view of the dispute arising about the location of the boundary line of Maine and New Brunswick.

The first matter to engage the new Governor's attention was the

promised loan by the Imperial Government of £1500,000. The debt of the united provinces amounted to £1,226,000. contracted chiefly by Upper Canada in the building of the canal system of the St. Lawrence. The balance was needed to complete and also to meet the accrued interest. Lord John Russel had promised Sydenham that the Home Government would furnish such a loan, but evidently it had been delayed for several months, and the enemies of the Home Government were spreading rumors that this promise would not be carried out. So Bagot wrote from Kingston in January 1842; urging the redemption of their promise;

"As even the suspicion of a contrary determination in Canada would prove fatal to all hopes of governing the Province."

He even suggests that the greatest confidence would be inspired by Her Majesty's Government, and would prove a pledge of good faith and protection to Her loyal subjects. Lord Stanley did not hasten to assist the Governor by attending immediately to this matter, but after considerable negotiations the loan was granted and the public works completed.

This difficulty had not been settled before another financial matter of a more vexatious character claimed the attention of the governor and councils. In his first despatch Stanley states that the terms of the Union provided for a permanent Civil List. This meant that a certain sum of money was placed in the hands of the central government to pay the salaries of judges and other public officials. For if this specified amount did not form the first mortgage upon the annual revenues, the Assembly could withhold the grant, and greatly embarrass the administration of the government. The details of the Civil List had been settled in England, and apparently was at first satisfactory to the Canadian people, as Sydenham states that he does not anticipate any serious difficulty as to its details. But Stanley has heard something of the popular discontent concerning the settlement of this matter, for his instructions of January 1842 are very definite.

"I have further to desire that you will abstain from appropriating any savings, which may be effected in the Civil List Fund, or from issuing any of the pensions provided for by the Canada Union Act to parties, who may be in receipt of other enrolments from the public treasury until you shall have received specific authority from Her Majesty's Government."

In reply to this definite order Bagot thought it best to lay the whole matter before the Home Government. He appears to have thought that Lord Sydenham had concealed the popular discontent against the settlement of the Civil List. So in a despatch from Kingston on March 16th. 1842 he reviews all the proceedings of the last session of the Legislature of Upper Canada.

"Your Lordship is aware that certain resolutions were introduced and adopted. The third of these which was carried by a vote of 43 to 8 in the House of Assembly was in the following terms. Resolved that this House concur in the proposition that a sufficient Civil List be granted to Her Majesty, for securing the independence of the judges and to the Executive Government that freedom of action, which is necessary for the public good. The grant for the prisons administering the government and for the judges of the several superior courts to be ^{per}manent, and for the officers conducting the other departments of the public service to be for the life of the Sovereign, and for a period of not less than ten years. But instead of these clauses being forwarded to England, there was included in the draft of the Bill, a memorandum of the services for which provision ought to be made, and of their amount during the year 1838, and the amount of the revenue at the same time at the disposal of the Crown. They provide that the sum of \$45,000 should be granted ^{per}manently for the purpose specified in schedule A. i.e. for the salaries of the governor, lieut-governors and judges, and for pensions

to the judges, salaries of the attorneys and solicitors-general, and contingent and miscellaneous expenses of the administration of justice, throughout the provinces of Canada; that during the life of Her Majesty and for five years afterwards the sum of \$30,000 should be granted for the purposes specified in schedule B. i.e. for salaries and contingent expenses of the civil departments of the government: that the salaries set down in schedule A. should be unaltered, except by legislature enactment, but those in schedule B. remain at the discretion of the Governor, and that detailed accounts of the expenditure of these several sums should be laid before the Legislature within thirty days after the opening of each session. In consideration of the grant of this civil list, the whole of the ~~the~~ Crown Reserves are to be paid to the Consolidated Fund, during the life of the Queen, and for five years after which time, three fifths of those revenues are to be paid over."

Thus the clauses of the memorandum defined the amounts, and their apportionments, while the resolutions of the Legislature were drawn up in very vague terms, merely affirming a general principle, but specifying neither the amount to be granted, the civil officers to be included, nor the authority from whom the grant should come. But as the provisions of the Union were based upon the definite clauses of the memorandum, which permitted the Imperial Government to define the services, for which provision was to be made, so there was much discontent when the terms of the Act were proclaimed in Canada. The enemies of the Mother Country saw that these clauses afforded plausible grounds for attack, and were more open to misrepresentation than any other portion of it.

The members of the Assembly felt that they were now altogether impotent to control the governor and his advisers, as they had lost control of their power of voting supplies. Before this they could hold the club over the administration, by the threat of withholding supplies. Thus a jealousy had arisen among the people

of any arrangement by which the government should be rendered pecuniarily independent. This feeling was skilfully taken hold of by the parties to whom I have alluded, and the people were induced to believe that the sole object of the Civil List was to secure the government against popular influence. Appeals were at the same time made to their passions their prejudices and their interests. It was represented that by assuming to appropriate a portion of the local revenues, the Imperial Legislature had infringed on their constitutional rights as recognised by the Act of 1778; that the measure was an evidence of the contemptuous indifference of the British Government towards a colony not sufficiently powerful to resist, and that the amount of the Civil List was extravagant, and calculated to maintain valuable patronage for the disposal of the Crown. Even the French Canadians were influenced by a specious argument: that the clauses representing the unfair representation and the disuse of their language would be hopeless so long as the government was protected by the Civil List from the popular pressure, and that it was therefore their policy to attack those clauses, in which they would be sure of the cooperation of the English in Upper Canada, as a means towards eventually obtaining their own immediate and important objects.

These arguments against the settlement of the Civil List had been advanced during the last session by not so much the "Liberal party" as by those who were opponents of the Union and Lord Bydenham, and few other candidates were prepared to pledge themselves against the popular feeling. Bagot even asserts that nearly all the members conceded that the Civil List was indefensible, and it was evident that had an address from the Crown for the repeal been pressed to a decision, not ten members exclusive of those holding office, would have ventured to vote against it. In the same

despatch the resolutions of Mr ^{El}Nielson are included, so that the Home Government may see that the question during the session under Lord Sydenham had only been postponed, not negatived. For at that time there was a great anxiety to avoid any collision with the Executive and more especially with the Home Government, by which the promised guarantee of a provincial loan, might have been imperilled, that the House willingly caught at an escape.

