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The Correlation between the Canadian and the Nova-Scotian Reformers in the Achievement of Responsible Government.

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Introduction.

The British attitude to colonial reform.

The first discerning speech made in the British House of Commons in regard to the demands for reform urged by the inhabitants of the Canadas was that of Roebuck, the paid agent of Lower Canada in the House. The receipt of repeated petitions asking for redress of abuses prefaced his startling speech of March 9,1835 . "The inhabitants of the territories which yet remain to us in North America are almost precisely in the condition of the colonists in the year 1774. They complain of the same grievances." (1) This bold comparison of dates was no untimely reminder; the Imperial government had not been quick to learn the lessons to be derived from the loss of the first British Colonial Empire; the concentration of the executive and the disintegration of the representative forces in the colonies was the refrain of Knox's "Extra Official State Papers" (2) in the very year of the French Revolution. Roebuck prophecied a repetition of the history of the first Empire if conditions were not speedily improved."I have spoken faithfully what I believe to be the present condition of the colony . . . This is no time to tamper with the disease. Coercion will not succeed; and nothing but a full and complete concession will satisfy the people. They demand the privilege of self-government and no wise and prudent statesman will at this time , and under the peculiar circumstances which surround this people , refuse or evade so reasonable a demand." (3) After the member for Bath had resumed his seat, Robin-

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(1) Hansard : British Parliamentary Debates, third series, Vol. XXVI.p.661

(2) Knox: Extra Official State Papers.(1789) Vol.I,addend.1,p.21

(3) Hansard,XXVI.p.682

son declared that "in the whole course of his Parliamentary experience he had never heard a more unfair, distorted, and intemperate address."(4) This was followed by the Chancellor of the Exchequer rising to beg that t this debate might be discontinued.(5)

Such was the reception given to the subject of Canada in the British House of Commons, in the crucial year of 1835 - the second year in which Lower Canada had refused to vote supplies because their grievances continued unredressed.

But from this date forth the subject of Canada was destined to appear periodically upon the journals of Westminster. The Gosford Commission did not escape censure in debate; Roebuck openly declared it a failure (6). "The Commissioners pronounced against Responsible Government in the modern sense of the term on the ground that it would be incompatible with the status of a colony." (7) The instructions to Gosford ordered him to proceed in a spirit of confidence and in a conciliatory and friendly manner (8); but the Assembly of Lower Canada regarded the commissioners' reports as the "breakdown of the policy of conciliation without concession." (9)

Two courses were now open to the British Government : close the matter by granting the concessions; or .proceed in a high-handed fashion . The answer came in the form of Lord John Russell's ten resolutions of March 6,1837, declaring that arrears in salaries were to be paid out of the money in the possession of the Receiver-General (10) - a virtual denunciation of the Assembly's claim to control the purse.

(4) Idem.XXVI.p.697

(5) Idem. p.699

(6) Idem.XXIII, p.925

(7) Decelles' Patriots of '37, p.55

(8) Kennedy,W.P.M. Documents,p.400

(9) Decelles, op.cit.p.57

(10)Kennedy, op. cit. p.434-36

Such high-handed dealing did not pass unattacked in the House. Buller , the reforming Liberal, had lately become interested in the Canadian situation; he deplored " the spirit in which the House approached the question, and he certainly thought they were legislating upon the question in ignorance, in passion, and in indifference . . . The conduct now proposed to be pursued by the Ministers was not merely a repetition, but a servile imitation of the blunders of a former age. He called the plan now proposed, a plan for destroying the Constitution of a country and for suspending the rights of a people . . . But here a blow was aimed at the constitutional rights of a whole population - at the very root of the principle of a representative government, and the result would be that confidence would no longer be placed in those who could inflict that blow. . . If this kind of interference with the privileges of nations was allowed, there would soon be no right safe from might." (11) In no uncertain language did the future exponent of colonial self-government express his opinion of Russell's resoptions : "At all events," declared Buller with the spirit of Burke upon him, " let us have the advantage , if there must ultimately be a quarrell, of entering upon it with right on our side, by having first tried all means of conciliation." (12)

In answering Charles Buller and in defending his resolutions, Lord John Russell declared, in now classic language, "We consider that these demands (for a responsible executive) are inconsistent with the relations between a colony and the mother country." (13) How far the British attitude towards British Colonial Policy was to change in the next dozen years may have been forseen by this clever Liberal lord; it was definitely expressed by Earl Grey at the close of the Russell Administration. But in between these two poles of opinion were many hard years, in which the majority of Englishmen were to fight grimly for the maintenance

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(11) Hansard, XXXVII .pp.1268-9

(12) Idem, p.1270

(13) Idem, p.1277

of the established order.

Many concurred with Lord John in his harsh treatment of Lower Canada because, like him, they believed that the granting of a responsible executive would preface the severance of the connection; that " it would be better to say at once,'let the two countries separate', than for us to pretend to govern the colony afterwards." (14)

One final thrust of opposition was given by Buller : "He would venture to say that in a few years these resolutions would be universally condemned as unwise and uncalled for." (15)

Glenelg, in presenting the resolutions to the Lords, could not keep his liberal instincts utterly in abeyance, though he was not moved to take a stand beside Buller: "He knew what constitutional rights were; he knew it was quite impossible for any man not to feel the utmost repugnance when such measures were rendered necessary . . . If it ere said that his was an infraction of great constitutional rights, he would say the House of Assembly had no right to withhold the salaries of the public servants." (16)

The resolutions were passed in both Houses, with great majorities. When news of them was received in Lower Canada, encounters took place between the Frenchmen and the British regulars that were designated in England as 'rebellion'. Thereupon Russell brought in a bill at Westminster to provide for the temporary government of Canada by Governor and Special Council. Even from supporters such as Robert Peel this measure met with severe criticism : "This measure was nothing more or less than an act of despotism, justifiable in his opinion, from the steps that had been taken, [illegible] in Lower Canada, but still and act of despotism." (17)

With the constitution of Lower Canada set aside; with rebellion in both provinces broken out, the condition of the Canadas at last alarmed

(14) Ibid (Russell's words)

(15) Hansard XXXVIII , p.247 .

(15) Idem , p.723

(17) Idem , XL , p.151

parliament at Westminster sufficiently to take action. The Earl of Durham was chosen as special commissioner , with very high powers. Two problems confronted him : the restoration of the country to order, and the recommendation of a future form of government.

England did more for Canada then she had ever yet done when she virtually expelled from the Cabinet "Radical Jack"; the Melbourne Whigs were secretly anxious to be rid of this too liberal member of their ranks. But there is another side to the Durham mission . The north country liberal had the vices as well as the virtues of the radical reformer. His merits are well known; his demerits verged from arrogance to quarrellsomeness; from egoism to effulgence. Durham had all the good intentions of Lord Gosford and his commissioners, without the disadvantage of their limited instructions. Like them, too, he went to conciliate, not to coerce; he remained, however, to advocate coercion in the case of the French. But here he was acting not only on his own initiative but in accordance with previously expressed British opinion. With Durham was sent a new outlook and a new attitude toward colonial policy. Wakefield in 1830 had formed a Colonisation Association which had attracted John George Lambton; with Durham on his mission went both Wakefield and Buller. The colonial reformers were at last given an opportunity of putting their views into practice.

The Durham episode belongs more especially to the Canadian section. Here we are concerned only with the British attitude to Durham, to the mission, and to the results. As we have noted, he was disliked by the Melbourne administration before he set out; he was deserted by them after he reached Canada. He did not receive the 'cordial cooperation'(18) of the ministry, as he was promised, not the 'generous forbearance' of his political opponents : yet , individuals supported the high commissioner - Glenelg, Grey and Russell. (19) The first problem of the mission

(18) Life and Letters of Lord Durham, Stuart Reid. Vol.II.p.155
(19) Sketch of Lord Durham's Mission. Can. Arch. Report, 1923, pp.341-69

proved to be its last; the Ordinance was annulled by the government even after the Queen and Glenelg had approved of it.(20) When news of this arrived, Durham resigned, after a residence in Canada of only five months In the midst of the conference considering a union of all the British provinces of North America, the letter came out of a clear sky. "I am compelled to say that I have been put down - sacrificed by my friends . . at a period when my political enemies were using their utmost energies to destroy me", (21) declared Durham when he broke down and could say no more .

This unfortunate conclusion to Lord Durham's mission is less disastrous than it may at first seem. The Report appeared within a few months, and remained a li ving exponent of the High Commissioner's principles. The early frost did not destroy the richness of the fruit. In truth, Sir George Grey, then an under secretary in the Colonial Office, declared the conduct of the Melbourne government toward Lord Durham to be 'shabby' indeed. Queen Victoria had expressed her approval of his action.

How the home government regarded Durham's mission has already been noted in their readiness to find fault with technical points in his Ordinance. As for as the immediate results of his mission were concerned , Durham had failed, from the Melbourne point of view. But in regard to his recommendations for the future form of government for the Canadas , he was more successful. These were two in number - union and responsible government.

Durham recommended a legislative union of the two Canadas as an attempt to solve immediate and practical issues; by uniting the British elements, and subordinating the French to them, he hoped that the Lower Canadian problem would be successfully disposed of. (22) In this

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(20) Reid, op. cit. pII, Ch. XXVI

(21) Idem, II.p.239

(22) The Report of the Earl of Durham (Methuen)p.225

matter Durham
view of the ^Lord^ was in accordance with the opinion of the Colonial office; Melbourne had written to Russell on December 23, 1838 "It is id down by all as a fundamental principle that the French must not be reinstated in power in Lower Canada." (23) In the light of future events, this is harsh and even erroneous judgment; in the year after the rebellion it must have seemed the only practical solution. Lord Durham's other and more important recommendation of responsible government did not become the subject of debate at Westminster because Lord John Russell , who became Colonial Secretary in June 1839, just three months after the Report was printed, had other views of responsibility. In what respects the two conceptions of responsible government clashed will be considered when we examine Lord John's famous despatches of the following October.

Thus, by the summer of 1839, four years after the Lower Canadian Assembly first refused to grant supplies, the Imperial government had considered so much of the problem as seemed, to them, to suggest union as a remedy. In his speech upon bringing in his twio resolutions recommending union, Russell explained that the Imperial Act of 1791 had divided Canada into two provinces in order to give free scope to the French race; that these anticipations had been controverted by the collisions of the French with the English minority in Lower Canada. "The chief evils with which we have had to contend , appear to have been derived almost directly from the act of separation of the colony . . . the act which has been the cause of the political dissentions of Lower nada, and the cause also of arresting all enterprizes of great public utility , and of promoting the means of commerce in the Upper province."(24) Since a confederation of all the British North American provinces was

(23) Empire and Commonwealth : Professor Chester Martin, p.244 n.2

(24) Hansard XLVII, p.1250, 1251

not at present practicable, he considered a union of the two provinces the only remedy. (25) In his objections to the Durhamite view of responsible government, the Colonial Secretary was as rigid as in 1837. He explained, somewhat irritably, that the opinion of the House had already been expressed on that point, in the ten resolutions. "It does not appear to me that you can subject the Executive Council of Canada to the responsibility which is fairly demanded of the Ministers of the executive power in this country," (26) because there are so many differences in the two situations; he continued : the governor is responsible to the Colonial Office, but in England the sovereign is in a "high and unassailable position". Russell fortified himself with his own particular explanation of the phrase 'responsible government' - a responsibility to the Colonial Office on the part of the colonial governor. More than this practical objection was involved ; the theoretical one of principle stood higher : "It is impossible to allow it to be laid down as a general principle that any part of the government of this country . . . shall be overruled by a colony." (27)

Russell hesitated to lay down a new principle of government . True, in 1837 there were objections of a practical nature that made the proposal of responsible government impossible; the virtual governor of Lower Canada would have been the uncompromising Louis-Joseph Papineau, who was preaching separation rather than conciliation. But by 1839 conditions had changed; the proposal before the House was union, a plan that would have merged the Lower Canadian reformers with the more moderate Upper Canadians. Yet Russell did not consider this an alleviating circumstance - thus forcing us to the conclusion that his objection was one of principle as well as of practice.

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(25) Idem pp.1264, 1265

(26) Idem, p.1268

(27) Idem, p.1270

Once again the dissentient voice of Charles Buller was raised in opposition to Lord John's policy; he lamented the fact that Durham's suggestion of a union of all five provinces was not being carried out; "he believed that without it the Executive government would be imperfect and if the Government were not prepared to adopt that principle he bbelieved it would have been xxxbetterxx for more honest . . . to do away with the farce of a responsible government." (28) "If the legislature had no voice in the composition of the Executive, then they ought no longer to carry on the government after they had lost the confidence of the representative body." (29) He went on to assert however, that he would support any plan for union . since he believed that the union would in itself carry out that principle (responsible government), but he could not help remarking upon the entire omission to legislate at all upon that subject." (30)

Later in the year, Russell withdrew his resolutions (31) upon the protest of Upper Canada; but on March23,1840 he again brought in the Union Bill on the grounds that it would correct two evils, feudal law and the oppression of the British minority in Lower Canada.(32) By this time Sydenham in Upper Canada had contrived so to 'manage' the assembly that they passed the act on Union . Russell then wished to carry through the matter 'per saltum', since it was unadvisable to continue the government of the lower province by means of the special Council.

During the regular stages of the bill through the House, gloomy forebodings appeared that once the union was effected the war cry would be responsible government . Gladstone voiced a remarkable prophecy when he declared that the French Canadians and the British Republicans would unite to demand a responsible executive.(33) Once again, the

(28) Idem . p.1302

(29) Idem . p.1303

(30) Idem . p.1305

(31) Hansard XLVIII. p.207

(32) Idem .LII . p.1326

(33) Idem.LIV . p.710

advocate of a new colonial policy. Charles Buller, voiced his principles, declaring that if a colony were to be governed peaceably, it must be done so in accordance with the wishes of the people; and the wish of the people in this case was responsible government.(34) Other members objected to the bill on the grounds that it was forced through the Upper Canadian assembly by Sydenham. (35)

However, the Imperial government passed the Act of Union, on July 2 1840. Once again an Imperial Act was to change the government of the Canadas, as in 1774 and 1791 ; so far they had worked out no system of government indigenously. On February 5, 1841 Sydenham proclaimed the Union that went inot effect on the 10 th.

Under Sydenham's able administration Canada entered upon a period of prosperity; the governor 'managed' the assembly successfully. Hence there was no need for the Imperial government to worry about Canada. Only once in the eight years from Union to the granting of self-government was there a serious debate in the House on the conditions existing in the distant colony. True, Stanley had asserted , when asked if Metcalfe's course had the sanction of hom e authorities, that it had the "entire concurrence and approbation of Her Majesty's government" (36) But in May 1844 Roebuck , still fired with enthusiasm for Canada, spoke on the state of that colony since the Union. He declared boldly that Sydenham had announced his intentions of introducing responsible government, but had failed to do so ; now he would like to ask just what was meant by 'responsible gobernment'; did it mean the kind of government carried on by Bagot or by Metcalfe ? (37) Stanley the Colonial Secretary, replied that what he understood by that much-disputed phrase was "That the administration was to be carried on by heads of departments enjoying the confidence of the people of Canada

(34) Idem. p.740

(35) Idem. p.1115

(36) Idem , LXXII , p.144

(37) Idem , XXV pp. 31-77

enjoying the confidence of the legislature of Canada for the due exercise of the functions of their departments . . . that the governor . . was to be guided by the advice of those whom he had called to his Councils; that he was to introduce measures upon their advice; and upon the advice of and information of the local authorities throughout the kingdom, taking the responsibility of conducting them through the Colonial Legislature." (38) He therefore approved of Metcalfe's course "in refusing his consent to a proposition which bound him in every respect to the will and pleasure of the Executive Council."

With this Charles Buller agreed; he believed it was unwise to form too strict a definition of constitutional principles. "In the first place, he did not violate the principles of responsible government; in the second place, he did not turn out his Executive Council; in the third place, he did not refuse, in the manner stated, the pledge which had been demanded of him." (39) He declared the errors in this case were with the reformers. In his stand on this question Buller had the same opinions as Joseph Howe in Nova Scotia. Theoretically the action of the Canadian reformers was unimpeachable; from the standpoint of practical politics there was much to be said against it. The issue had been forced on Lord Metcalfe by La Fontaine and Baldwin; Howe, as one of the reformers in Nova Scotia in a similar situation, was doing all in his power to assist the governor. With an appreciation of the situation only gained from intimate knowledge, Howe said that the matter had been 'bungled' in Upper Canada. This was not to be the last time that Buller and Howe found themselves on the same side in the struggle for the achievement of responsible government. However, Buller did not know.

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(38) Ibid. p.47 ff.

