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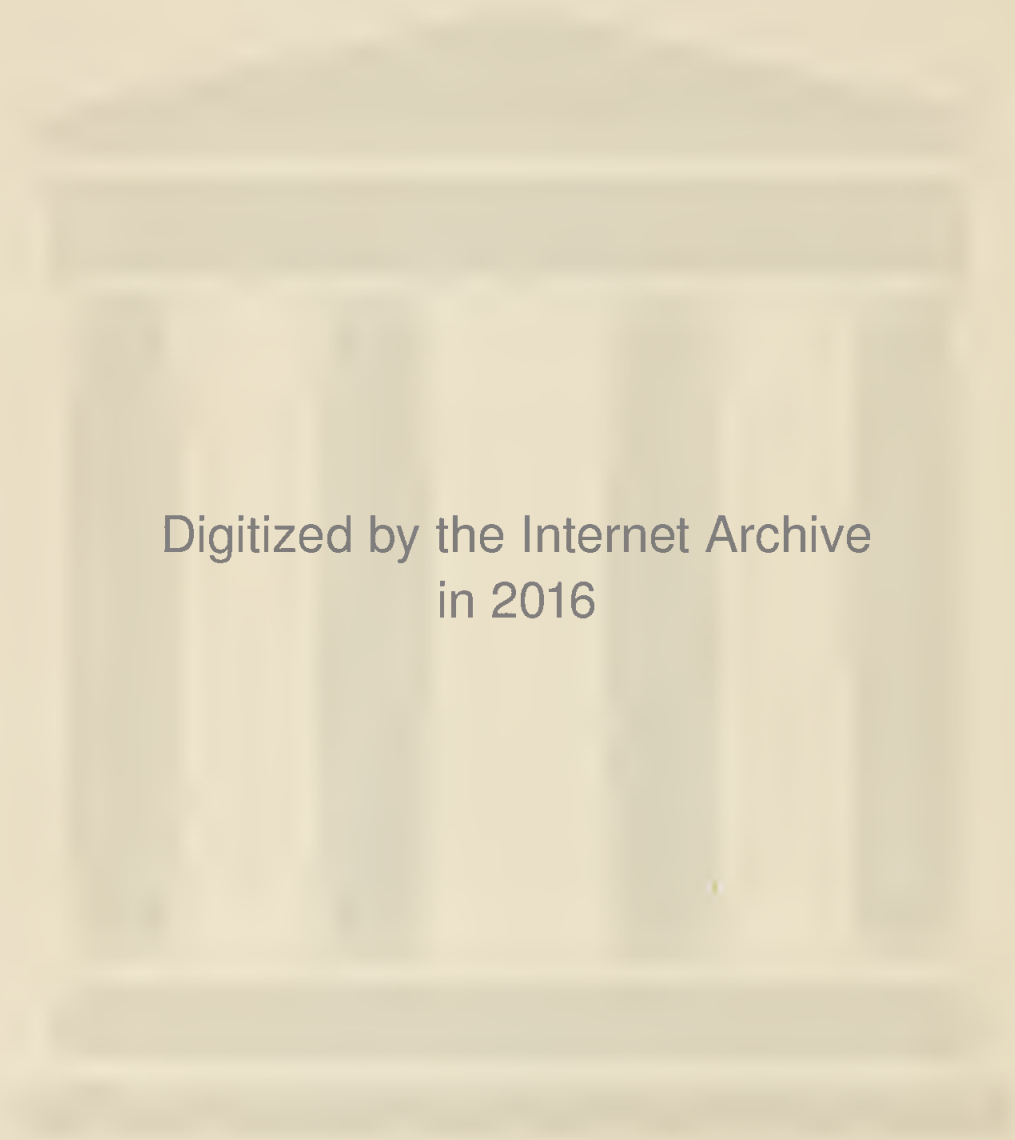

*CHRONICLES OF CANADA*

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In thirty-two volumes

# 25

# THE 'PATRIOTES' OF '37

## BY ALFRED D. DECELLES

*Part VII*

*The Struggle for Political Freedom*


ADVANCE OF THE BRITISH TROOPS ON THE VILLAGE OF ST DENIS, 1837

# THE 'PATRIOTES' OF '37

## A Chronicle of the Lower Canadian Rebellion

BY

ALFRED D. DECELLES


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# PREFATORY NOTE

THE manuscript for this little book, written by me in French, was handed over for translation to Mr Stewart Wallace. The result as here presented is therefore a joint product. Mr Wallace, himself a writer of ability and a student of Canadian history, naturally made a very free translation of my work and introduced some ideas of his own. He insists, however, that the work is mine; and, with this acknowledgment of his part in it, I can do no less than acquiesce, at the same time expressing my pleasure at having had as collaborator a young writer of such good insight. And it is surely appropriate that an English Canadian and a French Canadian should join in a narrative of the political war between the two races which forms the subject of this book.

A. D. DECELLES.

OTTAWA, 1915.

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# CHAPTER I

## CANADIANS, OLD AND NEW

THE conquest of Canada by British arms in the Seven Years' War gave rise to a situation in the colony which was fraught with tragic possibilities. It placed the French inhabitants under the sway of an alien race —a race of another language, of another religion, of other laws, and which differed from them profoundly in temperament and political outlook. Elsewhere—in Ireland, in Poland, and in the Balkans—such conquests have been followed by centuries of bitter racial warfare. In Canada, however, for a hundred and fifty years French Canadians and English Canadians have, on the whole, dwelt together in peace and amity. Only on the one occasion, of which the story is to be told in these pages, has there been anything resembling civil war between the two races; and this unhappy outbreak was neither widespread nor prolonged. The record

is one which Canadians, whether they be English or French, have reason to view with satisfaction.