The first course Bagot condemned, as the result would be to place the Executive Council, and the representative branch of the Legislature in the attitude of hostility to each other. In a review of the proceedings in Lower Canada from 1820 to the year of the Rebellion 1837, he states that disagreement respecting the supplies had been acute, while the Assembly by a dogged perseverance, and by making every concession on the part of a Crown a step for further demands, had granted almost every point for which they had contended. Yet a bitter political ferment retarded the development of the province, engendered bitter party animosities, and disseminated through practically all ranks a hatred of the Government and the Mother Country. For four successive years supplies were stopped, and even the most indispensable public services were unprovided for. All inconveniences caused by the suspension of the public expenditures were charged rather on the tyrannical resistance of the Government, abetted by the Mother Country, than on the violence of the Assembly. With this example of such recent date the reintroduction of a similar discussion in the United Province must be regarded with anxiety. Furthermore Bagot believed that concession on the part of the Crown, would eventually become inevitable.

Referring to the second method the inadequacy of the revenues taken back by the Crown, is at once manifest to the Governor.

"This mode of dealing with the matter may be disposed of in a very few words. The whole Crown Reserves for the year ending the 30th of Sept. 1841, amounted to £68,772 7s. 11d. including the duties under the act 14 Geo. III., and the payment of the Canada Company. But the above duties had been given up by the Imperial Parliament in 1831, and the payments of the Canada Company cease this year. Deducting these two items the whole Crown Reserves during the year 1841, would not nearly meet the expenses of the government."

Bagot favored the third method in case retrenchment was made on the part of the Imperial Parliament. He points out to Stanley that the principle of a Civil List had never been denied by the Provincial Legislature, and if left to themselves they would be prepared to grant it. It was affirmed by the Legislature of upper Canada, in the resolution quoted previously, and the only condition attached to the grant of the Civil List was the correction of their alleged grievances. Hence the amount of the appropriations was the point of uncertainty, and in this connection only the sums allotted to the civil officers and to the contingent expenses of the administration of justice would possibly be disputed items. So far as the salaries of the judges, and the governor were concerned, no apprehension need be entertained. In regard to the other expenses, the assembly suspected misappropriation and waste, since large sums were put down "en bloc".

"The conclusion then to which I come is that the Civil List clauses will be attacked in the Assembly; that it will be impossible long to retain them, except at a sacrifice of all that makes Canada valuable. The effect of the concession would be the possible reduction of some unessential items, with confirmed security for the rest, while the effect of the resistance would be the retention of the whole for a few years, with the certainty of its entire loss at no distant period." At the conclusion of his letter, Bagot asks to be fully informed of the Imperial attitude, and to receive full instructions before the legislature should meet.

As two weeks had elapsed and no reply had reached him, though definite instructions had been forwarded on the on the third of March, Bagot again wrote the Colonial office on March 26th, urging the Imperial Government to make some concessions. For only in that way would the government receive a sufficient vote of supply. In reply to the Governor's request of March the third, Stanley replied in rather blunt terms, the instructions of the Home Government.

"I cannot tell you how fatal I consider any going back upon the provisions of the Union Act, which might be taken as a 'fait accompli' and I think you cannot give it to be too distinctly understood that you come out to Administer the affairs of a United Province under an Act of the Imperial Parliament, Further you have no authority to assent to measures seeking to question or modify that Act".

But even Stanley felt that it was rather cowardly to use this Imperial measure as a means towards frustrating the wishes of the Assembly. He also felt that for the Governor to use such an autocratic argument, would only increase the discontent. However, the Home Authorities were firm in their decision that for the present this former source of trouble must not be reopened. But in a dispatch of the 27th of May, the Governor is advised to tactfully lay the situation before the members individually. He should impress upon them that the British Government, after much deliberation had trimmed the estimates of the expenses of justice and government, as far as the dignity of the service would allow. The monarchical character of the institutions must be maintained, and this could only be accomplished by the permanence and stability, which a fixed appropriation would produce. Thus an appeal was made to their loyalty, rather than a discussion of the merits of the constitution. The matter did not come up for open discussion in the Assembly, but the feeling still remained with the members and the people generally, that the Governor and the Home Government had exercised an autocratic and unwarranted authority in the settlement of this financial difficulty. The matter was reopened during the term of Lord Metcalfe, and was only finally and satisfactorily settled in 1852, during the administration of Lord Elgin.

CHAPTER IV.

THE ADMISSION OF THE FRENCH CANADIANS:

The Imperial Government had shelved the Civil List dispute, but early in the summer of 1842, a more difficult problem awaited solution. The Draper Ministry, which had been bequeathed by Lord Sydenham to his successor, was very weak, did not represent the majority of the members in the Assembly, and especially in Lower Canada, it was utterly repugnant to the mass of the people. Bagot saw that his advisory board must be strengthened before the next session of the House, which would likely occur during September. His course would have been an easy one if there were but two parties as in England, and also, if the Imperial authorities were willing to concede that the Executive Council should be responsible to the majority in the Assembly.

But the members of the House of the United Province were divided into several factions, the strongest of which was the French section. Sydenham had chosen his ministers to a certain extent from a coalition of the lesser factions with the Conservative Party. His exclusion of the French party had naturally united all the elements of that race, and soon there was developed a coherence and unanimity among them, which was almost entirely among the others. The British Party in the Eastern and the Conservatives and the Reformers of Western Canada, who as a general rule supported the Executive Council, divided on a great variety of questions. But the French party acted as a body on almost every occasion, and possessed more actual power than their numbers in the House would actually give them. Thus, if the Governor wished to carry out, even in a limited form the idea of the responsibility of his administration, some members of the most powerful party must be admitted.

Early in March, Bagot informed the Colonial Office that he was considering the admission of Viger¹ and Baldwin to his Cabinet. The former

Viger - M.P. for Richelieu, and afterwards one of the most representative leaders of the French.

was not the most prominent French leader, and Baldwin was only a friend of the French party, so their admission did not recognise the full claims of the whole party, but it was the first recognition of the fact that every party should have a share in the government, however distasteful the party might be to the Imperial authorities. Stanley hastened to prevent such a step, for in a despatch of the First, he does not conceal his opinion of either Viger or Baldwin. The former had not only encouraged the waverers in the rebellion, but he was utterly unfitted for the position. He could not truthfully state that Robert Baldwin was incapable, but he thought his views were too radical, and he was too violent a partizan to sit with a dyed-in-the-wool Conservative as Draper.