(39) Idem. pp.63-69

(40) Charles Buller and Responsible Government, Wrong. p.53. See also Letters and Public Speeches of Joseph Howe. Vol.I.p.482

in 1844, what we now know from Metcalfe's letters, that Metcalfe was opposed to responsible government.(40)

The Whigs were returned to power in England in July 1846, under Lord John Russell; the Colonial Secretary was the third Earl Grey who solved the problem that the Canada Thuix had forced on England for a decade - by a single despatch in which he recognised the long-contended principles of responsible government. Sir John Harvey of Nova Scotia had written to the colonial secretary for instructions to guide him through a difficult situation; Grey replied by the despatch of November 3, 1846 (41) stating the governor's relation to his council and their rights of resignation. This despatch Grey showed to Lord Elgin(42) since it was a general despatch, applicable to all colonies with a similar form of government. (43)

Thus in the final solution of the problem, great credit must be given to Grey; he it was who composed the memorable despatch that sanctioned self-government in united Canada and in Nova-Scotia. Although Lord Elgin tested this new form of government on his own responsibility on the other side of the Atlantic, it must be remembered that Grey had talked it all over with him before he left; the views of Grey and of the home government generally were made explicit to Elgin before he ever saw the land of his governorship.(44)

Little more remained for the Imperial government to do in regard to Canada, and the solutions of her self-created problem of a form of government. On May 16,1848 Grey defended Elgin , in the House, on his stand on the Rebellion Losses Bill, (45) not without criticism from Stanley , Brougham, and Gladstone, however, who affirmed that Elgin should have reserved the bill for the British government. (46)

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(40) Egerton and Grant, Documents, p.300

(42) The Colonial Policy of Lord John Russell , Grey, p.213

(43) Idem.p.208
(44) Ibid.
(45) Hansard, CV.p.468
(46) Idem, CVI.pp.189 ff.

It is noteworthy that Lord John , who had up to this point been the exponent of a system of governance eminating from the Colonial Office, offered no opposition to the granting of Canadian self-government. In 1850, two years after the concession, he gave utterance to noble sentiments in regard to Britain's colonies; but he ended in a note of pessemism (47) anticipating the independence of the colonies, after all England had done for them. This Elgin , writing to Grey, called "the sting in the tail ", and said it would only mean that "Lord John and the people of England persist in assuming that the Colonial relation is incompatible with maturity and development." (48)

This speech had an unhappy affect in Canada; especially on the honorable and upright Robert Baldwin (49); that Lord John's conjecture did not materialise is due, in part at least, to the thoughts on empire contained in Earl Grey's excellent little book, published in 1850. "I consider , then, that the British Colonial Empire ought to be manitained, principally because I do not consider that the Nation would be justified in throwing off the responsibility it has incurred by the acquisition of this dominion." (50)

British opinion on the Canadian struggle for reform , and ultimately for self-government, has been traced through the British Parliamentary Debates, with passing references to other sources. Thus far, our conclusion must be that, except for ~~members of~~ Durham, Buller and Grey, the British public , with the members of parliament and of the government, took scant interest in the struggles of the living thousands in the British North American colonies. An expression of

(47) Idem, CVIII , pp.835-67

(48) Egerton and Grant, p.322

(49) Idem, p.323

(50) Grey, op.cit., p.11

(51) W.P.M.Kennedy , Documents of th Canadian Constitution, p.4oo ff

British colonial policy , found in certain official despatches and instructions, with the explanations necessary, will alleviate the harshness of this preliminary conclusion, while establishing its truth

From the British point of view and also from the Canadian and Nova-Scotian , certain papers assume herculean importance when considered in their proper context.

The instructions given by Colonial Secretary Glenelg to Goesford, while of no tremendous importance, per se , awakened a train of disastrous consequences . He and his fellow commissioners were given instructions permitting the greatest freedom of action, of method, and procedire. They were to "inquire, to deliberate, to report" in a conciliatory and friendly manner. Six reports were submitted, with which the commissioners themselves could not agree. Nothing was settled by their mission. Virtually they reported that nothing could be done to reform abuses or to grant demands. The result was the ten resolutions the attendant rebellion, and the repetition of their entire work by the Durham mission.

The explanation of the policy expressed in the Russellite despatch of October 14,1839 is farther to seek. The Colonial Secretary wrote to Poulett Thomson warning him to be on his guard against the responsible government cry. "I have to instruct you , however, to refuse any explanation which may be construed to imply an explanation acquiescence in the petitions and addresses upon this subject." (52) As a reason for this instruction Russell submitted : "It is obvious that the Executive Counsillor of a colony is in a situation totally different (from that of a minister in England). The governor under whom he serves, received his orders from the Crown of England. But can the colonial ministers council be the advisers of the Crown of England ? Evidently not,for the Crown has other advisers , for the same

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(52) Egerton and Grant. p.256

functions, and with superior authority." (53) This is the oft-repeated statement made by Russell and others : the analogy between a colony and the mother country is not close enough to warrant the granting of self government to the frmer. In a conciliatory tone he continued. "While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them." (54)He could not have understood them very well, or he would not have written such an ambiguous statement. And yet Lord John counselled Thomson that the best way to earn approbation at home was "by maintaining the harmony of the executive council with the legislative authorities." (55) This Thomson had to endeavour to do without recognising the reformers' cry for responsible government.

The despatch as a whole must be viewed in the light of Russell's own particular theory of responsibility. At the time the colonial secretary penned this despatch two conceptions of the meaning of the much-batered phrase 'responsible government' were current. Briefly, the view of Howe, Baldwin, Buller ,Durham and Grey was that the executive should be responsible for their actions to the party in the legislature possessing a majority, as long as that majority reposed their confidence in them. The Whig view, as expressed by Russell, who dominated colonial policy even before he assumed the seals of the colonial office, was, that the colonial secretary was responsible to Parliament; that the Governor , whom he appointed, was in turn responsible to him; and that the Executive Counsellors were responsible not to the assembly but to the governor. This is government by paternal directors; the other is government by the people - two views diametrically opposed.

The despatch of October 16, 1839 had still more far-reaching

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(54) Idem,p.267 (54) Idem,p.268
(55) Idem,p.269

and unexpected effects - one of which was the forming of the very principle it was designed to thwart. At the outset Russell informs Thomson that colonial governors are recalled "whenever the interests of the public service are supposed to require such a change in the administration of local affairs"; (56) but that other persons hold their offices during the royal pleasure, which in practice has been hitherto, equivalent to a life tenure. "The object of my present despatch is to announce to you the rules which will be hereafter observed on this subject in the province of Lower Canada".(57) The new rules which are to be observed , as thus clearly stated are : "You will understand , and will cause it to be made generally known , that hereafter the tenure of colonial offices held during Her Majesty's pleasure will not be regarded as equivalent to a tenure during good behaviour; but that not only will such officers be called upon to retire from the public service as often as any sufficient mean motives of public policy may suggest the expediency of that measure, but that a change in the person of the governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries." (58) This in truth has the appearance of a recognition of the principles of cabinet responsibility; but Russell did not intend it as such, but in the words of his instruction to Thomson, as a means of giving "to the executive government that freedom of action which is necessary for the public good." (59)

True, some of the reformers hailed this as an official recognition of their principles; "a new and improved constitution", as Sir John Harvey wrote;(60) and as such it was used in Nova-Scotia as a preliminary , forcing responsible government. But Lord John's purpose

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(56) Idem.p.270
(57) Idem.p.270
(Yet this was a circular despatch)
(58) Idem.p.271
(59) Idem.p.256

(60) Empire and Commonwealth p. 139

was to strengthen the hands of the governor- a purpose in accordance with the theory of governance which he still held; this was the interpretation which another governor of Nova-Scotia , Sir Colin Campbell, put upon the despatch, when writing home to the colonial office; it was "not intended to sanction any fundamental change of the constitution , but merely to strengthen the hands of the governor by enabling h him the more effectually to control refractory public functionaries."(61) Vernon Smith , an under secretary in the Colonial Office, wrote in the margin that Sir Colin is "right inhis interpretation." (62)

This explanation of the policy involved in the two despatches of October, 1839 throws light on the subsequent actions of the British government, in their attitude towards colonial reform; it will also eliminate further explanation in the consideration of the Canadian and Nova-Scotian sections. (63)

The last despatch to be noticed, as an enunciation of British policy is that of Earl Grey, written to Sir John Harvey of Nova-Scotia on November 3,1846. As a recognition of the principle of responsible government , as the reformers understood it, it is sufficiently clear in itself, making further explanation superfluous : "Of whatever party your council may be composed, it will be your duty to act strictly upon the principle you yourself have laid down. . . 'of not identifying yourself with any one party', but instead of this, 'making yourself a mediator and a moderator between the influential of all parties . . A refusal to accept advice tendered to you by your council is a legitimate ground for its members to tender to you their resignation, a

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(61) Letter books (March 1,1840); quoted in Empire and Commonwealth, p.187

(62) Idem, p.187

(63) A very curious explanation of the "apparent discrepancy" between these two despatches is made by Knapland in his article "Stephen and British North American Problems" (Canadian Historical Review, Vol.5,p.22)The difference, he says, may be explained by the

course they would doubtless adopt should they feel that the subject on which a difference had arisen between you and themselves was one upon which public opinion would be in their favor. Should it prove to be so concession to their views must, sooner or later, become inevitable, since it is neither possible nor desirable to carry on the government of any of the British provinces in North America in opposition to the opinion of the inhabitants." (64)

If the reasons underlying the British attitude to the North American provinces were to be considered, the foremost would doubtless be the Colonial Office system. Two glimpses into the offices at the botton of Downing Street will suffice. Our first introduction to that important centre of empire business may well be made under the guidance of one who was well acquainted with every pidgeon-hole , Charles Buller. Since there have been ten different secretaries of state since April,1837, it is evident , says Buller, that the influence of the Colonial Office must rest with one of its permanent officials, who may be known as Mr. Mothercountry. (65) He it is who formulates colonial policy, and gets the secretary through his brief term of office. In the "sighing rooms" may be found the dejected men who have waited for hours, weeks, yea- months, to see Mr. Secretary; only to go with frustrated hopes back to their colonies to rebel.

Commentators have called this picture a seathing satire on Stephen and the Colonial Office. Yet it is a fact that Robert Baldwin waited in vain to see Secretary Glenelg when he journeyed on his mission to England in 1836. (66)

"At the root of this bad system", writes Buller, "is the present irresponsible government of the colonies." (67) He does not deny the necessity for a measure of dependence on Britain , for the success of

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history f the two despatches : the first dealt with general policy, denying responsible government; the second dealt with a particular place. It was designed to solve certain problems in South America, which, however, arise elsewhere.

(64) Egerton and Grant,pp.300,301

(65) Buller's Responsible Government for Colonies,1840; reprinted in

the policy of the whole empire; but, says Buller, responsible government is not incompatible with such dependence. (66)

Of course, on the other side of the ledger could be placed the easy accessibility to the Colonial Office experienced by Nova-Scotian That his was the exception rather then the rule wil be considered in the Canadian section.

After eight years let us go back to Downing Street to see if matters have changed. Let us look over the secretary's, Earl Grey, shoulder as he writes : "Whatever may have been the case formerly, it undoubtedly cannot be alleged that Parliament is now indifferent to what goes on in the colonies, or that faults, real or imaginary, can hope to escape the ever-ready criticism of an Opposition eager to find matter for objection to the government of the day." (69) Grey was the first successful advocate of the new colonial policy; he favored the extension of self government to all peoples who were capable of governing themselves, and he held that it was the duty of the British govern ~~men~~xx Empire to provide the best possible government for all those who were so qualified. (70) Surely such a man was an excellent one to be entrusted with the seals of the Colonial Office.

We are all wise after the event; but to many a contemporary it seemed that the only result of granting responsible go vernment to the colonies would be separation. Believing that the colonies would break away from the mother country as soon as they were able to control their own affairs, Russell, for one, often expressed his disapproval of conceeding self government.(71) To grant this principle appeared to be incompatible with colonial dependence and monarchical government. The

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Professor Wrong's "Charles Buller and Responsible Government", 1926, p.137 ff.

(66) Report of the Can.Publ.Arch. 1923, p.329 (Baldwin's memo.1836)
(67) Buller,op.cit.,p.165
(68) Buller,op.cit.,p.96 ff.
(69) Grey,op. cit., p.30
(70) Idem , p. 17
(71) Hansard , XXXVII , p. 1277

apprehension of separation was the more real since the wound of losing the furst thirteen colonies in North America had not healed without leaving a scar on the imperial consciences. That the ties of empire would grow greater with the attainement of man's estate in the colonies was a consumation devoutly to be wished; but, considering the stings and arrows of outrageous fortune, not one likely to materialize, from the prosaic Whig opinion, at any rate.

The English attitude toward the Canadian problem during the period resolves itself into an opinion of three successive stages of growth. Up to 1838 opinion was almost completely hostile; from 1838 to 1846 it was unsympathetic but not blind to the importance of the struggle; after 1846 British official opinion was in complete sympathy and accordance with the movement across the Atlantic. The year 1838 marks the first turning point in the road since Durham was the first responsible British statesman to accept the principle fo self-government for the colonies. Up to that time, the Canadas had had to force their problem upon the attention of the Imperial government; after it, a body of Durhamites saw to it that the torch once lighted should not go out. How well they held to their trust was seen in the undisguised acceptance by the new administratiin of July, 1846, of the full principles of responsible government. Thus the second milestone was passed; and by the time the third one, bearing the date "1848" was left in the distance, a new record was set in empire achievemnnt, by the establishment inthe two North American province of Canada and Nova-Scotia, for the first time overseas , of the principle of responsible government. The next bend in the road was to find the quandam 'colonies' developed into full manhood size as self-governing dominions recognized as " autonomous Communities within the British Empire, equal in status."

The conclusion of this preliminary British section must be that , while the British government finally gave its official sanction to the adoption of self government inthe colonies, it would never have inaugurated the discussion of the principle, at least for long years to come. The colonists themselves must be given the credit and the praise of initiating the consideration of the "great measure"; they forced the matter upon the mother country with a perseverence and a loyalty that finally won for them the concession. Not in Britain but in British America must we look for the mainsprings of the action that resulted in a new constitutional principle for the Empire.

The Correlation between the Canadian and Nova-Scotian Reformers.

The achievement of self-government in united Canada, for the first time overseas, was followed rapidly by the winning of responsible-government in Nova-Scotia. This new principle of government was revolutionary and epoch-making, transforming the British Empire into the British Commonwealth of Nations. The intrinsic value of the achievement is thus self-evident; its indigenous value to Canadians and Nova-Scotians as such is less apparent. Again, the importance accruing to Canada and Nova-Scotia in thus working out , within the bounds of their own provinces, a new theory and practice of colonial government, is abundantly self-evident; and yet again, the position of Great Britain in sanctioning imperially this evolutionary principle must be a prominent one among the dramatis personae. Briefly , then, the aim and object of the present thesis is to attempt to correlate Britain to her colonies in North America in the conception and achievement of this form of government.

Both Canada and Nova-Scotia each had a set of problems peculiar to herself; in this respect, each worked out her own destiny. Other factors entered into the situation in both provinces that changed not only the surface but the backbone, quasi, of the struggle for reform. To see the situation in its simplest form, however, let us glance hurriedly at the disturbing elements in Canada and then in Nova-Scotia.

Chapter I : The Canadian Problem.

The Canadian problem, it may be granted at the outset, was in its nature the exact antithesis of that of Nova-Scotia. Two races, two provinces, a number of political factions, an acrimonious religious issue : these are some of the " disturbing elements " in the Canadian situation. The absence of such racial and religious elements in Nova-Scotia made the struggle for reform much more simple, in its nature.

Unrest in Upper Canada (1) may be dated from the reactionary years following the War of 1812. The year 1815 was a herald in Europe of democracy, when nations strove to burst through the crust of imperial autocracy; a blast from the same trumpet was heard in America. The sound increased in volume till the rebellion of '37 occurred, and yet, it was "not a climax, but rather an anti-climax, accidental rather then inevitable, and out of harmony with the real sentiments of Upper Canadians."(2) Between these two dates occurred the germination of the seed that grew into responsible government.

Economically, the period was a trying one. Upper Canada, cut off from LowerCanada since 1791, had no outlet to the sea; duties were imposed by the lower province; canals in the upper province were rendered useless when the lower refused to participate in the improvement of St.Lawrence navigation.(3) Commerce demanded that the Constitutional Act be superseded. But the proposed union of 1822, aiming to stifle French nationality proved so unpopular in both provinces that the Imperial government withdrew it.

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(1) Political Unrest in Upper Canada, 1815-36. Aileen Dunham. Ch.I

(2) Idem, p.5.

(3) Idem, pp. 64.65.