It does not appear that the Canadians of 1760 felt any profound regret at the change from French to British rule. So corrupt and oppressive had been the administration of Bigot, in the last days of the Old Régime, that the rough-and-ready rule of the British army officers doubtless seemed benignant in comparison. Comparatively few Canadians left the country, although they were afforded facilities for so doing. One evidence of good feeling between the victors and the vanquished is found in the marriages which were celebrated between Canadian women and some of the disbanded Highland soldiers. Traces of these unions are found at the present day, in the province of Quebec, in a few Scottish names of habitants who cannot speak English.

When the American colonies broke out in revolution in 1775, the Continental Congress thought to induce the French Canadians to join hands with them. But the conciliatory policy of the successive governors Murray and Carleton, and the concessions granted by the Quebec Act of the year before, had borne

fruit ; and when the American leaders Arnold and Montgomery invaded Canada, the great majority of the habitants remained at least passively loyal. A few hundred of them may have joined the invaders, but a much larger number enlisted under Carleton. The clergy, the seigneurs, and the professional classes—lawyers and physicians and notaries—remained firm in their allegiance to Great Britain ; while the mass of the people resisted the eloquent appeals of Congress, represented by its emissaries Franklin, Chase, and Carroll, and even those of the distinguished Frenchmen, Lafayette and Count d'Estaing, who strongly urged them to join the rebels. Nor should it be forgotten that at the siege of Quebec by Arnold the Canadian officers Colonel Dupré and Captains Dambourgès, Dumas, and Marcoux, with many others, were among Carleton's most trusted and efficient aides in driving back the invading Americans. True, in 1781, Sir Frederick Haldimand, then governor of Canada, wrote that although the clergy had been firmly loyal in 1775 and had exerted their powerful influence in favour of Great Britain, they had since then changed their opinions and were no longer to be relied upon. But it must be

borne in mind that Haldimand ruled the province in the manner of a soldier. His high-handed orders caused dissatisfaction, which he probably mistook for a want of loyalty among the clergy. No more devoted subject of Great Britain lived at the time in Lower Canada than Mgr Briand, the bishop of Quebec; and the priests shaped their conduct after that of their superior. At any rate, the danger which Haldimand feared did not take form; and the outbreak of the French Revolution in 1789 made it more unlikely than ever.

The French Revolution profoundly affected the attitude of the French Canadians toward France. Canada was the child of the *ancien régime*. Within her borders the ideas of Voltaire and Rousseau had found no shelter. Canada had nothing in common with the anti-clerical and republican tendencies of the Revolution. That movement created a gap between France and Canada which has not been bridged to this day. In the Napoleonic wars the sympathies of Canada were almost wholly with Great Britain. When news arrived of the defeat of the French fleet at Trafalgar, a *Te Deum* was sung in the Catholic cathedral at Quebec; and, in a sermon

preached on that occasion, a future bishop of the French-Canadian Church enunciated the principle that 'all events which tend to broaden the gap separating us from France should be welcome.'

It was during the War of 1812-14, however, that the most striking manifestation of French-Canadian loyalty to the British crown appeared. In that war, in which Canada was repeatedly invaded by American armies, French-Canadian militiamen under French-Canadian officers fought shoulder to shoulder with their English-speaking fellow-countrymen on several stricken fields of battle; and in one engagement, fought at Châteauguay in the French province of Lower Canada, the day was won for British arms by the heroic prowess of Major de Salaberry and his French-Canadian soldiers. The history of the war with the United States provides indelible testimony to the loyalty of French Canada.

A quarter of a century passed. Once again the crack of muskets was heard on Canadian soil. This time, however, there was no foreign invader to repel. The two races which had fought side by side in 1812 were now arrayed against each other. French-Canadian veterans of Châteauguay were on

one side, and English-Canadian veterans of Chrystler's Farm on the other. Some real fighting took place. Before peace was restored, the fowling-pieces of the French-Canadian rebels had repulsed a force of British regulars at the village of St Denis, and brisk skirmishes had taken place at the villages of St Charles and St Eustache. How this unhappy interlude came to pass, in a century and a half of British rule in Canada, it is the object of this book to explain.

## CHAPTER II

### THE RIGHTS OF THE DEFEATED

THE British did not treat the French inhabitants of Canada as a conquered people; not as other countries won by conquest have been treated by their victorious invaders. The terms of the Capitulation of Montreal in 1760 assured the Canadians of their property and civil rights, and guaranteed to them 'the free exercise of their religion.' The Quebec Act of 1774 granted them the whole of the French civil law, to the almost complete exclusion of the English common law, and virtually established in Canada the Church of the vanquished through legal enforcement of the obligation resting upon Catholics to pay tithes. And when it became necessary in 1791 to divide Canada into two provinces, Upper Canada and Lower Canada, one predominantly English and the other predominantly French, the two provinces were granted precisely equal political rights. Out of this

arose an odd situation. All French Canadians were Roman Catholics, and Roman Catholics were at this time debarred from sitting in the House of Commons at Westminster. Yet they were given the right of sitting as members in the Canadian representative Assemblies created by the Act of 1791. The Catholics of Canada thus received privileges denied to their co-religionists in Great Britain.

There can be no doubt that it was the conciliatory policy of the British government which kept the clergy, the seigneurs, and the great body of French Canadians loyal to the British crown during the war in 1775 and in 1812. It is certain, too, that these generous measures strengthened the position of the French race in Canada, made Canadians more jealous of their national identity, and led them to press for still wider liberties. It is an axiom of human nature that the more one gets, the more one wants. And so the concessions granted merely whetted the Canadian appetite for more.