However, the action of Draper soon nullified this last excuse. The Attorney-General for the West knew that the power of his cabinet was very frail, and wrote to Bagot that it would be necessary to reconstruct the ministry at the beginning of the next session, if they hoped to accomplish any progressive legislation. The French members in the Legislature may paralyze any proposed measure. They commanded an organized following of twenty-two members, and naturally should have a strong representation, not only in the Executive Council, but also in the Legislative Council. They will also demand a place for Baldwin, and Draper declares his own resignation will clear the way for this step. Thus he was willing to sacrifice his own interests for the welfare of the ministry and to smoothen the political path of his friend, Bagot.

But the Governor did not wish to lose so steadfast a friend, and so in a despatch to the Home Government, he weighs the chances of his government in the coming session of the House, which was to meet on the 8th of September. His advisors represented the moderate Conservatives and Liberals, but they did not act in harmony on every question. So it was felt that the support of at least one of the parties was necessary, or defeat might be sustained on the debate on the opening address, by a possible majority of from five to ten.

The perplexing question was with which section should the government ally itself. The parties dividing the country were the friends and supporters of the government; the extreme Radicals and Reformers, who were in heart Republicans, and probably separationists; the Compact party with a following of seven, who for party purposes, were not unfriendly to the admission of the French Canadians, and the British Party of Montreal, who while supporting the Governor, stood out for the total exclusion of the Lower Canadians, whose solid front of over twenty members, held an overwhelming balance of power. They were openly opposed to the Union with its special ordinances and system of representation.

But Bagot was at heart in sympathy with their grievances, and believed that these objections could be adjusted. Their admission could only be purchased by the gift of an office to Baldwin, which would disrupt his ministry by the resignation of its leading member, Draper. He also realized that their admission would take place in the face of a universal feeling of opposition in England, against the determined policy of Stanley, and the avowed practice of his able predecessors Sydenham and Durham. But he felt that their admission only could save his ministry from defeat at a very critical time. At present the principles of the Union and the fairly prosperous commercial conditions could only be promoted by a period of political tranquility. Then the French Canadians must be admitted in the near future, and the difficulty should be settled at once, when their support would be of real advantage to his advisers. So he finally concludes with the determination to lay these conditions before Stanley, and ask his direct sanction to his startling proposal. A few days later he wrote another letter to the Colonial office, in which he pointed out the injustice of the French having no representation in the Council. But, he adds, that it would be dangerous to hold a conference to ascertain their wishes, for they would likely demand the repeal of the Union, or a proposal of such a character, which would at once put an end to all further discussion.

Thus their present peaceable status would be disturbed, and no step would be gained in promoting the peace and harmony of the Colony. These negotiations would also antagonize the British party in Lower Canada, who viewed the Governor's just leanings towards the French with much disfavour. He throws out a last straw in the suggestion that he should let the present ministry stand, for some years, till English immigration would put the French in the minority.

"But in the meantime, I may lose my majority in the Legislature, and we may then have to begin all over again. In short it is perplexing; it is infinitely perplexing".

Stanley is not perplexed as to the course he shall adopt. He is utterly against the admission of the French as a body, and considers that the Governor should hold out against the majority in the Assembly. But he feels that this important question required the authoritative advice of the Premier, Sir Robert Peel, the head of the Conservative party.

So in the latter's reply to the Colonial Secretary, he takes a rather theoretical view of certain conditions which he presupposes exists. He frankly confesses that he is unacquainted with the political leaders in the Colony. He speaks of general principles, on which a governor should act, when so circumstanced.

"I would advise Sir Chas. Bagot not to be disheartened by the prospect of difficulties in which no doubt he will be placed by being in a minority in the Chamber. I think he should fight the battle as long as he possibly can, in the hope that by great prudence and moderation and strict adherence to the constitutional forms, even where the extreme exercise of his power is necessary, he may call to his aid, whatever there may be of sound public opinion outside the Chamber, or may betray his opponents into some false step, which will give him an advantage. It appears to me that anything will be better than the adoption of a course which would be derogatory to the character of the government; and impair its moral influence and authority. I would not allow the French party to dictate, men taunted by charges or vehement

suspicion of sedition or disaffection to British authority to be ministers, still less would I allow them to dictate the dismissal of servants of the Crown, if those servants have acted faithfully, and hold office not liable to change. If after fighting a hopeless battle against the majority, there is no alternative but the selection of a ministry from them, the Governor should first select his own servants or attempt to select them; then he should make a distinct proposal in writing to the least exceptional members of the majority and require a written answer. If the French Canadians insist on the dictation to him of individuals, and if these selections are notoriously unfit, let him refuse to take them, and try and appeal to the good sense, the sense of justice of the Province". He concludes by advising the Governor to follow his present course of selecting his advisers, not at the dictation of the party, but on the score of civil desert and personal qualifications for official trust.

The advice given by Peel is in accordance with his just and high minded character. He praises the administration of Bagot, and commends to him the continued pursuit of his ideals of justice and harmony. But the only solution he offers to the political difficulties is, as a last resort, to admit the French, on the invitation of the Governor, and upon his terms. Thus Peel represents the traditional British policy in its treatment of Canadian affairs. The Governor is still the strongest factor in the Government, and is to exercise the extremity of his prerogative rather than give in to the will of the majority, especially when the strongest party is not a supporter of the Imperial Policy. His admission that at last the governor must give way, and meet the wishes of the majority proves that the rule of the autocratic governor must go, in the face of united opposition from the masses of the people. But this does not prove that responsibility of advisers was granted by the terms of the Union, but rather that the people were forcing the government and the British Authorities to accept such an interpretation.

Lord Stanley and Sir Robert Peel were willing to wait until responsible government should be forced upon them by political deadlock; while Bagot felt that the voluntary granting of it, would avoid all violent paralysis in the administration of the government.

The first six months of 1842 had passed by and no word had been received from Lord Stanley. But there was no doubt in the Governor's mind that the answer would be unfavorable to his scheme. As late as August he thought he might face parliament with his present administration, which commanded a majority of six or seven. His address to the members was to be as optimistic and as friendly as possible, so as to render void certain hostile motions which he had reason to believe were hatching. He had received from England a copy of the Act guaranteeing the loan of one and one half million pounds, and he intended to make this a most important ingredient in his speech.