Constitutionally, the problem was equally trying. The executive and legislative councils usually had the same personnel; of the latter " its chief and constant function was a reconsideration of the bills sent up by the Assembly. It was here that the executive influence was felt to such an extent that no measure disapproved of by the executive was allowed to pass the council." (4) Here then, was a preordained cause of friction between the executive and legislative branches of government. Only one of the three sources of revenue was under the control of the Assembly- the taxes raised under statute of the provincial legislature; casual and territorial revenues and customs duties were not in their hands. Supplies were refused in 1818, 1820. 1825, and in 1828. From 1828-30 the governor had no need to ask for supply(5), so profitable were the " King's rights". In 1828, then, had occurred the first encounter between the council and the assembly when the latter denied the right of the former to amend money bills(6); the flame was fanned by Robert Gourlay who "became known in Canadian history as the first martyr to the cause of reform. From 1818 dates the existence of a permanent opposition to the government in the the provincial assembly." (7)

The next popular agitator to espouse the cause of reform was William Lyon Mackenzie, who from 1824 for the next dozen years was a prominent figure in Upper Canada. He , with other reformers, was returned in the election of 1828. This session is memorable for the first authentic expression of the " great principle ".In July of that year the Reformers led by Dr. William Warren Baldwin, drew up a petition to the Imperial parliament, stating their case and proposing reform. Sixthly (8) , they

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(4) Idem. p.21.

(5) J.S.Ewart, The Kingdom of Canada, etc. p.105.

(6) Dunham, op. cit.,p.40.

(7) Idem,p.53. (8) Seventh report on grievances, p.101; Dunham,p.166.

petitioned " that a legislative act be made in which provincial parliament to facilitate the mode in which the present constitutional responsibility to the advisers of the local government may be carried practically into effect; not only by the removal of those advisers from office when they lose the confidence of the people, but also by impeachment for the heavier offences chargeable against them." With this Dr. Baldwin sent a letter to the Duke of Wellington (January 3, 1829). The petition was presented to the Commons ; in the light of Colonial Office policy (9) it could not meet with success. It was at last " set aside on a technicality." (10). Nevertheless, Stanley wrote in reply : "I do , however, think that something may be done with great advantage, to give a really responsible character to the Executive Council, which at present is a perfectly anomalous body, hardly recognised be the constitution, and effective chiefly as a source of patronage." (11) And again, " Upon the subject of the Legislative Council, (which I do not hesitate to say, without any disrespect or reflection upon the individuals who compose it, is at the root of all the evils complained of in both provinces); [here he refers to two points in regard to the jury system]. . . the three most important points of your petition, you will find that the opinion of the committee entirely concurs with yours, and that opinion I am disposed to support to the utmost of my power . . .the remedy is open to the people of addressing for the removal of the advisers of the Crown, and refusing supplies." (12)

With characteristic verbosities, the imperial parliament thus received and set aside the first expression of responsible government by a Canadian reformer. Dr. Baldwin entered the Upper Canadian assembly in 1828; from that time on the discussion of responsible government was

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(9) See above, Ch. 1.

(10) Dunham , op. cit., p. 172

(11) Seventh report, p. xxvii. (12) Idem, p.lv

constant. In reply to the speech from the throne in 1829 and 1830, the assembly declared by vote thrir want of confidence in the executive. (13)

Close upon the heels of Mr. Baldwin's enunciation of the principle appeared an article in the " Upper Canada Herald " for October 14, 1829; It purports, says Miss Dunham, (14) to be a review of a pamphlet advocating constitutional responsibility. Whether the said pamphlet be spurious or genuine, the newspaper article constitutes as clear an exposition pf responsible government as Lord Durham's, ten years later. (15)

The reformers were not again in a majority in the house until 1834, when Mackenzie's leadership produced the Seventh Report on Grievances. Concerning " A Responsible Government " (16) the report declared " that the growing condition of this part of the Empire, in population, wealth, and commerce, required there should be an entire confidence between the Executive and the Commons House of Assembly; and this confidence cannot exist while those who have long and deservedly lost the esteem of the country are continued in the public offices and councils." (17)

Mackenzie had gained access to the Colonial Office ; his charges called forth a despatch from Lord Goderich to Governor Colborne, which was indirectly responsible for that governor's resignation. On his return to the province, his violence broke out anew." Mackinsie never again advocated appeal to England, but based his hopes of reform on an elective legislative council, a programme already advocated in Lower Canada." (18) This new proposal was much discussed on both sides of the Atlantic; Charles Buller in the imperial parliament explained the basic reason; (19) futthermore, it was opposed in England because Lower Canada advocated it -- a principle which would have meant a French majority in both branches of the legislature of that province. (20) In the '30's the

(13) Dunham , op. cit. p.169

(14) Idem, p. 167

(15) Idem, p. 168

(16) Seventh report, p. XXVi

(14) Idem, p. XLI, p. XLII

(19) Dunham , op. cit. , p.139

(19) See below, p.

(20) Dunham op. cit. p. 161

fear of French domination in the lower province was still strong in England. This proposal was rather a large order to the Colonial Office, which was ready enough to remedy grievances; (compare Head's instructions) but not to grant reforms; for "grievances are merely remedied, but constitutions are re-formed." (21)

Thus, with the instruction in mind to remedy all " real grievances")22), and with the seventh report in his pocket, Sir Francis Bond Head came bearing the olive branch. Having to fill up three council places, Head sent for the much-recommended Robert Baldwin, who suggested two others in addition, Dr. Rolph and John Dunn. The result was "his positively declining to take the offer unless I enabled him to carry with him the support of the House of Assembly, which he stated could not be effected unless I should consent to dismiss the three existing councillors." (23) Thus Robert Baldwin made his furst clear stand on his " one idea". Since Head could not do this, Baldwin at first refused to take office, but was at last prevailed upon by his friends to accept, along with the other two reformers. But issues soon came to a head , for, on March 4th the six councillors addressed the governor on the subject of responsible government. Head replied that he could not concede this doctrine; what really rankled in him was their declaration " that the popular doctrine was the law of the land, that the old practice had been unconstitutional". (24) Upon receiving this reply, four of the councillors recanted; but Head declared they must act as a body, and therefore, on March 12 th, the whole six resigned. (25)

At this point, Robert Baldwin undertook a very important mission to England, prededed, however, by Head's untruthful letter to Glenelg

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(21) Idem, p. 158

(22) Idem, p. 174

(23) F.B.Head : A Narrative, pp.55-6

(24) Idem, p. 72

(25) Idem, p. 67

urging him to refuse Baldwin an interview, since he was an " agent of the revolutionary party ".(26) Yet, despite Head's assertions concerning the evils of democracy, the Colonial Secretary's despatch of September 30, 1836 (27) was a partial recognition of the reformers' principles. Head regarded this as a blow to his own position, and when Governor Campbell of New Brunswick was recalled, he wrote "in his fate I clearly read, as addressed to myself, the words ' Mene, mene, tekel upharsin ' ". (28) After this, Head found it difficult to carry out the instructions of the Colonial Office, a course which necessitated his resignation.

No sketch of the demand for reform in Upper Canada would be worthy of the name without some mention of Baldwin's London experience. True to Head's advice, Glenelg refused to see Robert Baldwin. (29) Determined not to leave without a declaration of his position, and that of his fellow-reformers, he addressed to Glenelg a letter (July 13, 1836) which is the earliest enunciation of the " great principle " in its final form. Baldwin , in it, declared his love of the mother country : " I have always been most earnestly anxious for the continuation of that Connexion: I believe it to be now endangered. I sincerely believe the crisis to have arrived, which is to decide the ultimate destiny of Upper Canada as a dependency of the British Crown." (30) And yet, the Colonial Office waited for the rebellion before it took notice of Upper Canada. Baldwin affirmed that the construction had failed both in working smoothly and in satisfying the people. Of four proposals, Baldwin says the best remedy is : " to put the Executive Council permanently upon the footing of a local provincial Cabinet, holding the same relation position with reference to the representative of the King and the Provincial

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(26) Lescock's Mackenzie, Baldwin , LaFontaine and Hincks (M.of C.) p.54

(27) Head, op. cit., pp. 158-9

(28) Idem, p. 165

(29) Report of the Canadian Archives, 1923. p.329

(30) Idem, p.329

Parliament , as those on which the King's Imperial Cabinet stands with respect to the King and the Parliament of the Empire, and applying to such provincial Cabinet both with respect to their appointment to, and continuation in, office; the same principles as those that are acted upon by His Majesty with respect to the Imperial Cabinet in this Country." (31) This Baldwin regarded as " the only remedy by the application of which these objects can be attained and Upper Canada preserved to the Mother Country. " (32). . . ."The concession of the principle calls for no legislative interference;- It involves no sacrifice of any branch of the Royal Prerogative, -It involves no diminution of the paramount Authority of the Mother Country."(33) How easy it would be! "It is objected that it would lessen the responsibility of the Lieutenant-Governor to the Home Government: this is a mistake. . . You cannot make him responsible to the People of the Province, such would be wholly inconsistent with the respect due to the Sovereign whom he represented, and fatal to the connexion between the two countries. The proper place for his responsibility to rest is, in England.-But you must give the people such an influence upon their Executive Government as will prevent the constant jealousy to which it is at present exposed." (34) The position of the governor was to become a bone of contention in the Metcalfe regime.

Baldwin closed his epistle by recommending as expedient and necessary the immediate adoption of the principle, the recall of Head, and the appointment of a successor " who shall have been practically acquainted with the working of the machinery of a free Representative Government."(35)

The anti-climax of the struggle for reform in Upper Canada was the so-called rebellion of December, 1837. The troops had been removed

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(31) Idem, p. 330

(32) Idem, p. 330

(33) Idem, p.333

(34) Idem, p. 335

(35) Idem, p.337

by Head from Toronto to Kingston; therefore it was that Mackenzie planned his attack on Toronto, which proved a complete fiasco. Armed resistance , pitiful though it was, was the last attempt to secure changed conditions. Conciliation and constitutional methods seemed to have failed: Glenelg had not received Baldwin; the reformers lost the last election under Head; Russell in England had carried his ten resolutions . It is little wonder that more moderate spirits sat still while the agitator Mackenzie had his way for once. If the means are justified by the end, then, the rebellion may be well excused: the coming of Durham marked a new era.

The Canadian situation before 1840 is only half considered in the case of Upper Canada; Lower Canada , too , agitated for reform. It was this combination of problems that made the Canadian experiment of responsible government so much harder to work out than that in Nova-Scotia.

Cut asunder from the western provinces by the constitutoional Act of 1791, the Lower Province went on its unaccustomed way under the guidance of British institutions. Although opposed to an assembly at first, the French-Canadians soon learned its power when they sat in one. (34). Up to 1818 the British government paid the civil expences of the province; in that year, upon their own petition, the home government conferred on the French-Canadians the right of so doing. (35) This gave the assembly the means of stopping supplies when their requests were refused; but the right did not force concession as long as the governor had the military fund at his disposal. The proposed union of the two provinces in 1822 was designed by the Imperial parliament to subjugate the French people. To protest against the bill, Papineau and Neilson juvuneyed to England, bearing petitions signed by the inhabitants of both provinces, that proved effective.

And herein lies the root of the matter- why should the British

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(34) Decelles' Papineau (N.of C.) p.22
(35) Idem, p. 30

aim to oppress the French population ? Lower Canada was essentially a French province; Britain herself had recognised French rights in the Quebec Act. When British institutions were superimposed it was only to be expected that the French would dominate the assembly, through the force of numbers. On the other hand, British officialdom was concentrated in the Council, from whence came the executive. The British official minority declared , through their organ, the Quebec Mercury, in 1806 : " This province is already two French for a British colony. Whether we are at war or in peace, it is essential that we should strive by all means in oppose the increase of the French and of their influence." (35) Le Canadien replied by its motto : " Fiat justitia; ruat coelum. " The racial conflict was on.

After Papineau's return from England, he was more popular than ever; it soon became a personal quarrel between him and the Governor, Lord Dalhousie. In 1827 the governor refused to acknowledge Papineau's election as speaker of the House, and accordingly dissolved the legislature. This occasioned a petition and delegation to England, the outcome of which was the 1828 report of a select committee of the House of Commons advocating the control of public revenues by the assembly. (37)The leader of the faction knew no moderation. Offered a position in the executive council in 1822, he refused; when Dominique Mondolet accepted it, Papineau and his followers cried ' traitor '. (38) He soon knew no hope; seeing across the border the principle of the separation of powers working well, Papineau advocated an elective legislative council, since, to him, the council as then constituted was only a stumbling block in the way of the assembly. That England would refuse her consent to a measure that would mean French domination in both branches of the legislature was only to be expected.

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(35) *Idem*, p.28

(37) *Idem*, p.64

(38) *Idem*, p.73

Papineau could now scarcely restrain himself, so furious and heated did he become in debate. By no means the whole of the French Canadian population supported him; as early as 1834 (39) the church had opposed him; the 92 resolutions brought ridicule to his party, and the loss of such former friends as Neilson, the Stuarts, Cuvillier, Quesnel, and Debartzch. (40)

In 1836 Papineau's position is defined by this petition of the House of Assembly, (41) reiterating that the object of the reformers' is "to extend the elective principle to the legislative council; to render the Executive Council directly responsible to the representatives of the people, conformably to the principle and practice of the British Constitution. " Here appears for the first time the request for a responsible executive. The publication of Gosford's secret instructions (42) put an end to the hope of such radical reforms being made. When, added to this, came the news of Russell's ten resolutions of March 6, 1837, denying the assembly's right to control expenses, the assembly addressed the governor in these words : " We are then bound by our duty frankly to declare to your Excellency , under the most solemn circumstances in which we are placed, that. . . . we have seen in the conduct and proceedings of the Metropolitan Government , and of the Colonial Administration towards this country , nothing which can re-establish in the people the confidence and affection which the long and fatal experience of the past has almost destroyed." (43) They refer to the " corruption and intrigue ", " the pillage of the revenue " and the self-appropriation of the best resources of the country ", and warn England that if these resolutions go into effect her supremacy will depend on " physical and material force " alone.(44)

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(39) Idem, p. 116

(40) Idem, p. 102

(41) W.P.M.Kennedy, documents, p. 421

(42) Gosford progressed very well with the Canadians until early in '36 when Head in Totonto published Gosford's secret instructions, for-

The " rebellion " occurred in December, with no more success than that in Upper Canada. On February 10. 1838, the Imperial Parliament, suspending her constitution , passed an act for the " temporary provision of the government of Lower Canada ".(45) High handed imperial action was the outcome of a colonial appeal to force.

The coming of Durham marked a turning point in the history of the North American provinces in more ways than one. Up to his advent, agitation and petition had voiced the state of affairs in the Canadas; after 1838 the Report became " a text-book for colonial reformers." (46) But the turning of the ways has another interest; the roots of the problem were all laid before 1838, and whatever happened after can only have been the fruit from the seeds sown when the earth was dark but the planters hopeful. Russell was a Liberal leader in England; he was one of the committee , who with Durham, drafted the first Reform Bill; and yet we have seen Russell's attitude to the granting of colonial responsible government. His biographer , Reid, calls Durham " the connecting link between the aristocratic Whig leaders and the irresponsible Radical politians of the great towns ." (47(His character as a reformer, therefore made him an admirable choice for Lord High Commissioner to Canada to soothe two provinces that had lately rebelled against British authority.

The almost superhuman task which confronted him; the dispatch and insight with which he wrote the Report have been oft extolled, and

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bidding conciliation to the French. (Decelles' Papineau, pp. 113-4)

(43) Kennedy, op. cit. p. 436 ff. (August, 1837)

(44) Idem, p. 439

(45) Idem, p. 435

(46) Buller's "Sketch of Lord Durham's Mission ". Report of Public Archives, 1923, p.

(47) Stuart Reid : Life and Letters of Lord Durham. Vol. I, p.144

deservedly. The political field is the only concern here, briefly. Durham recommended union and responsible government to heal the present difficulties and provide for the future happiness of the people. Like Burke, he found a remedy in the British Constitution : " It needs no change in the principles of government, no invention of a new constitutional theory, to supply the remedy which would, in my opinion, completely remove the disorders. It needs but to follow out consistently the principles of the British Constitution." (48) Thus Durham accepted spontaneously the adoption of the British system as the future form of government. But " I believe no permanent or efficient ~~form of government~~ remedy can be devised for the disorders of Lower Canada, except a fusion of the government in that of one or more of the surrounding Provinces; and as I am of opinion that the full establishment of responsible government can be permanently secured by giving these Colonies an increased importance in the politics of the Empire. I find in union the only means of remedying at once and completely the two prominent causes of their present unsatisfactory condition ." (49). . . " I believe that tranquility can only be restored by subjecting the Province to the vigorous rule of an English majority; and that the only efficientus government would be that formed by a legislative union." (50) Union was certainly a necessity as far as Upper Canada was concerned, as we have seen; (51) but Durham misjudged the French, as completely as Melbourne and the Whigs had done before him. Under a Union he hoped the English of both provinces would unite , and that the French would " abandon their vain hopes of nationality." (52) Scarcely was the Report off the press, when the English reformers of Upper Canada began negotiations with the French reformers of Lower Canada that resulted in the formation of an alliance that established Durham's great principle and healed racial strife. Not on this ground, however, is Lord Durham's recommendation to be disparaged. The reformers might still have formed their alliance; but had the Report not voiced their principles of responsible

government, the foundations of that union on reformers on both sides of the Atlantic--the force that finally proved effective-- would not have been laid, at that date.