This disposition became immediately apparent with the calling of the first parliament of Lower Canada in 1792. Before this there had been no specific definition of the exact status of the French language in

Canada, and the question arose as to its use in the Assembly as a medium of debate. As the Quebec Act of 1774 had restored the French laws, it was inferred that the use of the French language had been authorized, since otherwise these laws would have no natural medium of interpretation. That this was the inference to be drawn from the constitution became evident, for the British government had made no objection to the use of French in the law-courts. It should be borne in mind that at this period the English in Canada were few in number, and that all of them lived in the cities. The French members in the Assembly, representing, as they did, nearly the whole population, did not hesitate to press for the official recognition of their language on a parity with English.

The question first came up in connection with the election of a speaker. The French-Canadian members, being in a majority of thirty-four to sixteen, proposed Jean Antoine Panet. This motion was opposed by the English members, together with a few of the French members, who nominated an Englishman. They pointed out that the transactions between the speaker and the king's representa-

tive in the colony should be 'in the language of the empire to which we have the happiness to belong.' 'I think it is but decent,' said Louis Panet, brother of Jean Antoine, 'that the speaker on whom we fix our choice, be one who can express himself in English when he addresses himself to the representative of our sovereign.' Yet the majority of the French members stuck to their motion and elected their speaker. When he was sworn into office, he declared to the governor that 'he could only express himself in the primitive language of his native country.' Nevertheless, he understood English well enough to conduct the business of the House. And it should not be forgotten that all the sixteen English members, out of the fifty composing the Assembly, owed their election to French-Canadian voters.

Almost immediately the question came up again in the debate on the use of the French language in the publication of official documents. The English members pointed out that English was the language of the sovereign, and they contended that the exclusive official use of the English language would more quickly assimilate the French Canadians—would render them more loyal. To these

arguments the French Canadians replied with ringing eloquence.

'Remember,' said Chartier de Lotbinière, 'the year 1775. Those Canadians, who spoke nothing but French, showed their attachment to their sovereign in a manner not at all equivocal. They helped to defend this province. This city, these walls, this chamber in which I have the honour to speak, were saved partly through their zeal and their courage. You saw them join with faithful subjects of His Majesty and repulse attacks which people who spoke very good English made on this city. It is not, you see, uniformity of language which makes peoples more faithful or more united.'

'Is it not ridiculous,' exclaimed Pierre Bédard, whose name will appear later in these pages, 'to wish to make a people's loyalty consist in its tongue?'

The outcome of the debate, as might have been expected, was to place the French language on a level with the English language in the records and publications of the Assembly, and French became, to all intents and purposes, the language of debate. The number of English-speaking members steadily decreased. In the year 1800 Sir Robert Milnes

wrote home that there were ' but one or two English members in the House of Assembly who venture to speak in the language of the mother country, from the certainty of not being understood by a great majority of the House.'

It must not be imagined, however, that in these early debates there was any of that rancour and animosity which later characterized the proceedings of the Assembly of Lower Canada. ' The remains of the old French politeness, and a laudable deference to their fellow subjects, kept up decorum in the proceedings of the majority,' testified a political annalist of that time. Even as late as 1807, it appears that ' party spirit had not yet extended its effects to destroy social intercourse and good neighbourhood.' It was not until the régime of Sir James Craig that racial bitterness really began.

## CHAPTER III

### 'THE REIGN OF TERROR'

DURING the session of 1805 the Assembly was confronted with the apparently innocent problem of building prisons. Yet out of the debate on this subject sprang the most serious racial conflict which had yet occurred in the province. There were two ways proposed for raising the necessary money. One, advocated by the English members, was to levy a direct tax on land; the other, proposed by the French members, was to impose extra customs duties. The English proposal was opposed by the French, for the simple reason that the interests of the French were in the main agrarian; and the French proposal was opposed by the English, because the interests of the English were on the whole commercial. The English pointed out that, as merchants, they had borne the brunt of such taxation as had already been imposed, and that it was the turn of the French farmers to bear their

share. The French, on the other hand, pointed out, with some justice, that indirect taxation was borne, not only by the importer, but also partly by the consumer, and that indirect taxation was therefore more equitable than a tax on the land-owners alone. There was, moreover, another consideration. 'The *Habitants*,' writes the political annalist already quoted, 'consider themselves sufficiently taxed by the French law of the land, in being obliged to pay rents and other feudal burthens to the Seigneur, and tythes to the Priest; and if you were to ask any of them to contribute two bushels of Wheat, or two Dollars, for the support of Government, he would give you the equivocal French sign of inability or unwillingness, by shrugging up his shoulders.'

As usual, the French-Canadian majority carried their point. Thereupon, the indignation of the English minority flared forth in a very emphatic manner. They accused the French Canadians of foisting upon them the whole burden of taxation, and they declared that an end must be put to French-Canadian domination over English Canadians. 'This province,' asserted the Quebec *Mercury*, 'is already too French for a British colony. . . . Whether we be in peace or at war, it is essential

that we should make every effort, by every means available, to oppose the growth of the French and their influence.'

The answer of the French Canadians to this language was the establishment in 1806 of a newspaper, *Le Canadien*, in which the point of view of the majority in the House might be presented. The official editor of the paper was Jean Antoine Bouthillier, but the conspicuous figure on the staff was Pierre Bédard, one of the members of the House of Assembly. The tone of the paper was generally moderate, though militant. Its policy was essentially to defend the French against the ceaseless aspersions of the *Mercury* and other enemies. It never attacked the British government, but only the provincial authorities. Its motto, '*Notre langue, nos institutions et nos lois*,' went far to explain its views and objects.