But the meeting of his Council of Sept. 8th, changed his plans. Upon the advice of some of his ministers and in accordance with his own views, on Sept. 13th, he wrote to Lafontaine, offering him the position of Attorney-General for Lower Canada. So fully was his mind made up that he offered a similar office in Upper Canada to Robert Baldwin, as Mr. Draper had already resigned this position. To pave the way for their admission he wrote a week later to C.R. Ogden expressing his regret that it was necessary for him to retire from his Council owing to the changes, following the admission of the French members. A retiring allowance had been guaranteed to Ogden, but the French members would not approve of this proposal. The matter was referred to the Assembly for their decision.

During the early part of September, the Governor gave much serious consideration to his future plans. He held many conferences with his advisers. On Sept. 26th he dispatched two letters to Stanley, and followed this up by a confidential dispatch of considerable length. In the open dispatches he boldly summarizes his reasons for the admission of the French, and declares he will stand or fall by this resolution.

"I have satisfied myself that this, or some other measure substantially the same in its effects, could no longer be delayed.

Secondly, if it had been forced upon me by a vote of the Assembly,

it would have given, although not a majority, a sudden and therefore, a dangerous ascendancy, in the government for the future to the French Canadians, or have led to a violent disruption of the Union, with all its consequences. Thirdly, if it was to be done at all it was to be done confidently, and largely by the instrumentality of those, who could carry with them the general sentiment of their race. Accident forced upon me the necessity of immediate decision, and upon my own responsibility I have decided. There is now no other course, by which, if the step I have taken is erroneous, it can be retraced. A new Governor-General might do, what I cannot, dissolve the Assembly, and appeal to the country as Head did. I do not attempt to disguise that even that course would be full of hazard to the eventual preservation of the Colony. But it seemed to me to be the only one. If your Lordship approves of this course, I ask for your support and concurrence, I can say no more: I must and I am prepared to stand or fall by the statement of all that has occurred, as it is made in my two dispatches. If to fall, I shall face, without remonstrance or complaint, and with an unfeigned deference, the opinions of those who in such matters, must have more knowledge and experience, than I can be supposed to have".

Thus as the session of parliament drew nearer, his resolve became more fixed. So without waiting for an answer from the Colonial Office, he opened negotiations with the leaders of the French party. He admits that political expediency has forced him to take such a step at that time. At the same time he claims that justice demanded that the majority in the Assembly should be represented; and it was only a matter of a few years till the responsibility of the Executive Council would have to be conceded by the British Government. He can only be blamed for taking such a step on his initiative, rather than waiting to have it forced upon

him, with at least the arousing of better feelings. So if the Imperial Government consider that he has acted too prematurely, his resignation will be placed in their hands.

But Bagot felt that a comprehensive statement of political conditions was due to the Home Authorities, so he issued a public statement,^{1.} in which he vehemently attacked the conduct of Lord Sydenham. He begins by showing that the admission of the French was proposed and endorsed by the majority of his advisers. He had come to the conclusion that the conciliation of the interests of the two provinces, and of the sentiments of the two races occupying them, could be brought about only by such a measure. Hence he accepted this course, although loath to change the policy adopted by Sydenham. He openly declares that his predecessor had forced through the Union in the Special Council, then ruling in Quebec. To this measure the French Canadians were bitterly opposed, and they still declare and evince their uncompromising hostility. Thus a strong personal animosity to Lord Sydenham had grown up.

The dominant party in the Government of Lower Canada was very small, yet for years held exclusive sway in the Executive Council. This party, as well as the French were opposed to the Union, because its principle broke up its exclusive character. To overcome their opposition Sydenham had gained the support of that portion of the population composed of both the moderate, and more Radical Reformers. By their aid he succeeded in carrying through the house resolutions approving and adopting the Union. After the Union a new government had to be formed by him in accordance with the provisions of the Act. The French, of course, and the ultra-Canadians were excluded. The Council, however, had great difficulty in retaining the confidence of the Assembly. So Sydenham invited a few of the French to act as his advisers, but on seeking re-election they were invariably rejected. In a number of important ministerial measures, there was only a bare majority, and in only one or two cases the casting vote of the Speaker saved the Government; so

1. This document was not found till after the publication of Prof. Shortt's Life of Sydenham.

that if Sydenham had lived, he would have been compelled to admit the French on their own terms.

So that from the first day of his tenure of office, Bagot had foreseen the advisability of admitting the French element and had endeavoured to conciliate them in every way. In Lower Canada a French Canadian² had been called to the office of Chief Justice, and another³ one to the Solicitor Generalship. As the session drew near, he had been urged by several of his advisers that it would be expedient to admit some of the French Canadians. There was no valid reason against it, while the distrust and ill-will caused by their exclusion, might possibly be removed by such a conciliatory act on the part of the Governor. In this manner also the Union would be really consolidated, and before long would restore content in Lower Canada, without disturbing the tranquility of Upper Canada. His object then was to take into his Government only French Canadians, strong and respectable enough to bring with them to the assistance of the Governor, the support and goodwill of the French as a race, as well as their own talents and some votes in the Legislature.

Communication was begun with Mr. Lafontaine, the most talented and influential representative of the French Conservatives. The Executive Council had sent him a vote of recommendation, in writing, advising Lafontaine's admission and also intimating their intention to resign unless Lafontaine and also R. Baldwin were called in. The tenor of the vote was to offer the party four out of eleven seats in the Council, admitting Mr. Baldwin as a necessary condition of their continuance in office.

On the assembling of the members, Bagot learned that his first appointments had not effected the desired end. Friends of these parties were estranged by their departure, or they themselves had failed to inspire confidence among the French. The High Ultra Conservative party were also making overtures to write with the French Conservatives, and

2. Judge Vallieres.

3. Dr. Meilleur.

the extreme opponents of the Government to defeat the Executive Council, a combination which would have been fatal to his ministry.