Under the circumstances, Durham advised the immediate adoption of a legislative union,(53) outlining necessary changes in the machinery of government: " The responsibility of the United Legislature to all officers of the government, except the Governor and his Secretary, should be secured by every means known to the British Constitution. The Governor, as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the united Legislature shall repose confidence; and that he must look for no support from home in any contest with the Legislature except on points involving strictly Imperial interests." (54)

Durham does not mention ' Cabinet ' in his Report : because of this and other omissions, his insight into the working of responsible government has been questioned. When he used the phrase 'every means known to the British Constitution', he was hardly to be expected to instruct his peers in every detail implied by it. Both the Baldwins, who had been the staunchest advocates of the "great principle" in the Canadas, took advantage of Durham's visit to address communications to him and to interview him, (55) all of which tallies well with the essential ideas contained

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(48) The report of the Earl of Durham.(Methuen) p.204

(49) Idem, p. 225

(50) Idem, p. 227

(51) See below, p.7 ; Melbourne had written to Russell on December23,1838, "It is laid down by all as a fundamental principle that the French must not be reinstated in power in Lower Canada."(Empire and Commonwealth, p.244, n.2)

(52) Durham, op. cit. p.227 (52) Idem,p.238

(54) Idem,p.241

(55) Report of the Public Archives, Canada 1923,p.186

in Durham's Report. Robert Baldwin enclosed in one of his letters to Durham a copy of his 1836 memorandum to Glenelg. (56) adding :"I now repeat that advice to your Lordship with a solemn assurance of my belief that sooner or later it must be adopted, and those fatal Resolutions abandoned, or that England will continue to retain these colonies by means of her troops alone." (57) He believed an elective legislative council would be fatal to the connection; Durham himself recommendedno change in the constitution of that body.(58) " You must place the government in advance of public opinion," writes Baldwin, "you must give those in whom the people have confidence an interest in preserving the system of your government, and then you will hear no more of grievances because real ones will be redressed, imaginery ones forgotten." (59)

Durham lived to see his recommendation of Union accepted and embodied in a bill by the Imperial Parliament; the royal assent to the Union Bill was given on July 23.1840, just five days before his death. But his other recommendation of responsible government was not accepted by Russell, the Colonial Secretary.(60) " Events stronger than advocacy " were soon to transpire that forced the second and greater concession; Durham died with the motto of his house ,"le jour viendra" still unfulfilled, but destined to be realized under the regime of another member of the family, Durham's son-in-law, Lord Elgin.

The eight years of union from 1840 to 1848 may be regarded as the years in which attempts were made to carry out Lord Durham's recommend ations. The four Governors- General of Canada during that period were as

(56) Idem, p.326ff. (August 23,1839)

(57) Ibid. (58) Durham op.cit.p.326,327

(59) Report of 1923, pp.326-7

(60) See above, p.7.

fourswings of the pendulum, two to the right and two to the left. In view of this alternating policy in regard to the principles of responsible government, on the part of four able and efficient administrators, the question has often been asked, would Durham himself have carried out his own proposals? We have no reason to bring a charge of hipocrisy against Durham, but it is said that when speaking to H.G.Ward (61), a member of Parliament, on the subject, Durham declared that though there had been no change in his views from those expressed in the Report, he recognized the " need of patience ", perhaps thinking the hour had not yet come for the introduction of responsible government.

We have already noticed the two current conceptions of responsibility; (62) that Russell and Sydenham entertained the same one is evidenced by the Colonial Secretary's instructions to the new governor, and by his subsequent despatches home. His instructions were explicit :

> " Attaching minor importance to the subordinate details of that Bill (Union), we have found no sufficient reason for distrusting the principles on which it proceeds. These are- a legislative union of the to provinces - a just regard to the claims of wither province in adjusting the terms of that Union - the maintenance of the three estates of the provincial legislature - the settlement of a permanent civil list for securing the independence of the judges, and <u>for the executive government that freedom of action which is necessary to the public good</u> - and the establishment of a system of local government by representative bodies, freely elected in the various cities and rural districts. . . But is is evidently impossible to reduce into the form of a positive enactment a constitutional principle of this nature."(63

(61) Stuart Reid, op. cit.II, p.357

(62) See above, p.15.

(64) Egerton and Grant, <u>Documents</u>, pp.256-58

that is, responsible government. Sydenham replied that there was " no other theory that has common sense." (64) Francis Hincks felt there was no doubt about Lord Sydenham's real views : " I feel persuaded that if Lord Sydenham's real views on the subject of responsible government had been known at the time of his administering the Government of Upper Canada, he would never have been able to carry the union;" his idea was that " the Governor should be virtually the Prime Minister." (65)

The Union being successfully carried, the first united legislature was called for June 14,1841. The Upper Canadian reformers believed Sydenham was prepared to carry out their long-fought -for principle. In February,1840, Baldwin had been offered the office of Solicitor-General; he declared upon acceptance : " I distinctly avow that in accepting office I consider myself to have given a public pledge that I have a reasonably well-grounded confidence that the government of my country is to be carried on in accordance with the principle of Responsible Government which I have ever held. . . I have not come into office by means of any coalition with the Attorney-General or with any others now in the public service, but have done so under the Governor-General and expressly from my confidence in him." (66) This was the opinion of Francis Hincks also : "All the circumstances of Mr. Baldwin's acceptance of a seat in the Executive Council under Sir Francis Head four years previously, and his subsequent resignation being well known, the offer of office was a virtual declaration to the country that the government under the Union would be conducted in accordance with the wishes of the majority." (67)

On the eve of the session Baldwin called a meeting of the Reform party at Kingston; they were unanimous in declaring their want of confidence in the administration as then existing.(68) Thereupon, Baldwin wrote to Sydenham, June 12,1841, that a reconstruction of the Ministry would be

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(64) Idem,p.200

(65) Sir Francis Hincks' Reminiscences of his Public Life,pp.41,43

advisable, in order to include the French Canadian reformers; that the views of Draper, Sullivan, Ogden, and Day were opposed to those of the reformers. "With respect to these gentlemen, Mr. Baldwin has himself an entire want of confidence in all of them , except Mr.Dunn, Mr.Harrison, and Mr.Daly.. . . He deems it a duty that he owes to the Governor-General at once to communicate his opinions that such arrangements of the administration [illegible] will not command the support of Parliament." (69) When Sydenham replied that no re-arrangement could be made two days before the session, Robert Baldwin sent in his resignation. This is the second time Baldwin had remained true to his "one idea". From the stand-point of practical politics Baldwin's mistake was that "he did not fully realize that the party had as yet an imperfect basis of organization." (70) But, like Huntington in Nova-Scotia, Baldwin would have no half-way measures where the "great principle" was concerned.

Sydenham thwarted the reformers' scheme of forcing an issue through a vote of want of confidence by hurrying on his programme of public works. Here Hincks differed from Baldwin by openly supporting the government programme. Thus Sydenham "managed" his assembly through the session of 1841, but it is doubtful if his health would have permitted him to do so for another session, even if the fatal fall from his horse had been averted.

The second session of the first parliament was opened by Sir Charles Bagot in September,1842.Events moved rapidly to a crisis that can be

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(66) Hincks: The political history of Canada between 1840 and 1855,p.19

(67) Idem,p.12

(68) Hincks' Reminiscences, pp50-56

(69) Hincks' the Political History, pp18,19

(70) Stephen Leacock, op.cit.p.99

explained by certain negotiations that occurred before Parliament met. Before 1837, says Hincks, there was a " cordial understanding between those who were designated as Reformers in the two provinces," (71) for, in1835, Mackenzie and O'Grady visited Quebec to establish contacts. In his Reminiscences (72) he declares he met La Fontaine in 1835, and that after the election of 1841 " I was anxious to ascertain how far cooperation between the reformers in both provinces would be practicable." He then quotes a letter written by Mr.A.N.Morin on May 8, 1841,(73) to himself, in which the French Canadiansaid : " The following explanation and details will, I hope, convince you that the Reformers of both provinces must and will act together." Professor Chester Martin (74) declares that for two years previous to this , Hincks had been carrying on a correspondence with La Fontaine; that between April 12,1839, and June 29,1841, a series of thirty-four letters were exchanged by the two men.Thus Hincks is the "architect" of responsible government, since it was he who first saw the scheme of bringing the reformers of both provinces together , a scheme which materialized when Baldwin and La Fontaine, the leaders of the two reform parties, met. In the first united parliament , La Fontaine refused to take office in the Executive Council (75), and even Baldwin's attempt to force a reconstruction came to naught; but the important fact remains : the party was in existence even though it had not yet been organized. Thus, when Bagot convoked the Assembly on September 8,1842, the success of the session rested on the turning-point of admitting the French. Morrison and Draper had both urged Bagot to admit the French in a body, but Stanley had advised him to do so only as a last resort. Bagot offered La Fontaine a seat in the executive, with three other places. "Mr. La Fontaine rejected the offer made to him, after consultation with Mr.Baldwin." (76)When Baldwin moved a vote of want of confidence, as soon

(71) Hincks' Political History,p.7

(72) Hincks' Reminiscences, p. 49 ff.

(73) Idem,pp.50-55

(74) Empire and Commonwealth,p.257

(75) Leacock,op.cit.p.96

(76) Hincks' Reminiscences,p.87

as the speech from the throne had been read, Bagot turned the tide by authorizing Draper to read his letter to La Fontaine , "which quite electrified the rank and file of the French Canadians party, especially as it contained a declaration that, by the proposal made, His Excellency felt that " he had exhausted his efforts to do justice to the French Canadians ". . . "The Conservatives were staggered by the letter to Mr. LaFontaine . . . the result was the reopening of negotiations and the final acceptance of the terms offered." (77) Thus the first La Fontaine-Baldwin ministry - the ministry that reconciled the French to the Union, and prepared the way for the final form of responsible government- came into being on February 13.

This was the first demonstration of the new form of government in Canada; five men were new in the 'Cabinet' , while six were old councillors; therefore it was not responsible government in its final form. Bagot understood it and had argued Stanley into seeing its necessity; but the British government was not convinced, or they would not have sent out Metcalfe.

The demonstration was short-lived. Bagot died , and was succeeded by Lord Metcalfe, who opened the third session of the first parliament of united Canada on September 28,1843. The new governor approached the opening with little hope, writing, "the whole thing is rotten at the core." (78) He was aware that a struggle was pending and patronage would be the issue. Stanley, upon hearing of these forebodings, wrote, " be firm . . . in the disposal of patronage." (79) Then, too, the La Fontaine-Higginson interview of May had this warning note : "If the members of the Council do not choose to assume the responsibility of the act, that the

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(77) Ibid.

(78) Kaye: Life and Correspondence of Charles Lord Metcalfe, II.p.506

(79) Empire and Commonwealth,p.290

Governor wished to perform contrary to their advice, they had the means of relieving themselves from it by exercising their power of resigning."(6) Thus there was evidence of hidden force; both sides were aware that events were nearing , with the inevitableness and the measured tread of a Greek tragedy, a crisis. Like the Greek chorus with its woeful dirges oft repeated in solemn warning, Metcalfe wrote home to Stanley and to friends in England saying "hope I have none"; "I have made up my mind to utter failure"; they are making me a "tool in the hands of a party"; we "must be prepared for the consequences of a rupture".(61)

The rupture came on November 25, but it was the reformers that forced the issue and were prepared for its consequences. Stanley's warning about patronage showed that he too expected the crisis, and was partly prepared. Certain appointments, unimportant in themselves, were distasteful to the reformers; they demanded of the Governor that henceforth he should " make no appointment , and no offer of an appointment, without previously taking the advice of the Council; . . . that. . the Governor General. . . should not make any appointment prejudicial to their influence." (62) Because Metcalfe, with his loyalty to British prerogative and his own personal objection to becoming a tool and a mere cipher, could not agree to such a demand, all the Councillors except Daly resigned in a body.

The stand taken by the reformers proved disastrous to themselves. Buller, Wakefield, and Howe expressed their disapproval of their action; the new election did not return a majority of reformers, thanks to the influence of Ryerson and the Methodists with their loyalty cry. Hincks

(60) Hincks' Reminiscences, p.99; from a translation of La Fontaine's Memo. published in The Pilot.

(61) Kaye, op. cit. II.pp. 499, 500, 505, 493.

(62) Quoted from Metcalfe's statement, Empire and Commonwealth, p.292

was not returned to the assembly; the Lower Canadian reformers lost faith in those in Upper Canada; disastrous consequences were on the verge of fulfillment when illness removed Lord Metcalfe, preventing any further expression of his devotion to the Empire.

Hincks was of the firm opinion that "Sir Charles Metcalfe was selected with the object of overthrowing the new system of government."(83) True, Metcalfe was opposed to the party system: "I dislike extremely the notion of governing as a supporter of any particular party" (84), seeking rather to combine the men of all parties in his ministry. The inevitable result was that he thus fell into the hands of the high and dry Tory party. They brought to the second parliament of United Canada a small majority in support of the Governor. The new Council , which had taken him seven months to assemble, was very weak, no one of its members being able to command a following in the House of Assembly. In the fall of 1845 Metcalfe , although loath to leave the province, was forced to ask for permission to return, the progress of his malady having rendered him physically incapable of continuing his work. In the following July the Whigs were returned to power in England.

That was a piece of magic for England , for Canada, and for the British Empire. A combination of men and events, official and unofficial, in both sides of the Atlantic, produced a result which changed the British Empire into the British Commonwealth of nations.

In Canada, the elections of December,1847 brought the reformers back to power with a clear majority, after an interim of three years. In England Lord John Russell was now premier and the third Earl Grey Colonial Secretary. This happy juxtaposition came none too soon: conditions in America had never been more critical since the loss of the thirteen

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(83) Hincks' Reminiscences, p.89

(84) Metcalfe to Stanley, Apr.24, 1845; Kaye op.cit. pp.492,493; see also p.517(Vol.II)

colonies; Papineau had returned and was inciting the lower province to follow him, many of the French having lost faith in the new principle. the Upper Canadian reformers were in a precarious situation, since La Fontaine was on the verge of leaving public life- an event which would have been disastrous to Hincks' alliance; economic conditions since the introduction of free trade were so low that annexation was openly advocated in certain sections of the country.

We have already examined the part played by Lord Grey in introducing responsible government.(85) With his views Elgin was in complete sympathy, and when the time came , he was able to play his own part without prompting . The work of La Fontaine and Baldwin can never be overestimated; but the whole story cannot be told untill we come to Nova Scotia, and we see the delicate part played by Buller and Howe in the last scene of the last act. But to return to Canada : the alliance of 1842 , of which the reformers had hoped so much, had disintegrated during the Metcalfe reaction. However, as soon as Elgin arrived he did everything in his power to "show the French that I do not distrust them". (86) This renewed feeling of friendship toward the French was evidenced by Morin's election as speaker of the new House. On March4,1848, Baldwin moved a vote of want of confidence in the existing ministry; Elgin informed them that they would be expected to resign; they did resign; the next day the Governor sent for Baldwin and La Fontaine as the leaders of the majority in the House, and asked them to form a ministry; on March 11th the ministry was announced. In these five simple steps - with no stupendous dramatic climax - Responsible Government came, after a struggle of twice that number of long,weary years.

Elgin had shown his faith in the principle advocated by Earl

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(85) See above, p.19.

(86) Empire and Commonwealth,p.290

Grey from the beginning of his administration in Canada. Metcalfe's tottering ministry was on the verge of falling when the new governor arrived. Elgin in vain advised them to initiate a practical programme. He then tried to renew negotiations with Morin and Caron, with as little success. His letter to the colonial secretary of May 27, 1847 reflects the policy expressed in Grey's circular despatch of the preceeding November - 'of not identifying yourself with any one party' : "I give to my ministers all constitutional support, frankly and without reserve. . . I have never concealed from them that I intend to do nothing which may prevent me from working with their opponents, if they are forced on me. That ministries and oppositions should occasionally change places, is the very essence of our constitutional system, and it is probably the most conservative element which it contains." (87) It is little wonder, then, that when the Opposition was forced upon him, Elgin sanctioned their principles with as good faith as he had endeavored to show to the late government.

Writing to his young wife in the early months of his residence in Canada, Elgin had declared that "the real and effectual vindication of Lord Durham's memory and proceedings will be the success of a Governor General of Canada who works out his views of government fairly." (88) Elgin was that Governor General. Durham's principle was established ten years after he advocated it.

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(87) Egerton and Grant, Documents, p.311

(87) Idem, p.312

Chapter III : The Nova-Scotian Situation.