No serious trouble resulted, however, from the policy of *Le Canadien* until after the arrival of Sir James Craig in Canada, and the inauguration of what some historians have named 'the Reign of Terror.' Sir James Craig, who became governor of Canada in 1807, was a distinguished soldier. He had seen service in the American Revolutionary

War, in South Africa, and in India. He was, however, inexperienced in civil government and apt to carry his ideas of military discipline into the conduct of civil affairs. Moreover, he was prejudiced against the inhabitants and had doubts of their loyalty. In Canada he surrounded himself with such men as Herman W. Ryland, the governor's secretary, and John Sewell, the attorney-general, men who were actually in favour of repressing the French Canadians and of crushing the power of their Church. 'I have long since laid it down as a principle (which in my judgment no Governor of this Province ought to lose sight of for a moment),' wrote Ryland in 1804, 'by every possible means which prudence can suggest, gradually to undermine the authority and influence of the Roman Catholic Priest.' 'The Province must be converted into an English Colony,' declared Sewell, 'or it will ultimately be lost to England.' The opinion these men held of the French Canadians was most uncomplimentary. 'In the ministerial dictionary,' complained *Le Canadien*, 'a bad fellow, anti-ministerialist, democrat, *sans culotte*, and damned Canadian, mean the same thing.'

Surrounded by such advisers, it is not sur-

SIR JAMES CRAIG

From a portrait in the Dominion Archives

prising that Sir James Craig soon took umbrage at the language and policy of *Le Canadien*. At first he made his displeasure felt in a somewhat roundabout way. In the summer of 1808 he dismissed from the militia five officers who were reputed to have a connection with that newspaper, on the ground that they were helping a 'seditious and defamatory journal.' One of these officers was Colonel Panet, who had fought in the defence of Quebec in 1775 and had been speaker of the House of Assembly since 1792; another was Pierre Bédard. This action did not, however, curb the temper of the paper; and a year or more later Craig went further. In May 1810 he took the extreme step of suppressing *Le Canadien*, and arresting the printer and three of the proprietors, Taschereau, Blanchet, and Bédard. The ostensible pretext for this measure was the publication in the paper of some notes of a somewhat academic character with regard to the conflict which had arisen between the governor and the House of Assembly in Jamaica; the real reason, of course, went deeper.

Craig afterwards asserted that the arrest of Bédard and his associates was 'a measure of precaution, not of punishment.' There is no

doubt that he actually feared a rising of the French Canadians. To his mind a rebellion was imminent. The event showed that his suspicions were ill-founded; but in justice to him it must be remembered that he was governor of Canada at a dangerous time, when Napoleon was at the zenith of his power and when agents of this arch-enemy of England were supposed to be active in Canada. Moreover, the blame for Craig's action during this period must be partly borne by the 'Bureaucrats' who surrounded him. There is no absolute proof, but there is at least a presumption, that some of these men actually wished to precipitate a disturbance, in order that the constitution of Lower Canada might be suspended and a new order of things inaugurated.

Soon after Bédard's arrest his friends applied for a writ of habeas corpus; but, owing to the opposition of Craig, this was refused. In July two of Bédard's companions were released, on the ground of ill health. They both, however, expressed regret at the tone which *Le Canadien* had adopted. In August the printer was discharged. Bédard himself declined to accept his release until he had been brought to trial and acquitted

of the charge preferred against him. Craig, however, did not dare to bring him to trial, for no jury would have convicted him. Ultimately, since Bédard refused to leave the prison, he was ejected at the point of the bayonet. The situation was full of humour. Bédard was an excellent mathematician, and was in the habit of whiling away the hours of his imprisonment by solving mathematical problems. When the guard came to turn him out, he was in the midst of a geometrical problem. 'At least,' he begged, 'let me finish my problem.' The request was granted; an hour later the problem was solved, and Bédard was thrust forth from the jail.

Sir James Craig was a man of good heart and of the best intentions; but his course throughout this episode was most unfortunate. Not only did he fail to suppress the opposition to his government, but he did much to embitter the relations between the two races. Craig himself seems to have realized, even before he left Canada, that his policy had been a mistake; for he is reported on good authority to have said 'that he had been basely deceived, and that if it had been given to him to begin his administration over again, he would have acted differently.' It is

significant, too, that Craig's successor, Sir George Prevost, completely reversed his policy. He laid himself out to conciliate the French Canadians in every way possible; and he made amends to Bédard for the injustice which he had suffered by restoring him to his rank in the militia and by making him a judge. As a result, the bitterness of racial feeling abated; and when the War of 1812 broke out, there proved to be less disloyalty in Lower Canada than in Upper Canada. But, as the events of Craig's administration had clearly shown, a good deal of combustible and dangerous material lay about.

# CHAPTER IV

## THE RISE OF PAPINEAU

In the year 1812 a young man took his seat in the House of Assembly for Lower Canada who was destined to play a conspicuous part in the history of the province during the next quarter of a century. His name was Louis Joseph Papineau. He was at that time only twenty-six years of age, but already his tall, well-built form, his fine features and commanding presence, marked him out as a born leader of men. He possessed an eloquence which, commonplace as it now appears on the printed page, apparently exerted a profound influence upon his contemporaries. 'Never within the memory of teacher or student,' wrote his college friend Aubert de Gaspé, 'had a voice so eloquent filled the halls of the seminary of Quebec.' In the Assembly his rise to prominence was meteoric; only three years after his entrance he was elected speaker on the resignation of the veteran

J. A. Panet, who had held the office at different times since 1792. Papineau retained the speakership, with but one brief period of intermission, until the outbreak of rebellion twenty-two years later; and it was from the speaker's chair that he guided throughout this period the counsels of the *Patriote* party.