Hence he acted on his Executive's recommendation and offered the appointment to Lafontaine. It was at first refused on the objection being raised to the principle of granting pensions to the retiring officers. Meanwhile he had learned that the terms of his offer had not been made known to all the French Canadian members, and he authorized one of his Council to read it publicly in the Assembly. The Governor's course was then entirely approved, and peace and concord prevailed in every branch of the Legislature. The result has been, he continues, an earnest desire to recover the good opinion of the Mother Country, and to be restored to its confidence, in a manner consistent with their honour, and the pride which their separate origin naturally inspires. The Union did not offer that occasion, as it was imposed upon them without their being consulted, and without regard to their remonstrances.

"The present crisis, however, has offered the occasion; I have seized it, and I cannot use terms too strong in expressing to your Lordship, my conviction that the result will, without the least sacrifice of British interests, or the least danger to British institutions in the Province tend to establish and confirm the principle and main intentions of the Union, and thus conduce to make United Canada one of the most happy, loyal, and prosperous portions of Her Majesty's Dominions". These last words of Bagot's seem to our generation, rather commonplace, as so much is said today about Imperialistic ties. But Bagot was far ahead of his time as no one in England believed that self government could be granted to colonists, who had so recently revolted, and especially to people of an alien race, after the lapse of only a few years, without endangering their status within the Empire. History has often proven that Bagot read the character of the French Canadians people much more justly and truly, than any preceding governor or than some who followed him. As he was convinced that his attitude was the correct one, but that it would be solely misrepresented in England, he appealed

to Stanley for the support, if not the endorsement of the Imperial Government.

In the confidential despatch of Sept. 26th, which formed a supplement to his public despatches, he states that the negotiations with Lafontaine have turned out very successful, and his power is very much stronger than before.¹ He then lets the light in upon many of the acts of Lord Sydenham, and endeavors to prove that the present discontent and mistrust of the French towards the government and the British Authorities is due to the misconduct of his predecessor. His arraignment places Sydenham on a much lower level than the lofty position and character assigned to him by most authorities. It is significant also that Lord Elgin, who might be termed the next constitutional governor after Bagot, also blamed Sydenham for much of the strife and hatred, which he, himself, was trying to pacify. Bagot says: "Were I further to lift the thin veil of success which covers it, much of deforming would be found underneath. Towards the French Canadians his conduct was very unwise. He made enemies of them unnecessarily at a time when he should have propitiated them and diminished their objections to the Union. He treated those who approached him with slight and rudeness, and thus converted a proud and courteous people, into personal and irreconcilable enemies.

There was the less reason for fearing their power, when held in proper check, and for endeavouring further to weaken it, by measures which will not withstand the test of justice. Such, for instance, was the cutting off the suburbs from the electoral districts of Montreal and Quebec. His alleged reason was to give commercial representation to those two towns; his real reason, well known to his Council, was to secure the exclusion of the French from representation and the acquisition of four supporters to his government. The first point he gained, but not the latter, as out of four members three opposed him." Bagot further accused him of exercising his prerogatives unduly at the elections in Lower Canada, and not only of misusing his influence with the House, but of

1. The New or first Baldwin-Lafontaine Ministry had a following of eighty eight members, and the opposition only twenty eight members.

countenancing corrupt practices with the members.

"Lord Sydenham was in fact the sole government. He decided everything, and did it himself, sometimes consulting his Council, but generally following his own opinion and seldom bringing them together or consulting them collectively. To effect this required all the energy, activity, and habits of business which he undeniably possessed, together with his extraordinary boldness and unscrupulous manner of dealing with individuals. The result was that he barely succeeded in getting through the Session, and if he had not been prematurely cut off, his health would scarcely have carried him back to England. Although it was pretty generally known that he was omnipotent in his Council, still much of the blame attributed to his measures was thrown upon his Executive."

Bagot goes on to say that upon his arrival the Executive Council, conscious of its weakness asked him to admit the French Canadians, which he refused. Afterwards they proposed Mr. Hicks¹², with a view to conciliating the Ultra Reformers, while they added an able financier and debater to their body. To this I consented on condition of bringing in at the same time a member of the Conservative Party, which, upon the refusal of Mr. Cartwright,¹ I did in the person of Mr. Sherwood. These efforts at conciliation, and indeed almost all I have attempted except among the French Canadians have failed, as did most of Lord Sydenham's".

Bagot then devotes a paragraph on an incisive attack upon Sir Allan McNab. "Of him I have learned since I recommended him to your Lordship, that Lord Sydenham said, when pressed to give him an appointment, that he would not buy a man whom he would have to re-purchase every Monday morning." In the same letter he complained that McNab, who has assumed the post of leader of the Conservative Party, has been intriguing with the French on his way up to Kingston, to form a combination of the Conservatives and French Canadians to wreck the government. He even boasted in the House that it would be defeated by an adverse vote of sixteen or eighteen. "The sacrifice", he continues, "of Mr. Sherwood, in order to reassure the Re-

1. Cartwright - a leading member of the McNab party.

formers would not have been averted. On the other hand if I had displaced Mr. Huicks, I might have gained the Conservatives, but I should have alienated the whole Reform party and have occasioned the resignation of my Executive Council, who would not have consented to act with Sir A. McNab, nor in the Ultra Conservative Company. My Council, too, had pledged themselves most strongly last session to the responsible system of government, and they had apprised me that if they were left in a minority or a very small majority, they should feel themselves compelled to resign and that as I declined to accept their recommendation of admitting the French Canadians, they would insist upon my accepting their resignation.

From this position with the session on the point of opening, there was no means of rescuing them. The assistance of the Conservative Party they would not accept, and if they would, the Reformers would have deserted them. The latter were not sufficiently numerous to save them without Mr. Baldwin's party, who would not move without the French. The doubtful members, it is obvious, could not be won over singly in sufficient time, and if they had been, they would have tripped up the Council before a month elapsed. There remained, therefore, but the French and to them without any instructions from your Lordship, which I was anxiously expecting, I was unwilling to make an overture until I found all other resources fail."