The struggle for self-government was never so desperate in Nova Scotia as in the Canadas. To begin with, everything British had a head start in the coast province; it became British in 1613 - half a century before the Canadas; its first assembly was summoned in 1758 - a third of a century before the first representative body in the Canad met. Then,too, there was no alien population domiciled within its shores - the Acadian French were few in number and had been 'assimilated'. Neither was there an economic nuisance under the guise of clergy reserves - though indeed Anglican influence predominated officially, in spite of only one fifth of the province being Episcopalian. The whole economic situation was much more wholesome and natural than that in the Canadas - the province was maritime, enjoying abundant prosperity from the coasting trade and the fisheries.

Yet inspite of , and in cases because of, these alleviating circumstances, the struggle for responsible government in Nova Scotia while more confined and more speedy than that in Canada, cost great men their best energies, patience, and moderation. The two struggles were simultaneous and adjacent , and mutally interwoven, but the purpose of this chapter is to present a broef synopsis of the situation, upon which to base later conclusions and theories.

The ethical background of the problem explains much of the relative simplicity of the struggle. Briefly, this is it : the reformers in Nova-Scotia struggled not to imitate the British but to be British; not to fight but to conciliate; not to be suspicious but to entertain confidence; not to be too fast but rather a little slow; not to be so involved in their own principles as to force issues, but to be magnanimous to all sides. The blindest justice could not but desire at least, to tip the scales on the Nova Scotian side.

The achievement of responsible government in Nova Scotia was

essentially a one-man affair - Howe started the actual struggle for the concession of the 'great principle' and dominated it all through. Joseph Howe created his own party - the party that made possible self government .

Certain preliminaries preceded Howe's advocacy , one of which was an attack on the advisory body. The personnel of both councils was the same; nine out of twelve of the members were Anglican; five members were connected with the same banking company. It was a veritable bulwark of conservative officialdom. The assembly was the usual 18th century type, but it worked peaceably with the other branches of government until 1830 when the 'brandy dispute' occurred. Through the non-collection of a fee on this commodity the province , it was estimated, lost £ 25000. The speaker of the Assembly, S.W.G.Archibald, defended the popular house against the council : "I view it with infinite sorrow . God knows I come with reluctance to this discussion . . . The rejection of a revenue bill will cause a new era in this province." (1) But a new assembly passed the required bill, restoring harmony . The guardian genius of the established order saw to it that Archibald was removed from the popular house by the offer of the position of attorney general

This nipping of liberal thought in the bud was a sure sign that the old order was not to be left undisturbed much longer. True, a debate occurred in 1834 on the question of the separation of the councils in which C.R.Fairbanks and Alexander Stewart came close to responsible government, without evolving a crisis; the former was removed from the danger zone by being made Master of the Rolls; for certainly this principle was dangerous. "Let the Executive be [illegible] chosen. . . from both branches of the Legislature and from others unconnected with either. Let a part of them come here, Sir, to seek support to the measures of the administration; and when they cannot procure the sanction of the people's representatives to the measures

(1) Empire and Commonwealth, p.164

they propose. Let them either abandon them or resign. . . the principles of the British Constitution ought to be in operation here as far as they can be introduced . . . The present system cannot continue." (2)

In the year 1835 Joseph Howe first presented himself as an active thinking citizen. In his paper, The Novascotian, he published an attack on the magistrates, and was forthwith charged with criminal libel. The resulting suit, with its overwhelming victory for Howe was a red-letter achievement in the history of the press in Nova Scotia. "Go home", said Howe, " and teach your children the names of the twelve men who have established the freedom of the press." (3) Being still undistinguished with the rights of an incorporated city, Halifax was at this time governed by magistrates under no popular control. After Howe's virulent attack, they resigned in a body.

But to dislodge the entrenched council was a more difficult matter, even with these preliminaries achieved. Elected to the assembly in 1836 as a result of his libel suit popularity, Howe began this large attack after a familiarity with the red benches of the old Province Building of not more than two weeks' standing! .His memorable attack on the council on February 11, 1837 through the medium of the twelve resolutions was the opening move. From that date events moved to an issue at a startling rate. Condemning the old system of government as "injurious to the best interests of the country" (5), Howe substantiated his resolutions with abundant proofs, rising to a climax in the twelfth resolution : "that , as a remedy for these grievances His Majesty be implored to take such steps, either by granting an elective Legislative Council, or by such other reconstruction of the local government as will ensure responsibility to the Commons, and confer upon the

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(2) Idem , p.164

(3) Chisholm ,Letters and Speeches of Joseph Howe , I ,p.82

(4) Idem , p.122, ff. (5) second resolution.

people ~~the~~ of this province , what they value above all other possessions. the blessings of the British Constitition." In the discussing of the twelfth resoption, Howe struck an important note : "I trust that those who hear me will be disposed to ask themselves the question not what exists in England. . . but what is required by the province of Nova Scotia." (6) Howe argued not on a British analogy as did Durham but on a Nova Scotian basis.

To pass quickly over well-known ground, the council objected to being designated as evincing a "despostion to protect their own interests and emoluments at the expence of the public." (7) Whereupon Howe rescinded the whole twelve resolutions, following this up with a demand for an address to the Crown on the state of the province, on March 13th,(8) embodying the resolutions. In the Address the Assembly declared that, whereas "in England the people by one vote of their representatives can change the ministry. . . here, the ministry are your Majesty's council, combining legislative, judicial, and executive ~~functions~~ powers. . . often treating with indifference the wishes of the prople and the representations of the Commons. In England, the representative branch can compel a redress of grievances by withholding supplies; here, they have no such remedy." (9)

In reply to the address came Glenelg's despatches of April 30 and July 6,1837, ordering the legislative and executive councils to be separated "in conformity with such advice as shall be deliberately tendered . . . by the representatives of the people of Nova Scotia." This concession was willingly conferred because the Colonial Office had a "sense of the high claims which the Legislature of Nova Scotia has established . . . by the long and uninterrupted course of loyal and zealous attachment to the British Crown." (10) After some delay

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(6) Idem , p.154
(7) Idem , p.141
(8) Idem ,pp. 143-50
(9) Idem , p.154
(10) Empire and Commonwealth, p.174

Falkland separated the councils with these reconstructions : nine of the members of the Legislative Council were chosen from outside of Halifax (instead of nearly all being from that city as formerly); eight were non-Anglican; four members of the Executive - of whom the advocate of responsible government, Huntington, was one - were chosen from the assembly.

The next step toward the achievement of the "great principle" was not undertaken until February,1839 when the assembly sent two delegates, Huntington and Young, to the Colonial Office. More important than the act was the thought that produced the act; the decision to send the delegates was made when the Durham mission was popularly regarded as a fiasco - when the current impression was that there was nothing to be gained from imperial quarters. They were all received in the Colonial Office (11) gaining valuable hints from Charles Buller, but colonial policy was not metamorphosed by their visit.

Russell's speech on Canadian affairs in June,1839 emphasized his opposition to the principle of executive responsibility for colonies. Joseph Howe insisted that this could only be because the noble lord lacked a clear understanding of the situation - an omission which Howe aimed to correct by his four open letters addressed to that gentleman, who was now the colonial secretary.(12) Emphasizing the loyalty of the province, the thraldom of the governor himself under the present circumstances, and the ability of the colonists to govern themselves, he endeavored to show the logic of his case. He would have a responsible Executive Council; a Legislative Council to check hasty legislation; and an assembly that would be the "great centre of political influence." (13) British heritage was a potent blessing to Howe's mind : "All suspicion of disloyalty we cast aside, as the product of ignorance and cupidity; we seek for nothing more than British subjects are entitled to; but we will be contented with nothing less." (14)

(11) Journals of the Legislative Council of Nova Scotia,1840; appendix.
(12) Chisholm,pp.221-66 (13) Idem.p.256-7. (14) Idem.p.264

The reply of the British Government not to Howe personally, or to his address - but to the principles therein expressed, was the Despatch of October 16, 1839. In spite of Russell's purpose in framing the despatch, (15) Howe could see that the governor would be answerable to the assembly for accepting the policy. Therefore, after moving the resolution of want of confidence in the executive as at present constituted, on February 3, 1840 he declared that the "governor of the province has the power to afford the remedy sought" (16) because "my opinion is that that despatch did give responsibility." (17) Fuel was added to the fire already smouldering when the governor , being consulted, replied that he could see in Russell's despatch no reason for recognising a new constitution. Huntington thereupon gave notice that he would move an address to the Crown asking for the governor's recall. On March 25th Howe introduced the address.

The demand for the recall of a governor created surprise and dismay in Downing Street, but Russell at last decided that he would recall Sir Colin Campbell.

Thus Howe forced a demonstration of responsible government in 1840. The vote of want of confidence convinced one Executive Councillor, (18) James Boyle Uniacke, that the old system was wrong. Henceforth he became a staunch supporter of Joseph Howe. The liberal leader was immensely pleased with this concession , declaring that 'from that hour they might date the establishment of the principles for which they had been contending and of a constitution of which no power on earth could now deprive them'.(19) Uniacke's resignation from a position which he could no longer in confidence held was a demonstration of executive responsibility.

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(15) See above , p. 16-17
(16) Chisholm , p.287
(17) Idem , p.289
(18) Idem , pp. 294-95
(19) Chisholm , p. 295 (Chisholm's words)

It was not without feelings of remorse that Howe moved the address which brought about the recall of Sir Colin, and yet he was "compelled by the constitution to take the steps that were taken." (20)

The next chapter in Nova Scotia's history was perhaps a necessary one, but one , nevertheless, fraught with delusion for many people. Lord Sydenham , then Poulett Thomson, who had been entrusted with the details of the situation , came down to Nova Scotia on July 9, 1840 with a preconceived opinion that the trouble in that province was a case of "petty and personal ambition." (21)

The interview between Howe and Sydenham remains locked behind closed doors. Only the results are known : Howe agreed to a coalition government ~~that~~ - well aware that his action caused much criticism. He wrote to Thomson three weeks after their agreement,(22) that enemies were trying "to make the whole affair bear the same appearance of trick and humbug as did the former council." Nearly three years later, Howe wrote, in a letter to Falkland, of his agreement with the Governor General : "When I consented to go into the Council, it was upon the distinct understanding with Lord Sydenham that hereafter the House of Assembly was to possess and freely exercise its right by a vote of want of confidence or stoppage of supplies, to change the policy or dismiss the advisers of the governor. . . relying upon this power of the popular branch to produce ultimate harmony with the Executive, if the new arrangements were not satisfactory, I consented to go in. "(23)

Lord Falkland replaced Sir Colin Campbell in September,1840; by October three liberal members sat in the Executive Council - Howe, Uniacke, and McNab. In November, Howe and McNab ascended the hustings declaring "for the first time in Nova Scotia that they held their places by the tenure of public confidence and should tender their resignation to the Governor the moment the support of the people's representatives was withdrawn." (24)

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(20) Idem.,p.319 (21) Empire and Commonwealth,p.194

Howe 's desire in playing this part was a noble one : "My pride and hope is that we shall make Nova Scotia , by her loyalty, intelligence and spirit, as it were, a normal school for British North America, to show how far British liberty may be assumed in a colony, and at what point it should stop." (25)

With the new session of February,1841 Howe had his "hands full".(26) J.W.Johnston , the conservative leader, did not share his views on responsible government; but the break came not over this, but over religion finally. Howe as speaker of the assembly had to act contrary to his position as executive councillor, thereby increasing his difficulties.

By April, 1843 the three liberals and the six conservatives in the Council could not agree on the college question or the civil list; Howe wrote ominously. "The administration as at present constituted, can not go on a great while longer."(27) The coalition was doomed, when Howe said "something more was required to make a strong administration than nine men sitting around a council table." (28)

The personal quarrel between Howe and Governor Falkland was , as Howe himself said "a disgraceful page in our Provincial history," which he would have liked to blot out. In the educational dispute Falkland sided with Johnston, acting upon his advice in dissolving the House. Howe declared it a blunder to dissolve an assembly that had given no offence.(29) However, in the elections of November 27 th Howe was returned for Halifax, when both parties claimed a majority. The Governor had promised Joseph Howe that he would do nothing till the House met; but here he added to the sin of partiality that of failure to keep his pledged word, appointing Almon as executive councillor. This caused Howe, Uniacke, and McNab to resign on December 21.

(22) Idem ,p. 197
(23) Idem ,p. 198
(24) Chisholm , p.335 (His words)
(25) Idem , p. 337
(26) Howe's own words
(27) Empire and Commonwealth,p.208 n.6
(28) Idem,p.209 (Exact quotation to be found here)
(29) Chisholm,p.438

1843. (30)

Even then Falkland did not ask Johnston to from an administration but vindicated himself in a public letter : "A vacancy in the Executive Council have me an opportunity of appointing a gentleman known to be hostile to party government , and by so doing, of showing to the country that I was averse to that principle; in other words, that I am desirous of continuing to govern , as I always have done, with the advice of a Council consisting of the leading men of all parties." (31) Howe replied that "it does appear to me that it would be better to form a strong government. . . of gentlemen agreeing upon common principles and common measures and sure of a good working majority in the assembly." (32) When asked to state their claim in writing, Howe complied : "The claim we assert in our resignations is simply this :- That we not only have the right but are bound to retire from the Council, when a course is adopted which we believe will damage our public characters and shake the confidence of the Assembly in the Executive Government." (33) But against this system of responsible, party government Falkland had definitely declared .

Attempts to reconcile the reformers were made the following February, but in vain. Howe's confidential note to the governor was returned unopened with the remark that "henceforth there will be war to the knife." (34)

Howe was now thoroughly disillusioned both in regard to the character of Falkland and the efficacy of coalitions. "Except under peculiar circumstances, coalitions rarely work well," (35) said Howe in 1847. The election of 1844 gave Falkland a majority of one or two in the House; as Howe wrote in a letter to Hincks on April 29, 1844 : "Lord Falkland is now in this position : refusing to from a fair coalition . he has been compelled to from a party government, which he openly

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(30) Idem, p. 445
(31) Idem, pp. 447-48
(32) Idem, p.451
(33) Idem,p.452
(34) Idem,p.529
(35) Idem,p.636

denounced. At this ~~time~~ moment , the Liberals, comprising two-thirds of the people and one-half of the House, are excluded from all Executive influence. . . they. . will know how to follow the example set them hereafter - experience having taught them that moderation and magnaminity are thrown away upon the opposite party." (36)

Howe now built up his party by well- timed editorial comment. From May 6, 1844 "his armchair became the centre and rallying point of the whole party." (37) "To rouse, to inform, to organize the 200,000 people who compose the Liberal party; to put them in a position to rebuke the sneers of Tory attorneys; to restrain the arbitrary exercise of the prerogative; to make their voice heard inot only on the legislative halls, but also in the counsils of their country, with a weight and an authority that cannot be misunderstood; this shall be our task for a time at least; and we enter upon it with a cheerfullness of spirit thich is the best presage of success." (38)

Despite the credit accruing to Joseph Howe as the one who above all others won responsible government for his province, he was of course not perfect, and therefore fell into some blunders, chief of which was his attack on the governor. In the old British sense of "the king can do no wrong ", this was a mistake. The vote of censure passed against Howe (39) caused him to retire to Musquodoboit a second ime. However, the shaft that Joseph Howe fired when he resigned hit home when Lord Falkland was recalled.

This pompous governor left the province on August 1st.1846 - sic transit gloria mundi. Ten days later Sir John Harvey arrived from New Brunswick. Two faux pas were avoided in the ensuing negotiations with the new governor; the shoals of a coalition were safely passed; not

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(36) Idem.p.488
(37) Idem.p.473 (Chisholm's words)
(38) Idem.p.475 (Opening editorial)
(39) Idem.p.594

only Scyla but Carybdis was passed triumphantly when the reformers were deterred from urging an immediate dissolution . The proper constitutional means of awaiting the general election due in the summer of 1847 was the course finally adopted by Howe's party, thanks to the excellent advice of Charles Buller across the Atlantic.

Meantime, Harvey received from Earl Grey, the new colonial secretary, in the Russellite administration, the famous despatch of November 3, 1846 authorising the fullest adoption of the desiderated principle of responsible government. (40)

But the reformers brought forth fruit with patience , for on August 5, 1847 they were returned with a "resolute majority " of seven The commanding position of 1840 was at last won back through trial and tribulation.

The rest of the story follows simply. The local governor was persuaded that responsible government was inevitable; Grey and Russell across the Atlantic had given the instructions; thus, when the new House met on January 22, 1848 the final steps in the achievement of the principle were taken with a precision and a quickness that augured well for its smooth working in the future. On the 24th Uniacke moved and Huntington seconded a vote of want of confidence in the Johnston ministry, carried by a majority of seven. On the 26th Harvey said the wishes of the majority should be carried out; on the 27th the old Council resigned; and on the 28th Harvey called upon J.B. Uniacke to form a ministry.