When Papineau entered public life the political situation in Lower Canada was beginning to be complicated. The French-Canadian members of the Assembly, having taken great pains to acquaint themselves with the law and custom of the British constitution, had awakened to the fact that they were not enjoying the position or the power which the members of the House of Commons in England were enjoying. In the first place, the measures which they passed were being continually thrown out by the upper chamber, the Legislative Council, and they were powerless to prevent it; and in the second place, they had no control of the government, for the governor and his Executive Council were appointed by and responsible to the Colonial Office alone. The members of the two councils were in the main of English birth, and they constituted a local oligarchy—known as the 'Bureaucrats' or the 'Château Clique'—

LOUIS JOSEPH PAPINEAU

After a lithograph by Maurin, Paris

which held the reins of government. They were as a rule able to snap their fingers at the majority in the Assembly.

In England the remedy for a similar state of affairs had been found to lie in the control of the purse exercised by the House of Commons. In order to bring the Executive to its will, it was only necessary for that House to threaten the withholding of supplies. In Lower Canada, however, such a remedy was at first impossible, for the simple reason that the House of Assembly did not vote all the supplies necessary for carrying on the government. In other words, the expenditure far exceeded the revenue; and the deficiency had to be met out of the Imperial exchequer. Under these circumstances it was impossible for the Lower Canada Assembly to attempt to exercise the full power of the purse. In 1810, it is true, the Assembly had passed a resolution avowing its ability and willingness to vote 'the necessary sums for defraying the Civil Expenses of the Government of the Province.' But Sir James Craig had declined on a technicality to forward the resolution to the Houses of Parliament at Westminster, realizing fully that if the offer were accepted, the Assembly would be able to exert complete

power over the Executive. 'The new Trojan horse' was not to gain admission to the walls through him.

Later, however, in 1818, during the administration of Sir John Coape Sherbrooke, the offer of the Assembly was accepted by the Imperial government. Sherbrooke was an apostle of conciliation. It was he who gave the Catholic bishop of Quebec a seat in the Executive Council; and he also recommended that the speaker of the House of Assembly should be included in the Council—a recommendation which was a preliminary move in the direction of responsible government. Through Sherbrooke's instrumentality the British government now decided to allow the Lower-Canadian legislature to vote the entire revenue of the province, apart from the casual and territorial dues of the Crown and certain duties levied by Act of the Imperial parliament. Sherbrooke's intention was that the legislature should vote out of this revenue a permanent civil list to be continued during the lifetime of the sovereign. Unfortunately, however, the Assembly did not fall in with this view. It insisted, instead, on treating the civil list as an annual affair, and voting the salaries of the officials, from the governor

downwards, for only one year. Since this would have made every government officer completely dependent upon the pleasure of the House of Assembly, the Legislative Council promptly threw out the budget. Thus commenced a struggle which was destined to last for many years. The Assembly refused to see that its action was really an encroachment upon the sphere of the Executive; and the Executive refused to place itself at the mercy of the Assembly. The result was deadlock. During session after session the supplies were not voted. The Executive, with its control of the royal revenue, was able by one means or another to carry on the government; but the relations between the 'Bureaucrats' and the *Patriotes* became rapidly more bitter.

Papineau's attitude toward the government during this period was in harmony with that of his compatriots. It was indeed one of his characteristics, as the historian Christie has pointed out, that he seemed always 'to move with the masses rather than to lead them.' In 1812 he fought side by side with the British. As late as 1820 he publicly expressed his great admiration for the constitution of 1791 and the blessings of British rule. But in the struggles over the budget he took up ground

strongly opposed to the government; and, when the question became acute, he threw restraint to the winds, and played the part of a dangerous agitator.

What seems to have first roused Papineau to anger was a proposal to unite Upper and Lower Canada in 1822. Financial difficulties had arisen between the two provinces; and advantage was taken of this fact to introduce a Union Bill into the House of Commons at Westminster, couched in terms very unfavourable to the French Canadians. There is little doubt that the real objects of the bill was the extinction of the Lower-Canadian Assembly and the subordination of the French to the English element in the colony. At any rate, the French Canadians saw in the bill a menace to their national existence. Two agents were promptly appointed to go over to London to oppose it. One of them was Papineau; the other was John Neilson, the capable Scottish editor of the Quebec *Gazette*. The two men made a very favourable impression; they enlisted on their side the leaders of the Whig party in the Commons; and they succeeded in having the bill well and duly shelved. Their mission resulted not only in the defeat of the bill; it also showed

them clearly that a deep-laid plot had menaced the rights and liberties of the French-Canadian people; and their anger was roused against what Neilson described as 'the handful of *intrigants*' who had planned that *coup d'état*.

On returning to Canada Papineau gave vent to his discontent in an extraordinary attack upon Lord Dalhousie, who had become governor of Canada in 1819. Dalhousie was an English nobleman of the best type. His tastes were liberal. He was instrumental in founding the Literary and Historical Society of Quebec; and he showed his desire for pleasant relations between the two races in Canada by the erection of the joint monument to Wolfe and Montcalm in the city of Quebec, in the governor's garden. His administration, however, had been marred by one or two financial irregularities. Owing to the refusal of the Assembly to vote a permanent civil list, Dalhousie had been forced to expend public moneys without authority from the legislature; and his receiver-general, Caldwell, had been guilty of defalcations to the amount of £100,000. Papineau attacked Dalhousie as if he had been personally responsible for these defalcations. The speech, we are told by the chronicler Bibaud, recalled in its violence the

philippics of Demosthenes and the orations against Catiline of Cicero.