"Of course I considered the possibility of changing or reforming my ministry, but the same difficulties presented themselves. The Conservatives, who might have been willing to maintain their tenure of office against adverse majorities were too few to form a council, even if I had taken every member who had a seat in the house. The Reformers would not have acted with them. If they had what a combination it would have been! to unite in the same Council, two parties, both of whom were bitterly opposed to the Union (Mr. Cartwright still avowes his hostility to it), between whom has hitherto existed the most rancorous animosity, - - standing in one another's eyes in the relative position of rebels and tyrants, and uniting only to overthrow my government, without a hope of being able to

carry it on in combination! If they could have attempted it, the consequences would have been fatal, as the French would have far outnumbered their colleagues, and soon have gained the ascendancy, which the others would have endeavoured to repress by a 'loyal' demonstration and force of arms - - - - -"

- - - - - Out of the eighty-four members in the House of Assembly, not above thirty, as far as I can judge, are at all qualified for the office by the common advantages of intelligence and education, and of these ten at least are not in a position to accept it; so that my choice is limited to a very small number, and further narrowed by the necessity of the parties gaining their seats after vacating them. To seek officers out of the House would be almost fruitless except with a strong government, as no vacancies could be made for them, and unless their opinions were popular, there would be little chance of their being checked. You have in Mr. Sherwood's¹ case acknowledged the principle of not admitting persons to the Executive Council without their holding a seat in the House of Assembly or the Legislative Council, and as I have shown the small choice which the former offers, I have only to add that the latter affords still less, while it is impossible that any one of its members would accept office.

For this reason I was unwilling to let my Council be broken up, which contains four at least of the ablest men in the Legislature and some of whom it would be almost impossible for me adequately to replace. But I had still stronger objections to this course. If broken up it could only have been upon the avowed acknowledgement of the principle of responsible government, which I am most desirous to avoid, although obliged tacitly by the Constitution of the Province to act upon it, and by which I should have been compelled to have recourse to Mr. Baldwin as the actual and deservedly acknowledged leader of the strongest party in the House and in the country. This was the rock upon which I dreaded to split; the waves were fast driving me upon it; I had no escape but the course which I adopted; and having thus made your Lordship fully aware of my position,

1. A lawyer of Toronto and a prominent Conservative.

and my difficulties, I can proceed to narrate the course of events, in which as I believe most successfully and happily I surmounted them.

- - - - - "No resource remained but that pointed out by my Council, namely, to negotiate with the French, unless the announcements of my speech should succeed in turning the tide, an almost hopeless chance. Accordingly I introduced into it as much as I could to make it popular; the Loan Guarantee Act was passed: the public knew that I had advertised for Bills, and was about to draw for money on the Treasury. I used the strongest language of hope - - perhaps unjustifiably strong, with regard to an arrangement respecting the duties on American and Canadian produce, a subject of great interest here; I announced intended improvements in two of the most important, but very imperfect Acts of last session, and in a less formal manner I allowed my intentions with regard to other measures to become known; all, however, was in vain----- I therefore adopted the only remaining resource and sent for Mr. Lafontaine on the 10th. I told him that it was my wish to unite the body of French Canadians in the support of my Government, and enquired upon what terms he and his party would join it, bringing with them the consent and co-operation of the population".

Bagot then briefly describes the refusal of Lafontaine, unless Baldwin is admitted. This he at first stubbornly refused to do, but finally he was admitted at their request, and for the sole purpose of enabling them to redeem their debt of gratitude to him. I declined to see him or have any communication with him throughout the negotiations. He was of their nomination and had no share in the construction of my Council, except so far as he might influence Mr. Lafontaine's opinion, of which I was supposed to know nothing.

Mr. Lafontaine was willing to accede to these terms, but since only two vacancies were open in the Executive Council, and as Bagot was disposed to admit a third member of the party, Lafontaine required the opportunity to further consult with his friends. In this manner Bagot avoided even the appearance of treating with Mr. Baldwin, and succeeded in conducting

his negotiations exclusively with the French party. Mr. Baldwin was displeased with this and replied. "I was given to understand that he insisted upon the four seats and upon the motion and term of reconstruction being applied to the new arrangement."

To this demand Bagot was prepared to offer a decided resistance and not to commit any act which would overthrow the keystone of his policy, "which was to admit the French, as a part of, or an addition to my old Council, and not to reconstruct my Council with Mr. Baldwin and the French as the staple part of it."

The debate on the address was being adjourned from day to day, and the members were fast becoming impatient. It was known to the House that Bagot was negotiating with Mr. Lafontaine. The Conservatives showed every disposition to increase the Governor's difficulties, and prepared to enter into an opposition alliance with the French. The discussion was to commence on Tuesday, Sept. 13th. Mr. Baldwin had prepared a violent amendment, containing an express want of confidence, and in the excited state of the House, it would likely have carried. On the evening of the 12th, the Executive Council brought him a memorandum of terms, which they recommended him definitely to act upon, or they would resign. Seeing no other course open Bagot then made the several offers to Mr. Lafontaine, while refusing to make any reference to Mr. Baldwin as a negotiator in the matter. To the surprise of the Governor, the offer was refused on the ground that it contained a pledge to secure pensions to the officers displaced. "He expressed his gratitude, almost with tears in his eyes, for the generosity of my offer, but declined it, taking however my letter away with him".

The debate began at three o'clock. Having reason to apprehend that his offer was not generally known to the French Canadian party in the House, and believing that a knowledge of it would bring such pressure to bear upon Mr. Lafontaine, that he would withdraw his refusal, Bagot authorized one of his Council to read his letter. The effect was

electrical. The debate continued, and Mr. Baldwin made a very effective and vigorous speech against the Government, and especially against Mr. Huicks. Had a division taken place that night the decision would have been adverse to the Government: however, an adjournment was moved, and thus an opportunity was given for the interference of the French Canadians. The result was that Mr. Lafontaine withdrew his refusal, and accepted Bagot's terms. Mr. Baldwin's amendment was withdrawn, business proceeded harmoniously, and the next night an address of thanks was passed by fifty-five to five. Bagot points to his triumphant success, and expresses the belief that the House was now prepared to pass any measure he might suggest.

He alludes to the fact that the main question being now decided and settled, not so much for principle, as for a share of power and place. "Men and not measures are for the most part the object of contest, of detraction, or of admiration." There was but one way to avoid it, by appointing a new Executive Council, prepared to act without the sympathy, and against an overwhelming majority of the House of Assembly; by denying in toto the principle of responsible government, and refusing to act upon it, at a crisis which would have immediately have brought the question to an issue unfavorable to the Government. But having before me the Act of Union, Lord John Russell's despatch of the 14th of Oct., 1839, Lord Sydenham's avowed policy, the resolutions of the House of Assembly last session, and the present feeling and temper of the members, I was not prepared, nor did I conceive Her Majesty's Government would be prepared to adopt such a policy. The consequences would have been most disastrous. The Assembly would have stopped the supplies about to be voted; the questions which led to the former troubles of Canada would have been renewed; all attempts to resist the power of the Assembly and the tide of public opinion would have failed, and Canada again would have become the theatre of a wide spread rebellion, and perhaps the ungrateful separatist, or the rejected outcast

from the British Dominions". Bagot closes by as strong appeal for Her Majesty's approval of his action and support of his policy.