The "great principle" which the reformers had fought for so long and so conscientiously was achieved at last with a precision and a finish that left it, what Howe had hoped, a model for British North America. It was especially fitting that the oldest British community in the North American colonies should be the first to achieve the great British principle of cabinet responsibility. The words of the

(40) Grey: The Colonial Policy of the Administration of Lord John Russell. p.200 ff.

Nova Scotian Tribune went down in history as a living monument to his character as well as to the nature of the movement which he guided : "We seek for nothing more than British subjects are entitled to, but we will be contented with nothing less."

Chapter IV

Complementary and Supplementary Problems.

The endeavor of the first two chapters was to present briefly the situations in Nova Scotia and in Canada from the 1830 to 1848, as events occurred and, as far as possible, unobstructed with comment. The aim of the present chapter will be the attempt to correlate the two situations by giving evidence of their complementary and supplementary nature. The words 'Britain' and 'Imperial' will creep in, but the argument is based on events that occurred on this side of the Atlantic alone.

The chronological order, while far from stressing events in relation to their importance, will best preserve the historical sequence. In point of time, then, the Papineau rebellion was the first Canadian event to affect Nova Scotia. Since the maritime province did not follow this extreme method of provoking reform, a surface observance warrants the conclusion that she did not consciously avoid this method, but merely learned a lesson from the error of a sister province Howe's letter to Chapman in 1835 drives the observation below the surface. Howe was invited at this time to throw in his lot with the lower province, but in one of his 'flashes' he was taught to avoid the temptation. He replied to Chapman on October 2, 1835, in a letter which was published during the Canadian rebellion : (1) "The party with which your act are determined . at all hazards, to precipitate a contest with the mother country, and . . . that redress of real grievances. . was to be sought in a spirit the most uncompromising and offensive. . . Assuming, therefore, that a sudden and forcible breach of the connection with Great Britain is the wish of the whole or of a

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(1) Chisholm . op. cit. I . p. 84

portion of the Popular party in Canada, I may state , with confidence that at least seven-eights of the population of the Lower Provinces would be opposed in sentiment to any such movement. " Insight and the flash were responsible for such a statement. native magnaminity made Howe add : "Meantime, however, we consider it unfair and ungenerous to assume that justive will not be done us ." Thirty years later Howe could look back and say. "This old cry of disloyalty did not terrify me . . . I met it again at the outbreak of the Canadian rebellion, and put the enemy to shame by the publication of my letter to Chapman."(2) It would be a perversion of the truth to affirm that Nova Scotians did not learn a lesson from the Canadian rebellion, inspite of Howe's timely insight. As he himself wrotw (January 29, 1839) : "The moment that blood was shed. . . they forsook the vantage ground . . they commenced a course which was no longer subject to their control and which injured them in the eyes of those who had hitherto wished them well. . from the time that Nelson receded from the reformers there, from the time that they stopped the supplies . . . I expressed a qualified assent." (3)

From this it is evident that violence was a resource that would meet with no sympathy from the tribune of Nova Scotia , and through him from the people at large. Temptations were not wanting. Before '37 Papineau had made repeated efforts to gain the support of , not only Mackenzie in Upper Canada, but also of the reformers in Nova Scotia and New Brunswick, in order to make a combined attack against England. (5) These overtures were not launched without the later effect of aspersions , at least, being cast at loyal Nova Scotians: as Chisholm says. "The attempt to connect the Nova Scotian reformers with treason and

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(2) Idem , I , p. 518
(3) Idem , I , P. 211-12
(4) A.D.DeCelles : Papineau, pp. 119 and 189 (Makers of Canada)

rebellion has been defeated by the publication of Mr. Howe's letter to Mr. Chapman . . . Nothing could be better than the spirit evinced at this period in all the lower Provinces." (5)

The crucial year of 1840 was fraught with importance of the greatest magnitude for both Nova Scotia and the Canadas. Sydenham's was the larger task - the passing of the Union Bill and the initiation of a vigorous programme of public works. Nothing will detract from the efficiency and skill with which the Governor-General carried his herculean labor to a triumphant conclusion. But the problem would perhaps have resolved itself into a Gordian knot had it not been for the supplementary task alloted to Joseph Howe in another province. Up to this point the race for responsible government inthe two provinces was parallel but separate; in Nova Scotia events had reached an issue where the leader might have brought his party to victory, in the achievement of the "great principle". The vote of want of confidence, the address to the Crown for the removal of the governor, the demonstration of the reformers' principles in the resignation of J.B.Uniacke from the ranks of the Tories : these were preliminaries that could lead to only one conclusion . Whatever truth there may be in later charges of egoism, Joseph Howe was indeed magnanimous , moderate, and unselfish to the best of man's ability at this time. His interview with Sydenham led him, with what final reasonings we do not know, to sacrifice the situation in his own province - the province that he had loved and labored for above all other interests - to the larger situation pertaining in the Canadas ; here the hitherto parallel tracks converged. Sydenham's uncanny 'magic' was the sword that cut the Gordian knot.

This above all others is the one supplementary and complement-

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(5) Chisholm . I . p. 179 (Chisholm's own words)

ary problem of supreme importance and interest in both Nova Scotia and the Canadas. Responsible government was delayed because of it for eight years in Nova Scotia; because of it, Sydenham was enabled to carry the Union and bring a period of prosperity to United Canada that prepared the way for and helped to make the winning of the same principle inevitable there.

"The removal of the Executive Council meant the establishment of this objectionable principle," (6) he wrote, and therefore he mesmerised Howe into the coalition. At this early point in Sydenham's career there was doubt as to his belief in the efficacy of responsible government. Since there were no definite parties in the Canadas, the impression is that responsible government was impossible; but in Nova Scotia Howe straining at the reins; parties were in existence, and could have alternated to establish the new principle of party government, had Howe slackened his grip. Therefore, since Sydenham counselled a a coalition even for this province, his inner convictions must have been in opposition to cabinet government : a train of reasoning corroborated by his own statement later on : "The great mistake made here hitherto was, that every governor threw himself into the hands of one party or the other and became their slave. I have let them know and feel that I will yield to neither of them - that I will take the moderate from both sides - reject the extremes." (8)

After two weeks' residence in Nova Scotia the Governor General's was scheme was complete. He wrote of his changes in the Executive Council in a letter dated July 27, 1840 (9) concluding thus : "The Council will prove a very useful and powerful engine in the hands of

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(6) Empire and Commonwealth , p. 195
(7) Professor Martin
(8) Scrope : Memoir of the Life of Lord Sydenham . 1843. p.171
(9) Idem . pp. 180-85

the Governor. They (the changes recommended) will afford no triumph or victory to either party; and I am satisfied they will meet the views and wishes of the Government at home, because they carry out the wishes expressed by Lord John Russell, that such modifications should be made in the Executive and Legislative Councils as might bring those bodies more into harmony with the general opinions of the popular branch of the Legislature, and introduce into them some of those who exercise influence there." (10)

To Lord John Russell he wrote on the same day : "I have put matters quite ~~exactly~~ right for/for you the present in Nova Scotia. Except a few persons without the slightest influence in the Colony, all is now peace and harmony. I read people, parties, Assembly and all , a good lecture . . . I have not the least doubt that there is no colony in the British dominions that can be governed more easily than this. . this mighty storm in a very small ocean. . . There are no parties here before the public in the way we understand them, or as they exist in Canada." (11) Such was the interpretation Sydenham put upon conditions in the maritime provinces.

Now let us see what Joseph Howe said of Sydenham's visit. We have already noticed his official explanation three years later to Lord Falkland, in regard to his reasons for entering the coalition with the two other liberals (12) ; he wrote : "Before Mr. Thomson left Nova Scotia it was evident that the old system was doomed and that Sir Colin would be removed . . . those who had an opportunity of discussing politics with him, could not be mistaken in the bias of his mind." (13) Upon the hustings in the following November Howe was more explicit ; having referred to Lord Sydenham, he eulogized him thus : "To his pen-

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(10) Idem , p. 185
(11) Idem , pp. 185-89
(12) See above , p. 52
(13) Chisholm , op. cit. , I , p. 323

stration and firmness we owe the changes which have recently taken place, and we cannot make a better return for the favors conferred by his Lordship than by throwing the influence of Nova Scotia into the scale of Canadian politics, strengthening his hands, and giving the principles we value a wide circulation. " (14)

From this it is evident that Howe consciously sacrificed Nova Scotia to the larger situation pertaining in Canada; nevertheless, he unconsciously fell under the spell of Sydenham's power and his 'wand'. After the close of the session on April 10, 1841 Howe journeyed to Upper Canada on a two-fold mission; to be present at the first session of the Parliament of United Canada, and to ascertain if his actions had met with Sydenham's approval. The latter part of his mission was entirely successful; the former proved a mixed blessing : "As far as we were enabled to study public affairs in United Canada, we often suffered quite as much as we enjoyed. The reason for all this it would not be wise at the present moment to give. Those who are trying a great experiment want the sympathies and active assistance of all who can aid them." (15)

The entirely different attitude taken by Lord Sydenham and by Joseph Howe may be partly explained by Lord John Russell's ingenious despatch of October 16, 1839 and its various interpretations. Russell had warned Sydenham to be on his guard against making remarks that might 'imply an acquiescence' in the principle sought; (16) Howe , on the other hand, declared "that that despatch did give responsibility",(17) and in view of this despatch did not doubt that the governor general was not endowed with the power to sanction the new principle, if he so desired.

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(14) Idem , p. 337
(15) Idem , p. 382
(16) Egerton and Grant, op. cit. , p. 256 (Oct. 14 , 1839)
(17) Chisholm , I , p. 289 (Oct. 16)

Howe informed Lord Falkland that his reason for entering the coalition was "to lessen . if possible, the difficulties with which . at that time, the Governor General was beset." (18) On one previous occasion Russell had answered a critical situation in no uncertain terms ; Howe's magnanimous nature demanded that he do all in his power to avert a repetition of such drastic measures. Therefore, when the Colonial Secretary 'decided' that the union of the Canadas was to be carried, Howe helped to the best of his ability. Danger attends the thwarting of arbitrary power.

Outside of these brief references we shall never know the secret thoughts of Joseph Howe's heart when he made the disastrous agreement with the new Governor General. "What took place", he once wrote, "too important to entrust to a note-book that might fall into other hands." (19)

The result, as far as Canada was concerned, was all that could be desired. The Union was carried through with success and the programme of public works begun. Sydenham's great task was complete : "With a most difficult opening. . I have brought the Assembly by degrees into perfect order. . . ; have carried all my measures, avioded or beaten off all disputed topics, and have got a ministry with an avowed and recognised majority capable of doing what they think right, and not to be upset by my successor. My last feat has been to carry the Municipal District Bill for Upper Canada."(20) Nothing could surpass the suavity and pleasure with which he wrote thus to his brother. Sydenham's problem came to a triumphant conclusion because of the sacrificed issue of Nova Scotia's supplementary problem.

Contrast the exultation thus expressed with the despondency of Joseph Howe at the conclusion of the coalition : three years of coalition had delayed responsible government and disintegrated the party that

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(18) Quoted in Empire and Commonwealth , p. 201 (April , 3, 1843)
(19) Idem, P. 158.
(20) Serope, op. cit. , pp. 253-54

Howe had so carefully built up, ending inthe resignation of December and an ignominous quarrel with the governor. The success of one could only be the downfall of the other, for the two problems were antipodal, since Howe was striving for the principle of responsible government while Sydenham was against it - although mutually supplementary and complementary. "When I went out I had debts to pay - seven children to maintain - no fortune, and . . a four years' fight for my good name against an infernal faction before me," (21) wrote Howe when he fully realized just what the coalition had cost him.

The working out of their common problem, the principles of colonial self-government, was a means of producing reciprocity both of facts and of ideals, between the Canadians and the Nova Scotians. In the Durham regime the two channels of reform merged and were commingled for a time. True, an official delegation from Nova Scotia welcomed Lord Durham upon his arrival; but more important for the cause of reform was the unofficial contact of Howe with the High Commissioner. In January 1839 Joseph Howe sent a sheaf of papers to Lord Durham, among which were : the Address of 1837; the despatches in reply; certain papers showing that the instructions indicated in the said despatches had not been carried out; speeches manifesting disappointment in the continuation of the old system (22) The reading of such papers must have contributed to Lord Durham's clear understanding of the Nova Scotian situation, evinced in the Report.

Howe and Durham were indeed spiritual brethern. Although an Imperial statesman, Lord Durham may almost be regarded as a Canadian reformer, so heartily did he sympathise with Canada's struggle for self government and so sincerely did he urge the adoption of her long-sought principles. Thus, through the medium of Lord Durham and his Report Nova Scotians had a contact with the Canadian reformers.

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(21) Quoted in Empire and Commonwealth , p. 212
(22) Calendar of the Durham Papers, Can. Arch. Report for 1923, p.199

Newspapers were another and an important medium for emphasising the contact between the two provinces. Francis Hincks from 1838 to 1842 edited the Toronto Examiner bearing at first the motto "Responsible Government", to which was added in the course of two months : "and the Voluntary Principle". (23) This weekly advocated the principles of the reform party for four years making its initial appearance on July 3, 1838 in which Hincks printed "three extracts which were intended to explain the principles it advocated", and in which he wrote, referring to Lord Durham, "We trust his advice will be followed by all parties in this province;" (24) - a hope which animated the Examiner till 1842.

Two years later, on March 5,1844 Hincks began editing the Montreal Pilot, carrying on the same tradition as the Toronto Examiner. In the opening number he explained the principles of responsible government entertained by the United Reform Party, writing : "It must never be forgotten that the ~~fundamental~~ essence of responsible government is a control over the Royal Prerogative. If the representative of the Sovereign is in practice to make appointments according to his own personal opinion, and to reject the bills relating to our local matters . . . it would be infinitely better that the mockery of representative institutions be abolished. The prerogative of the British Crown are so extreme that without responsible government, it would be preferable to live under the government of a Russian or an Austrian despot." (25)

There is a remarkable similarity between this speech and the letter to Hincks written by Howe the next month : "If it be said that colonial ~~government~~ patronage is not to be dispensed by the Governors so as to satisfy the Parliamentary majority in Canada but the parliamentary majority in England, then you had better have a respectable despotism at once, without all the troublesome and expensive machinery of a

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(23) Hincks' Reminiscences , p. 22
(24) Idem , p. 22
(25) Idem , p. 125

representative government." (26) This letter Hincks printed in the Montreal Pilot of May 15th.

Howe himself by editorial comment in The Novascotian did more to form a party, in his own sense of "an organized party inthe lower House acting on general principles which the constituencies understood and feeling in honor bound to advance those principles until they should prevail" (27) - than by any other means. As an advocate of Durhamite principles he, like Hincks in Upper Canada, published extracts from the Report, which circulated throughout the length and breadth of the province. A reformer with the open-mindedness native to Joseph Howe could not miss the wise and staunch advocacy of the "great principle" going on in a sister province. Not only did he read the Examine - despite his own statemnnt that "I do not see many Canadian papers and none very regularly" (28) - but printed extracts from and comments upon it in his own newspaper. Howe said in 1837 what he could have said at any time throughout the struggle : "To the opinions promulgated through the press I still adhere; and I am happy that they are sanctioned by the judgment and sustained by the sympathies of the people we represent." (29)

Thus through the press the reformers in Upper Canada and in Nova Scotia established contacts that revealed in every copy the complementary and supplementary nature of the two problems.(30) As early as 1835 the professional newspaper man could not help but note that "the language of the late numbers of "The Vindicator", the acknowledged organ of your party," (31) was inciting Chapman and others to violence Howe all through had the professional man's acquaintance with the press; in his "Speeches and Public Letters" we find continuous references to such organs as The Examiner, The Vindicator, the Montreal Courier,

(26) Chisholm , I , p.485
(27) Idem , p. 646
(28) Idem , p.482(This statement was true in April, when he wrote the letter; but the next month he resumed the editorship of his own paper.)
(29) Idem , p. 132

Montreal Pilot, the Pictou Observer, the Pictou Patriot, The Christian Messenger; etc.

At the end of the session of 1842 The Montreal Courier published Howe's speech in defence of the government , commenting thus : "As thi speech exhibits the working of responsible government in Nova Scotia we shall proceed to make some extracts from it, elucidating its principles features. " (32) Just in what way the Courier interpreted responsible government does not concern us : the important thing is that newspapers all over the country were discussing the Nova Scotian demonstration in particular and the new principle in gererel. The foundations of a living, vigorous public opinion were being firmly laid by this type of journalism.