The upshot of this attack was that all relations between Dalhousie and Papineau were broken off. Apart altogether from the political controversy, Dalhousie felt that he could have no intercourse with a man who had publicly insulted him. Consequently, when Papineau was elected to the speakership of the Assembly in 1827, Dalhousie refused to recognize him as speaker; and when the Assembly refused to reconsider his election, Dalhousie promptly dissolved it.

It would be tedious to describe in detail the political events of these years; and it is enough to say that by 1827 affairs in the province had come to such an impasse, partly owing to the financial quarrel, and partly owing to the personal war between Papineau and Dalhousie, that it was decided by the *Patriotes* to send another deputation to England to ask for the redress of grievances and for the removal of Dalhousie. The members of the deputation were John Neilson and two French Canadians, Augustin Cuvillier and Denis B. Viger. Papineau was an interested party and did not go. The deputation proved no less successful than

that which had crossed the Atlantic in 1822. The delegates succeeded in obtaining Lord Dalhousie's recall, and they were enabled to place their case before a special committee of the House of Commons. The committee made a report very favourable to the *Patriote* cause; recommended that 'the French-Canadians should not in any way be disturbed in the exercise and enjoyment of their religion, their laws, or their privileges'; and expressed the opinion that 'the true interests of the provinces would be best promoted by placing the collection and expenditure of all public revenues under the control of the House of Assembly.' The report was not actually adopted by the House of Commons, but it lent a very welcome support to the contentions of Papineau and his friends.

At last, in 1830, the British government made a serious and well-meant attempt to settle, once and for all, the financial difficulty. Lord Goderich, who was at that time at the Colonial Office, instructed Lord Aylmer, who had become governor of Canada in 1830, to resign to the Assembly the control of the entire revenue of the province, with the single exception of the casual and territorial revenue of the Crown, if the Assembly would grant

in exchange a civil list of £19,000, voted for the lifetime of the king. This offer was a compromise which should have proved acceptable to both sides. But Papineau and his friends determined not to yield an inch of ground; and in the session of 1831 they succeeded in defeating the motion for the adoption of Lord Goderich's proposal. That this was a mistake even the historian Garneau, who cannot be accused of hostility toward the *Patriotes*, has admitted.

Throughout this period Papineau's course was often unreasonable. He complained that the French Canadians had no voice in the executive government, and that all the government offices were given to the English; yet when he was offered a seat in the Executive Council in 1822 he declined it; and when Dominique Mondelet, one of the members of the Assembly, accepted a seat in the Executive Council in 1832, he was hounded from the Assembly by Papineau and his friends as a traitor. As Sir George Cartier pointed out many years later, Mondelet's inclusion in the Executive Council was really a step in the direction of responsible government. It is difficult, also, to approve Papineau's attitude toward such governors as Dalhousie and

Aylmer, both of whom were disposed to be friendly. Papineau's attitude threw them into the arms of the 'Château Clique.' The truth is that Papineau was too unbending, too *intransigeant*, to make a good political leader. As was seen clearly in his attitude toward the financial proposals of Lord Goderich in 1830, he possessed none of that spirit of compromise which lies at the heart of English constitutional development.

On the other hand, it must be remembered that Papineau and his friends received much provocation. The attitude of the governing class toward them was overbearing and sometimes insolent. They were regarded as members of an inferior race. And they would have been hardly human if they had not bitterly resented the conspiracy against their liberties embodied in the abortive Union Bill of 1822. There were real abuses to be remedied. Grave financial irregularities had been detected in the executive government; sinecurists, living in England, drew pay for services which they did not perform; gross favouritism existed in appointments to office under the Crown; and so many office-holders held seats in the Legislative Council that the Council was actually under the thumb of

the executive government. Yet when the Assembly strove to remedy these grievances, its efforts were repeatedly blocked by the Legislative Council; and even when appeal was made to the Colonial Office, removal of the abuses was slow in coming. Last, but not least, the Assembly felt that it did not possess an adequate control over the expenditure of the moneys for the voting of which it was primarily responsible.

## CHAPTER V

### THE NINETY-TWO RESOLUTIONS

After 1830 signs began to multiply that the racial feud in Lower Canada was growing in intensity. In 1832 a by-election in the west ward of Montreal culminated in a riot. Troops were called out to preserve order. After showing some forbearance under a fusillade of stones, they fired into the rioters, killing three and wounding two men, all of them French Canadians. Immediately the *Patriote* press became furious. The newspaper *La Minerve* asserted that a 'general massacre' had been planned: the murderers, it said, had approached the corpses with laughter, and had seen with joy Canadian blood running down the street; they had shaken each other by the hand, and had regretted that there were not more dead. The blame for the 'massacre' was laid at the door of Lord Aylmer. Later, on the floor of the Assembly, Papineau remarked that 'Craig merely imprisoned his

victims, but Aylmer slaughters them.' The *Patriotes* adopted the same bitter attitude toward the government when the Asiatic cholera swept the province in 1833. They actually accused Lord Aylmer of having 'enticed the sick immigrants into the country, in order to decimate the ranks of the French Canadians.'

In the House Papineau became more and more violent and domineering. He did not scruple to use his majority either to expel from the House or to imprison those who incurred his wrath. Robert Christie, the member for Gaspé, was four times expelled for having obtained the dismissal of some partisan justices of the peace. The expulsion of Dominique Mondelet has already been mentioned. Ralph Taylor, one of the members for the Eastern Townships, was imprisoned in the common jail for using, in the Quebec *Mercury*, language about Papineau no more offensive than Papineau had used about many others. But perhaps the most striking evidence of Papineau's desire to dominate the Assembly was seen in his attitude toward a bill to secure the independence of judges introduced by F. A. Quesnel, one of the more moderate members

of the *Patriote* party. Quesnel had accepted some amendments suggested by the colonial secretary. This awoke the wrath of Papineau, who assailed the bill in his usual vehement style, and concluded by threatening Quesnel with the loss of his seat. The threat proved not to be idle. Papineau possessed at this time a great ascendancy over the minds of his fellow-countrymen, and in the next elections he secured Quesnel's defeat.