This confidential letter should contain a true account and estimate of the political conditions. For if Lord Stanley considered that the attacks upon Sydenham were untrue or even unjust, he could easily refute them by a searching perusal of the letter and despatches of the years 1840 and 1841, or by a careful reading of the press of that period. Bagot does not arraign all his opponents in the same spirit. In his estimate of Draper and Lafontaine he displays a candor and fine sense of justice, and these men at first were not very friendly towards his policy. So that his arraignment of Sydenham was not the result of narrowness or prejudice. If the latter's course had been all that could be desired, Bagot might have followed it with such apparent success, for his admission of the French without the consult of the Colonial Office, proved that he had sufficient courage to brook higher authority, and strong unpopularity among his country men.

His course in admitting the French has also been justified by the splendid administration of the Baldwin-Lafontaine coalition. No attempt was ever made afterwards to exclude the French. A few years after this not even their extreme opponents questioned their loyalty. So that Bagot in a short time did more than any other Governor to fuse, if possible, the two races. Nor does he exaggerate the gravity of the situation. The famous report of Lord Elgin in vivid language describes the distrust, bitterness and prejudices which separated the two races. As we have seen, the conduct of Lord Sydenham towards the French did not decrease this. Even the Colonial Office acknowledged that the political situation needed tactful treatment. But Lord Stanley's remedies would scarcely have induced tranquility in the Assembly or among the people of either province.

CHAPTER V.

THE ATTITUDE OF THE BRITISH AUTHORITIES:

In his despatch of Oct. 16th, he begins in courteous language to sympathize with the difficult situation in which the Governor was placed. "I will not deny that the suddenness and importance of the step, which you have taken, has surprised me. While I admit all the difficulties of your position, I should have been better pleased had you been able to adhere to the neutral position, which you had taken up between the contending parties; at all events until the public proceedings in the Assembly should have afforded a public justification for taking a course, which you cannot, I am sure, have taken without regret on more than one account. On the other hand I admit that the unanimous recommendation of your late Council themselves, that you should open negotiations with the French party, and failing in those negotiations, their avowal that they could not conduct your Government, placed you in a position in which you had little choice of your course of action. To the admission of the French as a people to a share of the Government, your instructions directly pointed, but I had hoped that this object might have been effected, without their introduction as a party to dictate terms to the Executive. The whole of your statements, both public and private, shall be brought under my colleagues without loss of time; and they shall be so brought with every desire on my part to find that the arrangement which you have concluded is one to which, as a whole, we can give our support. I am aware in such a case it is of importance that the decision of the Home Government should be promptly and explicitly declared; and I shall endeavour to communicate to you by next mail the result of our consideration of this most important question".

The result of this meeting was conveyed in a despatch of November the Third. The sentiments expressed convey very accurately the traditional view of the Mother Country towards the people of her colonies. Their leading statesmen did not realize that the time was ripe to trust the Canadian people with the sole control of their affairs. In no unmistakeable language Stanley addresses the Governor.

"I wish that I could have used language, which would have implied a more entire approbation of your measure than it was in my power to employ consistently with the true expression of the feelings of the Cabinet. You will understand that I do not mean to blame you for the step which you have taken; on the contrary I believe it to have been inevitable, and that sooner or later it would have proved necessary to admit the leaders of the French party to a share in the Government. But I should have preferred that that necessity should have been demonstrated.

To us who know the "leçons de choses" the necessity is manifest enough; but to the public eye, you appear as a governor-general, inviting the co-operation of men tainted with violent suspicion of treasonable practices. M. Lafontaine may have been perfectly innocent, but before the world he is a man against whom a warrant was out for high treason, who came to England to avoid the execution of the warrant, and to whom on his arrival in London, a private hunt was conveyed, and taken by him that he had better not await the arrival of further intelligence from Canada.¹ I am aware that Lord Sydenham entered into negotiations with M. Lafontaine², which were broken off, and of this fact as well as the details of the transaction, I shall be obliged if you will furnish me with such documentary evidence, as you may be able to obtain at your earliest convenience.

M. Girouard's³ case is still stronger. You will see from a printed despatch of Lord Gosford's, that Mr. Girouard, in the first revolt, is supposed to have been actually in arms, that a reward of £500. was offered and paid, for his apprehension, and although as

1. This charge was honorably cleared up by Lafontaine.

2. Sydenham offered him the post of Solicitor-General in Lower Canada.

3. A leader of the French and intimate friend of Lafontaine.

stated by your Council, he surrendered himself, he did not do so till after enduring great hardships and privations; you will see also that he was again arrested on the second outbreak.

I cannot but think it unfortunate, that you should, if you were reduced to the necessity of negotiations with M. Lafontaine, have made him the specific offer of a seat for M. Girouard; the more especially as it turns out he declines accepting it. That he has done so is a source of great satisfaction to me; for I confess I hardly know how I could have asked the Queen to set her name to the instrument, declaring her especial confidence in the loyalty of that gentleman. But it would have been much better, if you found yourself compelled to have recourse to M. Lafontaine, that you should have his demand in writing, rather than have committed yourself by a proposition of terms to him, when nothing has transpired rendering evident the necessity of calling upon him at all. The distinction is a very wide one, between accepting conditions offered him as the price of his support, inconvenient and objectionable as they might be, and making to him the offer of the same conditions, as the result of previous personal intercourse. This further inconvenience has also resulted, that it is practically known that your terms have been refused; and that you have been obliged to recede from conditions in the first instance, which you considered important. I mean the retiring pension for Mr. Ogden and Mr. Davidson. - - - - I hesitate, at this distance, to pronounce a positive opinion, but I think it would have been more consistent with British practices, if there is to be any analogy between the Executive Council and the Cabinet: that the whole of them should have tendered their resignations, and avowed themselves unable to go on, than that they should have come to resolutions excluding some of their own body, and advising you as to the individuals to be taken into their places. From subsequent events, M. Lafontaine appears to be a weak, timid man, who did not venture upon accepting office, until he was assured that his doing so would be sanctioned by the general voice of his countrymen. That he should have privately