Howe's correspondence with reformers in other provinces serves to illustrate the contact of reformers in all the provinces of British North Americe. Howe was in constant communication with Charles Fisher of New Brunswick, and letters also passed between him and Isaac Buchanan and Adam Fergusson of Upper Canada. Charles Fisher , an ardent reformer in the sister province of New Brunswick - the province that achieved a demonstration of responsible government as early as 1836 evoking Governor John Harvey's gratitude "for Grey's noble support in changing the personnel of the Executive Council to command the entire confidence of the Assembly" (33) - wrote to Joseph Howe before the great election of August 5th : "The effect will thrill through all British America. If Nova Scotia strikes the first blow, I do believe that the next election in Canada will follow suit , and it must have some effect here. " (34) This was a forecast that proved true; writing

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(30) Writing in Winnipeg, I have no access to newspaper files that would fully corroborate this statement.
(31) Chisholm , I , p. 84 (Writing to Chapman)
(32) Idem , p. 388
(33) Quoted in Empire and Commonwealth, p. 172
(34) Idem , p. 233 (June 12, 1847)

on August 25 , Charles Fisher showe d his enthusiasm : "This is a glorbous thing, this election, for Nova Scotia and all the other provinces. . . Canada will strikethe next blow. " (35)

The principle of self government for colonies , first achieved on British American soil. was worked out separately by three provinces yet with a reciprocity of opinions and influence that proved the mutually supplementary and complementary nature of a problem that was the greatest British constitutional proposition, successfully demonstrated, of the nineteenth century.

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(35) Idem , p. 234

Chapter V

Correlation through the Constant Factor - Great Britain.

Great Britain was of necessity the constant factor in the mathematical equation expressing the relation of the mother country to two of her North American colonies. The loose strings can now all be gathered up and held in one hand - that of Britannia, for the most part - but not without emphasising the truth contained in that old greeting from colonials to those in the old country, "hands across the sea"; for the achievement of the principle came finally through the united effort of those favoring reform on both sides of the Atlantic.

In truth, Canada and Nova Scotia were thrown into unavoidable contact, and sometimes conflict, through the medium of that intangible ogre, British Colonial Policy. But the ogre can be dissected into component parts expressive of grave crises and astute despatches that make him quite comprehensible.

Lord Glenelg, as Colonial Secretary from 1835 to 1839 , was the victim of much misunderstanding and unjust criticism. We find him described as "little better than a wordy pedant" (1), "fussy", and "the most pusillanimous of colonial secretaries." (2) In England he had a reputation of being lazy; in the Canadas his character was equal misunderstood. But in Nova Scotia and New Brunswick he was extremely popular; in the later province he had given over to the assembly complete control of the Crown lands and the revenues, resulting in a demonstration of responsible government as early as 1836; in the former, we have already seen that his reply to the address of 1837 sanctioned the separation of the two councils and also other measures

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(1) Reid, op. cit., II, p.365
(2) Dunham , op. cit., pp. 157, 174

which, however, remained unfulfilled by the governor. Joseph Howe triumphantly carried resolutions (3) expressive of the confidence reposed in the Colonial Secretary by the Nova Scotians. Lord John Russell was the imperial force responsible for Glenelg's resignation on February 5, 1839, just on the eve of the publication of Durham's Report.

This diversity of opinion in Canada and Nova Scotia in regard to Glenelg's character may be partly explained by the different nature of the two problems. Perhaps the most injurious effect of the Canadian 'rebellion' was the unfortunate position in which it placed the province, justifying future criticism and provoking repressive measures in retaliation. It was hardly to be expected that Great Britain would be inclined to look graciously upon desired reforms sought in that province at the time. But the sun shines alike on the just and on the unjust; hence Nova Scotia suffered for sins that were not her own. Glenelg's repressive policy in Lower Canada reacted unjustly on other provinces. However, there was some satisfaction in knowing that as far as Nova Scotia alone was concerned Glenelg might have willingly [illegible] sanctioned the new principle; but, as he wrote to Howe : "if conceded in any one colony, it must be granted in all," (4) and in truth, Lower Canada was not in condition to warrant the Imperial Government conferring that principle in 1837.

Howe personally must have found Glenelg a congenial spirit; he had interviewed him in the summer of 1838 at the Colonial Office; the next January we find him pouring out his heart to a sympathetic hearer writing of his "wounded spirits" and saying that "the people of Nova Scotia will never rest satisfied with things as they are." (5)

Glenelg 's despatch of September 30, 1836 (6) addressed to Sir

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(3) Chisholm , I, p. 199 ff.
(4) Empire and Commonwealth , p. 175
(5) Idem , p. 182
(6) Head, A Narrative, pp. 158-9

Archibald Campbell, the governor of New Brunswick, was also sent to Sir Francis Head in Upper Canada. The instructions therein, responsibl for the demonstration of 1836 in New Brunswick, were repulsive to the governor of Upper Canada, and one of the causes of his disagreement with the home office. One's man's meat is another's poison.

Not only was the Nova Scotian situation jeopardized and its solution retarded by the uncompromising Papineau and the 'rebellion', but colonial policy was affected. This constant factor, then, was another medium through which two North American provinces found their problems to be complementary and supplementary.

Lord John Russell's part in thrusting Glenelg from office was ominous. Before the year was out he himself had taken over the seals and had inaugurated a policy that reacted in more ways than the noble lord foresaw, upon the colonies.

The ten resolutions were introduced as a repressive measure, designed to punish Lower Canada for refusing supplies. The resulting 'rebellion' under Papineau made Russell feel justified in suspending the constitution and in repressing the "responsible government cry". Thus Sydenham's instructions urged him to secure "to the executive government that freedom of action which is necessary for the public good." (7) But Nova Scotia was equally affected. The despatch of October 16, 1839 gave Joseph Howe a basis for the tactics that resulted finally in the recall of the Governor, since he affirmed that "that despatch did give responsibility." (8) The despatch in question had as important a place in the Nova Scotian situation as it did in the Canadian; indeed, in the former it had a added significance, following as it did, Howe's four open letters to Lord John Russell.

Not only did this particular despatch act as a connecting link between the two provinces; but Howe's'surrender' of 1840 was a cor-

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(7) Egerton and Grant , p.258
(8) Chisholm , I , p. 289

ollary to Russellite colonial policy that also brought the two peoples intp contact.

Less than twelve months previously the disputed despatch had come as an answer to colonial claims of the right of self-government. Howe had no desire to see a repetition of the ten resolutions as a consequence of any action of his own, or of any action that he himself might avert. We have already seen (9) how he threw in his lot with Sydenham, in order to enable that gentleman to carry the Union without external obstruction. Colonial policy, under the guidance of Lord John, thus bound together two of the North American colonies, with intense disillusionment for one of them.

It is idle to speculate what would have been the result had Glenel continued in office during the publicati n of Durham's Report; Union might not have been recommended as the summum bonum ; at any rate, the governor
hew/would not have been instructed to exult the executive at the expence of the representative branch of the legislature. Had the Glenelg tradition of 1837 been continued in Nova Scotia until 1840, it is conceivable that her history would have been very different. Only by such glimpses ad astra can we fully realize the significance of events as they occurred, and not as they might have been.

It is not merely a coincidence that Lord Durham, the first responsible imperial statesman to sanction the new principles of colonial government, was sent out to Canada during Glenelg's tenure of the seals. True, Glenelg was not appreciated in the Canadas; true, also, is it that Durham's biographer, Stuart Reid, is guilty of such an extravagance as the following : "Lord John Russell at the colonial office was the right man in the right place. It would have been well for Durham if he had been there twelve months earlier . . . he was endowed with a political vision , which Glenelg, who was little better than a

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(9) See above , p. 63

wordy pedant, notoriously laked. Durham's Report fired Lord John's imagination . . . he determined to carry it into effect. " (10) Yet, from what we now know, (11) Glenelg was a liberal-minded statesman, much more so then Russell at that time.

Imperial policy , as manifested in the Durham episode, proved a link to bind and a buckle to fasten Nova Scotia and Canada, through the medium of the classic Report - hailed as a text-book of reform in both provinces.

During the regime of Russell and of Grey , an unofficial contact with the colonial office occurred through Charles Buller. Buller first became known in British North America as Lord Durham's private secretary; his "Sketch of Lord Durham's Mission" , (12) revealed him as a liberal in politics and also as an avowed Durhamite. To Canadian reformers he remained dear as the staunch exponent of Durham and of his principles. In his pamphlet on "Responsible Government for Colonies" (13) he further enunciated his principles.

More important than all this was his constant communication with Joseph Howe and the Nova Scotian reformers. When Huntington and Young went to England in February, 1839, Buller gave them "valuable hints which were of essential service to us." (14) From that time on, Buller remained a friend to Nova Scotians. Even the ignominous quarrel with the Governor evoked Buller's sympathy : "I have now to congratulate you on being rid of Lord Falkland," (15) he wrote in September ,1846. Howe was anxious that the House should be dissolved as soon as possible when Harvey arrived; writing to Buller on September 16 th, he said : "If you have, as I suppose, influence with Earl Grey, request him to dissolve our House." (16) This was a mistake from which Buller saved

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(10) Reid, op. cit., II , p. 365
(11) See Broughton : Recollections of a Long Life.
(12) Calendar of the Durham Papers, pp.341-59
(13) Re-printed in Wrong's Charles Buller and Responsible Government.
(14) Empire and Commonwealth,p.180
(15) The Howe-Buller Correspondence, Can.Hist. Rev. 1925, p.316 (Edited by Professor Martin)
(16) Idem , p. 318

Howe : "I cannot see that there would be any constitutional propriety in his dissolving his Parli. against the advice of his advisers for the time being. . . This is an extreme course, inconsistent with the usual course of representative government . . . And to you it is of paramount importance that the ordinary practice of Responsible Govt. should be rigidly respected." (17) Buller, however, did heartily support Howe's advocacy of a party government , refusing as he did, Harvey's overtures for a coalition government : "Coalitions always damage all engaged in them, and fail all who lean upon them," (18) he wrote on November 16th to Howe. Perfect confidence and understanding on both sides of the Atlantic continued while the great election occurred that brought in the liberals with their "good working majority of 7 " (19) Buller 's congratulations were sincere : "The wisdom and moderation of your views make me confident of the success, which I never mistrusted, of the working of Responsible Government, and of the triumph of the liberal party in Nova Scotia. . . I think I may give what is more useful than any counsels O merely, an assurance of the confidence and kindliness with which your own generous policy is met here,"(20)

Thus, in Canada and Nova Scotia Buller holds a high position as a reformer of the highest principles; "there was something safe, practical, and conciliatory in Buller's advocacy of North American interest . . . He never did violence to the antique prejudices of Parliament or feared to give honest counsel, when they seemed to require it, to the colonists themselves. There may be rising men in both Houses, of whom we know little; but of those we do know, there is not one, in the peculiar walks he chose, who can fill Charles Buller's place," wrote Howe in The Novascotian , commenting on Buller's untimely death. In

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(17) Idem , pp. 320, 321
(18) Idem , p. 322
(19) Idem , p. 324
(20) Idem , p. 327
(21) Chisholm , p. 667; The Novascotian, Dec. 25, 1848

the whole gamut of imperial statesmen who were ever concerned with the colonies, no other drew forth such warm praise and appreciation from Joseph Howe . In truth, as Howe said, Buller was cut off "in the very flower of his days"; yet there is something satisfying in knowing that he lived to see responsible government achieved in Canada and Nova Scotia.

Once more the constant factor was a correlating force in the history of these two North American provinces. When the Russellite government came into power in July, 1846 the last step was being taken on the long road to the goal. "You are fortunate in now having a Colonial Secretary who has sound views of Colonial Policy," wrote Buller to Howe.(22) Howe, too, felt the excitement of achievement tingling in his blood; he was "devilish glad" (23) the Whigs were back in power. That affairs had come to a point where immediate action of the right kind was imperative was no secret : "If this Whig Government disappoints you ", wrote Howe prophetically, "you will have the questions I have touched discussed in a different spirit, ten years hence, by the Enemies of England, not by her friends." (24)

Buller's ~~extnt~~ undoubted influence on Grey's memorable despatches is not even hinted at in his correspondence with Joseph Howe: "I am sure from what I hear," he wrote cryptically," that the latter has impressed on Sir John Harvey the fullest adoption of the principle of Responsible Govt. " (25) Again, after the achievement of the "great principle" he writes, equally non-committally, "I was especially rejoic at your approval of those Dispatches of Ld. Grey's, which he showed me before sending them to Sir J. Harvey." (26)

Howe's opinion of Earl Grey was very high: "The very prompt and kind manner in Earl Grey acknowledged my pamphlet in 1846, led

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(22) Howe-Buller Correspondence, p. 316
(23) Idem , p. 318
(24) Idem , p. 319
(25) Idem , p. 320 (Nov.15,1846)
(26) Idem , p. 327 (Mar.24,1846)

me to hope that it had interested him, and every despatch he pens renders me more ambitious of his good opinion. He is acting nobly by us here, and the sap is already beginning to circulate through the 'girdled tree!." (27)

As we know, Grey's despatch to Harvey was shown to Lord Elgin before he left for Canada. The one and the same despatch was the beacon light that revealed the harbor to Canadian and Nova Scotian reformers alike. Elgin in Canada and Harvey in Nova Scotia presided over the new form of government sanctioned by this despatch. The two parallel tracks at last converged under the pressure of imperial policy. The union of similar elements that at last combined to produce the long-sought principle is truly remarkable. More than a blood tie united Durham and Elgin and Grey; they were spiritual as well as fleshly brethern, and when the three united - for Durham was there in the principles of the other two - the speedy and unspectacular realisation of their common hope was a fore-gone conclusion.

To his wife, Lord Durham's daughter, Elgin wrote, soon after his arrival in Canada, "I still adhere to my opinion that the real and effectual vindication of Ld.Durham's memory and proceedings will be the success of a Governor-General of Canada who works out his views of government fairly." (28) Elgin became "the instrument to carry out this work"(29) ; when the test of the new principle came in the passing of the RebellionnLosses Bill ,Elgin rung the death knell of Russell's ancient theory; the Governor, and not the Colonial Secretary, assumed the "responsibility of deciding". The genius of the British Constitution assumed its old trend, when practice rather than theory achieved for Canada and Nova Scotia a new form of government. The law of Britain became from that hour the law of the self-governing colonies, as their "ancient and undoubted right." (30)

Once previously a governor had "acted on his own responsibility

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(27) Idem , p. 329 (The pamphlet referred to was the Letters to Lord John Russell)

Sir Charles Bagot in 1842 had admitted the French as a part of his Council. Stanley nominally gave him the necessary official sanction to the "great measure"; Bagot wrote home to the Colonial Office that whether or not it was called responsible government, "virtually it exists". The home government , being still unconvinced, sent out Metcalfe as Bagot's successor. Under him the crisis came that might have been a feature of the Bagot regime. The resignation of the reformers in Canada in November 25, 1843 and that of Howe, Uniacke , and McNab on December 21, were both the result of Sydenham's policy of coalitions Both Falkland and Metcalfe carried on the Sydenham tradition of opposition to party government; both used the same language about the governor becoming a mere cipher and a tool; (31); both won the next election by the aid of a Tory party - Ryerson and the Methodists in Canada and Johnston and the Baptists in Nova Scotia.

This similarity in occurrence can only be explained by the policy of him who directed colonial governors - Lord Stanley. The views of the Tory colonial secretary were shared by the two governors; Falkland had once been a Whig whip , but after the resignation of the reformers, he adopted the old Tory policy of opposing parties, with the inevitable result that he threw himself into the hands of a party. Stanley's pupils were indeed apt.

The nature of the two coalitions and their results, in the resignation of the reformers, were extremely different. Only in so far that a common authority - the Tory government at home - was responsible for the coalition idea in both provinces do we seek to establish an analogy. In Canada the reformers forced the issue that led to their resignation; in Nova Scotia the reformers did all in their power to make the coalition a success. Howe himself was seriously concerned on this point; writing to Hincks just before he himself resumed the editorship of The Novascotian, he said, referring to the fiction that he had condemned the action of the Canadian reformers : "It was in ref-

erence to this contrariety of statement (both the reformers and the governor offered their own explanation of the event) that I said , in answer to some speaker who sought to show that the Canadian and the Nova Scotian cases were strictly analogous - that the matter had been so 'bungled' in Canada that it was difficult to say whether such an inference could be fairly drawn." (32)

Therefore, the constant factor, British Colonial Policy, functioned as a connecting link between the two provinces of Canada and Nova Scotia in their struggle for responsible government, throughout the regime of Glenelg, Russell, Stanley, and Grey at the Colonial Office.

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(28) Egerton and Grant , p. 318
(29) Ibid.
(30) Protestation of the Commons, Dec. 18, 1621
(31) Empire and Commonwealth , pp. 212,213
(32) Chisholm , I , p. 483 (Apr.29, 1844)

Chapter VI

Contrasts and Comparisons.

The history of the achievement of responsible government in Canada and in Nova Scotia bears a similarity of once interesting and remarkable. Every page of the records teems with comparisons and contrasts in men, motives, and machinery; in practice and in principle; in conception and in achievement.