By 1832 Papineau's political views had taken a more revolutionary turn. From being an admirer of the constitution of 1791, he had come to regard it as 'bad; very, very bad.' 'Our constitution,' he said, 'has been manufactured by a Tory influenced by the terrors of the French Revolution.' He had lost faith in the justice of the British government and in its willingness to redress grievances; and his eyes had begun to turn toward the United States. Perhaps he was not yet for annexation to that country; but he had conceived a great admiration for the American constitution. The wide application of the principle of election especially attracted him; and, although he did not relinquish his hope of subordinating the Executive to the Assembly by means of the control of the finances, he

began to throw his main weight into an agitation to make the Legislative Council elective. Henceforth the plan for an elective Legislative Council became the chief feature of the policy of the *Patriote* party. The existing nominated and reactionary Legislative Council had served the purpose of a buffer between the governor's Executive Council and the Assembly. This buffer, thought Papineau and his friends, should be removed, so as to expose the governor to the full hurricane of the Assembly's wrath.

It was not long before Papineau's domineering behaviour and the revolutionary trend of his views alienated some of his followers. On John Neilson, who had gone to England with him in 1822 and with Cuvillier and Viger in 1828, and who had supported him heartily during the Dalhousie régime, Papineau could no longer count. Under Aylmer a coolness sprang up between the two men. Neilson objected to the expulsion of Mondelet from the House; he opposed the resolutions of Louis Bourdages, Papineau's chief lieutenant, for the abolition of the Legislative Council; and in the debate on Quesnel's bill for the independence of judges, he administered a severe rebuke to Papineau for language he

had used. Augustin Cuvillier followed the lead of his friend Neilson, and so also did Andrew Stuart, one of the ablest lawyers in the province, and Quesnel. All these men were politicians of weight and respectability.

Papineau still had, however, a large and powerful following, especially among the younger members. Nothing is more remarkable at this time than the sway which he exercised over the minds of men who in later life became distinguished for the conservative and moderate character of their opinions. Among his followers in the House were Louis Hippolyte LaFontaine, destined to become, ten years later, the colleague of Robert Baldwin in the LaFontaine-Baldwin administration, and Augustin Norbert Morin, the colleague of Francis Hincks in the Hincks-Morin administration of 1851. Outside the House he counted among his most faithful followers two more future prime ministers of Canada, George É. Cartier and Étienne P. Taché. Nor were his supporters all French Canadians. Some English-speaking members acted with him, among them Wolfred Nelson ; and in the country he had the undivided allegiance of men like Edmund Bailey O'Callaghan, editor of the Montreal *Vindicator*,

and Thomas Storrow Brown, afterwards one of the 'generals' of the rebellion. Although the political struggle in Lower Canada before 1837 was largely racial, it was not exclusively so, for there were some English in the *Patriote* party and some French who declined to support it.

In 1832 and 1833 Papineau suffered rebuffs in the House that could not have been pleasant to him. In 1833, for instance, his proposal to refuse supply was defeated by a large majority. But the triumphant passage of the famous Ninety-Two Resolutions in 1834 showed that, for most purposes, he still had a majority behind him.

The Ninety-Two Resolutions were introduced by Elzéar Bédard, the son of Pierre Bédard, and are reputed to have been drawn up by A. N. Morin. But there is no doubt that they were inspired by Papineau. The voice was the voice of Jacob, but the hand was the hand of Esau. The Resolutions constituted the political platform of the extreme wing of the *Patriote* party: they were a sort of Declaration of Right. A more extraordinary political document has seldom seen the light. A writer in the Quebec *Mercury*, said by Lord Aylmer to be John Neilson,

undertook an analysis of the ninety-two articles: eleven, said this writer, stood true; six contained both truth and falsehood; sixteen stood wholly false; seventeen seemed doubtful and twelve ridiculous; seven were repetitions; fourteen consisted only of abuse; four were both false and seditious; and the remainder were indifferent.

It is not possible here to analyse the Resolutions in detail. They called the attention of the home government to some real abuses. The subservience of the Legislative Council to the Executive Council; the partisanship of some of the judges; the maladministration of the wild lands; grave irregularities in the receiver-general's office; the concentration of a variety of public offices in the same persons; the failure of the governor to issue a writ for the election of a representative for the county of Montreal; and the expenditure of public moneys without the consent of the Assembly —all these, and many others, were enlarged upon. If the framers of the Resolutions had only cared to make out a very strong case they might have done so. But the language which they employed to present their case was almost certainly calculated to injure it seriously in the eyes of the home government.

'We are in no wise disposed,' they told the king, 'to admit the excellence of the present constitution of Canada, although the present colonial secretary unseasonably and erroneously asserts that the said constitution has conferred on the two Canadas the institutions of Great Britain.' With an extraordinary lack of tact they assured the king that Toryism was in America 'without any weight or influence except what it derives from its European supporters'; whereas Republicanism 'overspreads all America.' Nor did they stop there. 'This House,' they announced, 'would esteem itself wanting in candour to Your Majesty if it hesitated to call Your Majesty's attention to the fact, that in less than twenty years the population of the United States of America will be greater than that of Great Britain, and that of British America will be greater than that of the former English colonies, when the latter deemed that the time was come to decide that the inappreciable advantage of being self-governed ought to engage them to repudiate a system of colonial government which was, generally speaking, much better than that of British America now is.' This unfortunate reference to the American Revolution, with its

hardly veiled threat of rebellion, was scarcely calculated to commend the Ninety-Two Resolutions to the favourable consideration of the British government. And when the Resolutions went on to demand, not merely the removal, but the impeachment of the governor, Lord Aylmer, it must have seemed to unprejudiced bystanders as if the framers of the Resolutions had taken leave of their senses.