informed himself of this fact was right and natural enough, but the way in which it was done in the face, and almost at the bidding of the Assembly, seems to me to invest that body with a dangerous power of controlling the choice of the Crown in reference to individuals. While I state to you that frankly the objections which I feel to the details of the course, which you have taken; and while I add, as I must do, that I deeply regret the necessity which impelled you to it, I fully admit to you that I think the necessity existed. Sooner or later, these men or some of them, must have been admitted; but I wish that longer time had been taken, and the impossibility proved of dispensing with their admission. You will say that in such circumstances their admission would have been a triumph. It is so under any circumstances. No Governor-General, except on compulsion, would have selected and no British minister would have sanctioned the selection of Messrs. Lafontaine and Grouard, to administer or aid in administering the affairs of the Province: and it is on the necessity of the case that I must defend and am prepared to defend your course of action- - - -It is my duty to tell you in confidence the objections to it, I see, and the repugnance I feel, but I know how much your power depends upon the character of the support, which you receive here, and you shall not be abandoned. It would have been more convenient, if I could, in my public despatch, have adopted a tone of more entire approbation, and having expressed myself not merely as acquiescing in, but as thoroughly satisfied with the course which Canadian events have taken. But in the first place, I could not have done so with truth, nor could I have done so without running counter to public feeling in England. - - - -You ask of me, that if I disapprove your policy, at once to recall you. Even if we entirely disapprove it, that would be impossible. Your successor would be placed in a position in which he could not take a move without the certainty of checkmate, and he would have in the end to fall back upon your steps, with all the obloquy to himself and the Government of having sought to

retrace them. But I beg you to understand fully, that we do not disapprove your policy, and that we are prepared to support it, and defend you for having pursued it. Only we must rest your defence on the impossibility of your carrying on the Government without having recourse to men, whom you have called to your Council."

It would have been much better if Stanley had merely forwarded the despatch of Peel dealing with this question. The feelings of the Governor would not have been wounded. The Secretary of State, merely repeated the arguments of Peel with the language of an autocrat. His policy of letting the work of the Executive Council drift along in the face of an increasing minority was in accord with the Colonial policy of England. The American Rebellion, and the risings in 1837 were due to heedless inaction to repeated warnings and growing discontent. His disparagement of Lafontaine's character and course may be passed over as not worthy of criticism. But he betrays his real reason for opposition the Governor's course in his statement that he would be running counter to the public feeling in England. The people at large could scarcely be blamed for their unfriendly feelings towards the French, as their knowledge was based upon despatches forwarded by the Family Compact, and by visits of the official class to England. But Bagot had kept nothing back from the Colonial authorities, who confessed their sympathy for his difficulties. Thier plan of selecting certain individuals for his Cabinet had proved futile as they at once lost the support of the party and people. Then Stanley exaggerated the action of the Council, in threatening to resign, if negotiations were not opened up with Lafontaine. However, it would appear that the Council merely expressed their inability to conduct the business of the country and advised a reference to Mr. Lafontaine.

On the other hand the open honorable stand taken by Bagot is most praiseworthy. He realized that the Union meant that the governor should act upon the advice of his Council, who in turn should represent the wishes of the majority in the Assembly. The French were the strongest

party in the House, and so should have a fair representation in the Cabinet; the proposed change would give them three seats. His Council, of which Draper, the Attorney-General was the most influential member, strongly advised the admission of the French, and the Governor acted upon their almost unanimous resolution, a practice followed by every governor since. Bagot showed his confidence in the loyalty and honesty of the French people, and again he was in the right. Not only had he to face the hostile biased opinion of the English people, but in Canada the Family Compact and press exhausted its vocabulary to find insulting terms to hurl against him. He was a "radical, a puppet, an old woman, an apostate, and a renegade descendant of old Col. Bagot, who fell at Noseby fighting for his king". This kind of attack would naturally strengthen the Governor among the French people. Stanley also realized that if the Colonial authorities openly disapproved of the Governor's action, it would not lessen his strength among the French, but would rather estrange them farther from their British connections.

However, the result of the experiment made manifest the wisdom of the Governor's conciliatory attitude. The Executive Council tendered their resignations on the ground that as then composed they did not enjoy the confidence of the people. By their own act the Government was practically dissolved. They recommended their successors with a view to conciliation, and the new Executive Council acted in harmony, both with the Governor and Legislative Council. Bagot's attitude as governor was now manifest: he stood for peace, harmony and concord throughout all branches of the government, even at the partial sacrifice of the Governor's prerogative. The departure from the path followed by his predecessors, who did not feel bound to accept the advice tendered by their advisers, except it concurred with their own wishes, was indeed a distinct one. The principle of Responsible Government, whatever it might mean in theory, received an important practical recognition. It is difficult to draw the line between the prerogatives of the Sovereign and the liberties of the people, yet the new Governor had

made an important retrenchment in favour of the latter.

It was with reluctance that Stanley accepted the newly established system, which was a long step towards Colonial Home Rule. In a letter dated, Dec. 3rd, he refers to the fact that the management of Canadian affairs now will require great discretion. "On the one hand you are bound to give to your Government for the time being a fair support by the influence of its executive. On the other it is necessary that you should not so far commit yourself personally with any party, as to make it impossible for you to carry on the public affairs under any other combination. In this respect your position is different from the Crown in England. The Crown acts avowedly and exclusively on the advice of its ministers and has no political opinion of its own. You act in concert with your Executive Council, but the ultimate decision rests with yourself and you are recognized, not as having an opinion, but as supreme and irresponsible except to the Home Government, for your acts in your Executive capacity. Practically you are to a certain degree controlled by the advice you receive, and by motives of prudence in not running counter to the advice of those who command a majority in the Legislature; but you cannot throw on them the onus of your actions in the same sense that the Crown can in this country. I only wish by all this to draw your attention to the necessity of some caution lest you should so identify yourself with a particular party in the Colony, so as to be compelled to follow in their wake, rather than exercise over them a salutary authority, and an independent control.