The Canadas saw the desirability of and the need for the right of self government being conferred upon the colonies, at a time when Nova Scotia was undisturbed, peacefully pursuing the path of seventy years of prosperity. In 1828 Dr. Baldwin 's petition was received at the Colonial Office; eight years later his son's memorandum found the same depository. Both had advocated in noe uncertain language the principles of executive responsibility , not only desirable as a form of government for British colonies, but necessary if the colonies were to be retained without an appeal to force. The urgency of the case was so apparent that even the moderate reformers of Upper Canada were becoming exasperated at the nonchalance of the British government, while the more radical spirits under Papineau's guidance were beginning to use language expressive of their disregard for their allegiance. On the other hand, although Canada may retain the honor of first place in regard to time , as an advocate of reform at the Colonial Office, Nova Scotia has the first place in regard to importance; for, while Dr. W.W.Baldwin's proposal was returned with few promising remarks, C.R.Fairbanks' memorandum of 1830 - just two years after - was kept at the colonial office for reference. Nova Scotians always had that easy access to the office in Downing Street that procured for them a warm reception of any correspondence that might find its way to that depository. And yet, again, in 1836 Robert Baldwin formulated the most discerning memorandum on responsible government hitherto produced.

Yet in this year Nova Scotia's waters showed not the faintest ripple, at a time when those of the neighboring province were troubled as by the spirit. In allocating responsibility for the introduction of the agitation, then, Canada may be given priority over Nova Scotia in respect to time, but not in respect to influence.

As a result of the elections of 1836 in Nova Scotia, Joseph Howe sat upon the red benches of the old Province Building for the first time. Not until February 11,1837 , with the moving of the twelve resolutions did Nova Scotian reformers under Howe's leadership plunge into the fray. In quite succession came the Address to the Crown on April 13, which created not a little stir at the colonial office. It is significant that the news of Russell's resolutions of March 6th arrived in Nova Scotia in the midst of the debate on the Address. If, said Howe, such a policy was to be enforced upon the colonies forever;"if liberty and responsibility were to be confined to the British Isles, he would go and live where they were enjoyed." (1)

Joseph Howe , with Tory instincts at the beginning of his career, soon changed his political allegiance when he realised how serious was the state of the province. Indeed, he did not begin his agitation as early as Robert Baldwin in Upper Canada, but he was equally in earnest when once he had begun. Nova Scotia, then, perhaps owed much to the Canadian agitation.

In any province's history there is of necessity much negotiation to be carried on with the Colonial Office.The way in which Canadians and Nova Scotians approached the office in Downing Street affords and interesting study in contrasts and comparisons. From an early date Nova Scotians enjoyed the fullest confidence of the British officials. From the days of Sherwood, Dalhousie, and Kempt, thinking men in Nova Scotia could leave the results of their meditations at the Col-

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(1) Chisholm , I , p. 151

onial Office with full assurance that their memoranda would be attended to. R.J.Uniacke in 1828, and C.R.Fairbanks in 1830 availed themselves of this privilege. Howe himself in 1838 went to England, finding no difficulty in gaining access to Glenleg, and talking in such a confidential manner that he wrote in a diary "what passed not fit to put into Note Book which might fall into other hands." (2) Again, in February 1839 Huntington and Young were courteously received by Glenelg, and were given valuable hints by Charles Buller. All this was important in creating for Nova Scotia a tradition of moderation and magnominity, in Howe's phrase, in sharp contrast to the appeal to violence that was the result of extremists' agitation in Canada. Not only was it important from the colonies' point of view, but from the broader outlook of empire; terms of commendation from the mother country to a colony were conveyed when Glenelg, in his despatch of April 30, 1837, wrote that the home government had a peculiar pleasure in granting reforms to this maritime province because they had "a sense of the high claims which the legislature of Nova Scotia have established . . . by a long and uninterrupted course of loyal and zealous attachment to the British Crown." (3)

The story of the Canadian approach to imperial authorities affords an exact antithesis. The most egregrious instance of the failure of an appeal to England is that of Robert Baldwin in the summer of 1836. Under Head affairs had reached a crisis that warranted a mission of this nature. Yet, Head's letter to Glenelg proved effective in keeping Baldwin out of the inner sanctum of Downing Street.(4) Being repulsed in this direction Baldwin looked around for other means of ingress, resorting finally to the member at Westminster who had received radical Upper Canadians - Joseph Hume. How salutary this contact was, may be

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(2) Empire and Commonwealth, p. 158
(3) Idem, p. 175
(4) Read, op. cit., p. 97

(5) Dunham, p. 154, Mackenzie had written to Hume of his expulsion from the legislature; Hume replied (March 29, 1834) with the popularly designated 'baneful domination

inferred from the "baneful domination letter" (5). The popular agitator of course denied that this letter implied rebellion; but Hume's reputation could hardly have been unscarred by such a communication.

Mackenzie himself had in 1832 gone to England with voluminous grievances which he deposited with Lord Goderich in the Colonial Office. But upon his return, when appointments made as a result of his mission were annulled, he continued his violent agitation, never again advocating an appeal to England. (6) It is worth a passing thought to speculate what changes might have been effected in this rather violent spirit had he fallen into better hands while in England; '1832' was four years away from the extreme stand that was to condemn him. Hume was of the opinion that Baldwin's reception would have altered matters.(7)

Thus, neither Mackenzie for Robert Baldwin were able to gain that access to the colonial office that Nova Scotians found continuous and unbroken throughout the struggle. Here, then, is a study in contrasts, as startling as black and white, that must be explained by the native character and temper of Nova Scotians as loyal in their allegiance, magnanimous in their nature, and sane in their outlook - in antithesis to Canadians who, whether of French or British origin, found a settlement of their problems by constitutional means impossible.

By putting two sets of problems over against each other in such bold relief one runs the danger of not keeping constantly in mind the great difference in the difficulty of the two situations; the purpose is to show the contrast in method, always assuming that the nature of the problems in both provinces was, per se, different.

Contrasts and comparisons outstrip each other constantly as the race nears its finish. While the method of contact with the mother country differed exceedingly, the method of working out a solution

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letter', in which he affirmed that the expulsion would hasten a crisis and "will terminate in independence and freedom from the baneful domination of the mother country".

(6) Idem, p. 139

(7) "If the demands or suggestions of Mr. Baldwin had been then attended to (1836), if the truth had been heard and acted on, all the

of their constitutional difficulties in the two colonies themselves was very similar. Briefly, both Nova Scotia and Canada discovered through bitter but profitable experience that 'party ' and not 'coalition' was the medium by which the 'great measure' could be introduced. The similarity in method is largely to be attributed to the work of Lord Sydenham, whose favorite expedient was coalition government. As Sydenham 'managed ' the Upper Canadian reformers, producing a coalition so he 'managed' Howe in 1840. The coalition in Canada was less successful, due to La Fontaine and Baldwin forcing an issue; both came to an end about the same time, both provinces having have enough of coalitions. Both lived through an interum in which the governor was supported by a sectarian party, followed by the return of the reformers , now convinced that 'party' and party alone would achieve their object. (8) The train of reasoning by which this conclusion was arrived at was distinctly British in both cases : Canada and Nova Scotia tried coalition government, (one , it is true, with more magnaminity than the other) and found the experiment a failure. Practice and not theory came first, determining the necessity of responsible government. This is consistent with British constitutional development; as Charles Buller said, responsible government would come through the people themselves. In England the same difficulty in regard to the Canadas was met with; the Tories objected not to the principles of self government, as expressed by Lord Grey, but to their manner of application; that is, they agreed in supporting the theory, but did not wish to see it materialise into practice. (9)

Party and not coalition, therefore, was the force discovered by reformers in both Canada and Nova Scotia that established the principle of constitutional responsibility.

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evils that have since occurred would have been spared." Hansard, 3rd series, LII, p. 1344

(8) Howe said in 1847 : "Coalitions rarely work well". Chisholm , I.p. 636. In this opinion Buller concurred : "Coalitions always damage all engaged in them." The Howe-Buller Corresp.,p.322

(9) Grey, referring to Stanley, "He concurred in the principle which I had laid down, and that what he found fault with was the applic-

There are many incidental analogies existing between the two situations that may be considered collectively as contrasts and comparisons in general methods. How far did the consideration of abstract principles enter into the struggle ? The staunch and uncompromising Robert Baldwin was not in vain popularly called the man of 'one idea'. Upon every possible occasion he displayed his principles. When accepting office under Head , and again under Sydenham, he declared his principles in decisive language . In the latter case, when he advised a reconstruction of the executive body two days before the opening of the first Parliament of United Canada, in order to create a homogeneous council favoring reform, he was perhaps urging the adoption of his principles too prematurely. The five separate groups that made up the first parliament had behind them no traditions of party such as were necessary for the successful working of a system of party government, even the reform party, though in existence, was imperfectly organised.(10) Baldwin's resulting resignation is the first demonstration of his determination to stand or fall by his declared principles. At the end of the session he moved a series of resolutions affirming the constitutional principles of self-government, a comprehensive exposition.

Constitutionally correct, yet uncompromising and theoretical rather than practical, was the resignation of November 25, 1843. Of incorruptible character, Baldwin was always sound in theory, but his practice was often immoderate and ultra. Francis Hincks was the practical man in Upper Canada; he it was who saw the need of rigorous public works being commenced, even before constitutional principles were discussed. This difference of opinion , which made a rift in their friendship, is expressive of the trend of Canadian political history again and again. At Confederation it was found that practical politics

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ation which I made of the principle." Hansard, CVI , p. 492

(10) Lenaock, op. cit. , p.99 (Makers of Canada, Anniversary edition, 1926)

had to be considered before idealism entered the situation. Likewise, after the Union, the first necessity was practical reform - roads, bridges, municipal law; only after that could theory be considered.

The history of the Nova Scotian method of approach is again a contrast to that of Canada. It was Joseph Howe's boast that responsible government was "as simple as matrimony, but those husbands and wives get on the best who respect each others' rights and say as little as possible about them." (11) This is practical Joe Howe in a characteristic vein; while appreciating the quest for idealism, he was a realist to the backbone. Again he says, "Do not discuss abstract principles if in practice all goes well." This belief was given expression during the trying years of the coalition; the reformers gave of their best to make the experiment a success, resigning only when the governor broke faith with them. However, Nova Scotia was not without its exponent of the theoretical method : Huntington resigned six times rather than compromise his principles . But Howe's was the popular party, and hence the movement is colored by his method rather than by that of Huntington.

Again, Howe's native instincts and stirling character colored the movement; moderate and magnaminous by nature, Joseph Howe guided the struggle for reform in paths of moderation and magnaminity. Howe described responsible to Hincks as being "worked out simply and practically here," down to the period when Lord Falkland alligned himself with the Tory party in opposition to the reformers who, said Howe disgustedly, "will know how to follow the example set them hereafter- experience having taught them that moderation and magnaminity are thrown away on the opposite party." (12) There is no doubt that Charles Buller's salutary influence helped to keep Howe from extreme paths ; no such help came to the Canadian reformers to encourage them in the dark hours before the dawn.

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(11) Empire and Commonwealth , p. 201
(12) Chisholm , p.488

In one other respect the two parallel achievements afford a contrast in method. Howe's arguments always stressed the point that Nova Scotians , as British subjects, had a right to be British , in their privileges as well as in their obligation. In the Address to the Crown in 1837 Howe declared "We seek for nothing more than British subjects are entitled to, but we will be contented with nothing less." This was the dominant note in much of his advocacy. On the hustings he often contrasted the practice pertaining in England with that in Nova Scotia, clenching his argument with such vivid comparisons as that of the state of the British House of Lords and of the Halifax Council. (13)

Canada, on the other hand, was concerned rather with an imitation of Britain. Durham's plea for responsible government was built not on any Canadian basis , but on the analogy of Britain; he urged the home government to secure the establishment of the new system by "every means known to the British Constitution." What was good for Britain was, ipso facto, good for Canada. The needs of Canadians as such was not the primary consideration in his mind.

Since motives and methods bear so close a relation in both Canada and Nova Scotia, it is not inconceivable that the men themselves should present a parallel. Professor Martin has always affirmed that Howe was the Hincks of Nova Scotia; Huntington the Baldwin; Uniacke the La Fontaine. Howe and Hincks were both the instigators of the movement both were practical rather than theoretic; both were administrators ; the reputation of both was best in the early part of their career - Howe at Confederation, and Hincks during the railway negotiations being all together less admirable than they were in the responsible government period. Huntington, like Baldwin in Upper Canada, was undeviating in his devotion to the "great principle" ; both are ever ready to resign rather than compromise in the smallest degree. Uniacke, like La Fon-

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(13) Chisholm , p.

taine , had to be convinced before he would join the ranks of the reformers. It is curious , too, that both were won over at about the same time : Uniacke , after Howe's demonstration of 1840; and La Fontaine , after Hincks' urgent letters demonstrating the virtues of the indirect methods of responsible government.

Despite some of the sordid problems that entered into the struggle, there were not wanting elements of idealism that lifted the quest beyond the dust of everyday life. Hincks may have been regarded as unscrupulous in some of his actions, but his faith in the 'great measure' and his confidence that it would be achieved are idealistic. he was certain that responsible government would be attained; that 'the very stars in their courses could not prevent it '. Howe, too, pinned his faith to his principle; after the resolution of want of confidence in 1837 he was certain that 'no power on earth could prevent them from achieving their object'. In truth, advocacy, of both the practical and the ideal sort, had its place; but "events stronger than advocacy" in D'Arcy McGee's admirable phrase, forced the struggle to a practical Confederation and triumphant conclusion, proving that the principle to which men had long been devoted was founded upon the rocks, and , like the legendary house, when the rain descended, and the floods came, and the winds blew, it fell not : for it was founded upon a rock. Howe's patience, like charity, suffered long and was kind; his self-control and restraint after 1840 are indeed the very essence of idealism.

Eighty years have passed, and with them the vital intensity of the struggle; but the contrasts and comparisons remain, though only in memory.

Chapter VII

Conclusion

The preliminary conclusion, reached in the first chapter, was a negative one : the mainspring of the reform movement was not to be sought in Britain, but in British America. But a watch requires countless other parts besides the mainspring; hence, the finished product - responsible government in its final form - was a combination of elements found on both sides of the Atlantic.

We have already seen something of the inter-action of the provence of Canada and Nova Scotia upon each other, both through the complementary and supplementary nature of the problems each had to solve, and also through the contacts and comparisons evolved in their solution.

Not only did the two provinces in question have mutual inter-relations with each other , but another, the sister province of New Brunswick, was connected with the struggle in these two, watching closely the development , and sympathising with it.

Thus, the provinces in British America were not alien to one another , but bound together by a common tie of allegiance , but also by the pulsations of a common struggle.

Nor was Great Britain without a place in this circular chain. Each link was necessary and indespensible , requiring the aid of the others and working with them for their ultimate good. Although Great Britain at first proved hostile to the reform movement in America, she at last gave unqualified consent to the adoption of the principle for which subjects in America had striven so earnestly for two decades. May it not be, then, that a solution is found for the question - of allocating responsibility for the introduction of the principle of colonial self-government - in a combination of all the factors that entered into the situation ?

Through imperial policy Britain throughout remained the constant factor in the mathematical equation - sometimes hostile, sometimes friendly, but always constant. True, the colonists might have solved the problem for themselves, in a manner, by reacting to the means employed in the first empire. Although that Revolution proved to be the seeding-ground of a great nation, from the point of view of Britain and her colonial empire it was a sad mistake, all the more regrettable because it might have been avoided.

A better spirit - or a more British spirit - actuated the struggle during the second empire. Proud of their connection and anxious to maintain it, British Americans lost none of their loyalty in insisting upon the enjoyment of those rights for which their ancestors had fought and died. Men such as Buller and Howe, Grey and Durham infused into the struggle something of their own characters, endowing it with wisdom mixed with patience, and loyalty tempered with justice, until at last they were successful in producing a new principle of government for the component parts of the empire.

Throughout the movement there must have been times - and there were - when the best of men lost their hope and perhaps their faith. Each must have been conscious of the tribulations alone that he was called upon to endure, losing for a while the vision of the larger issue - the principle that was to change the character of the empire. As days and nights, so did hope and despair alternate - crowned at last, however, by the dawn of a new day that gave promise of being different from all its predecessors. And now that the sun of that day is perhaps at its meridian splendor, we can say that the promise has been fulfilled. From their attainment of self-government, the colonies progressed onward and upward until in the Imperial Conference of 1926 they were recognized as "autonomous Communities

within the British Empire, equal in status". The provinces of British North America have reason to be proud, therefore, of the part they played in bringing into existence that great entity that stands as a symbol, in the world today, of peace and justice - the British Commonwealth of Nations..Such epithets could never in truth be applied, had the principle of self government been imposed as a superstructure from without; but as a growth from within, the 'great measure' has been animated with new meaning as the years have passed culminating in the Empire's transformation into the Commonwealth of Nations. Perhaps in this natural growth lies the secret of the durability of the British Empire and Commonwealth.

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