The Ninety-Two Resolutions do not rank high as a constructive document. The chief change in the constitution which they proposed was the application of the elective principle to the Legislative Council. Of anything which might be construed into advocacy of a statesmanlike project of responsible government there was not a word, save a vague allusion to 'the vicious composition and irresponsibility of the Executive Council.' Papineau and his friends had evidently no conception of the solution ultimately found for the constitutional problem in Canada—a provincial cabinet chosen from the legislature, sitting in the legislature, and responsible to the legislature, whose advice the governor is bound to accept in regard to provincial affairs. Papineau undoubtedly did much to hasten the day of responsible government in Canada ;

but in this process he was in reality an unwitting agent.

The Ninety-Two Resolutions secured a majority of fifty-six to twenty-four. But in the minority voted John Neilson, Augustin Cuvillier, F. A. Quesnel, and Andrew Stuart, who now definitely broke away from Papineau's party. There are signs, too, that the considerable number of Catholic clergy who had openly supported Papineau now began to withdraw from the camp of a leader advocating such republican and revolutionary ideas. There is ground also for believing that not a little unrest disturbed those who voted with Papineau in 1834. In the next year Elzéar Bédard, who had moved the Ninety-Two Resolutions, broke with Papineau. Another seceder was Étienne Parent, the editor of the revived *Canadien*, and one of the great figures in French-Canadian literature. Both Bédard and Parent were citizens of Quebec, and they carried with them the great body of public opinion in the provincial capital. It will be observed later that during the disturbances of 1837 Quebec remained quiet.

None of the seceders abandoned the demand for the redress of grievances. They merely

refused to follow Papineau in his extreme course. For this they were assailed with some of the rhetoric which had hitherto been reserved for the 'Bureaucrats.' To them was applied the opprobrious epithet of *Chouayens*[1] —a name which had been used by Étienne Parent himself in 1828 to describe those French Canadians who took sides with the government party.

[1] The name *Chouayen* or *Chouaguen* appears to have been first used as a term of reproach at the siege of Oswego in 1756. It is said that after the fall of the forts there to Montcalm's armies a number of Canadian soldiers arrived too late to take part in the fighting. By the soldiers who had borne the brunt of the battle the late-comers were dubbed *Chouaguens*, this being the way the rank and file of the French soldiers pronounced the Indian name of Oswego. Thus the term came to mean one who refuses to follow, or who lets others do the fighting and keeps out of it himself. Perhaps the nearest English, or rather American, equivalent is the name Mugwump.

# CHAPTER VI

## THE ROYAL COMMISSION

A GENERAL election followed soon after the passing of the Ninety-Two Resolutions and revealed the strength of Papineau's position in the country. All those members of the *Patriote* party who had opposed the Resolutions—Neilson, Cuvillier, Quesnel, Stuart, and two or three others—suffered defeat at the polls. The first division-list in the new Assembly showed seventy members voting for Papineau as speaker, and only six voting against him.

The Resolutions were forwarded to Westminster, both through the Assembly's agent in London and through Lord Aylmer, who received the address embodying the Resolutions, despite the fact that they demanded his own impeachment. The British House of Commons appointed a special committee to inquire into the grievances of which the Resolutions complained; but there followed

no immediate action by the government. The years 1834 and 1835 saw much disturbance in British politics: there were no less than four successive ministers at the Colonial Office. It was natural that there should be some delay in dealing with the troubles of Lower Canada. In the spring of 1835, however, the government made up its mind about the course to pursue. It decided to send to Canada a royal commission for the purpose of investigating, and if possible settling, the questions in dispute. It was thought advisable to combine in one person the office of chief royal commissioner and that of governor of Canada. To clear the way for this arrangement Lord Aylmer was recalled. But he was expressly relieved from all censure: it was merely recognized by the authorities that his unfortunate relations with the Assembly made it unlikely that he would be able to offer any assistance in a solution of the problem.

The unenviable position of governor and chief royal commissioner was offered in turn to several English statesmen and declined by all of them. It was eventually accepted by Lord Gosford, an Irish peer without experience in public life. With him were associated as commissioners Sir Charles Grey, afterwards

governor of Jamaica, and Sir George Gipps, afterwards governor of New South Wales. These two men were evidently intended to offset each other: Grey was commonly rated as a Tory, while Gipps was a Liberal. Lord Gosford's appointment caused much surprise. He was a stranger in politics and in civil government. There is no doubt that his appointment was a last resource. But his Irish geniality and his facility in being all things to all men were no small recommendations for a governor who was to attempt to set things right in Canada.

The policy of Lord Glenelg, the colonial secretary during Gosford's period of office, was to do everything in his power to conciliate the Canadian *Patriotes*, short of making any real constitutional concessions. By means of a conciliatory attitude he hoped to induce them to abate some of their demands. There is, indeed, evidence that he was personally willing to go further: he seems to have proposed to William IV that the French Canadians should be granted, as they desired, an elective Legislative Council; but the staunch old Tory king would not hear of the change. 'The king objects on principle,' the ministers were told, 'and upon what he

considers sound constitutional principle, to the adoption of the elective principle in the constitution of the legislative councils in the colonies.' In 1836 the king had not yet become a negligible factor in determining the policy of the government; and the idea was dropped.

Lord Gosford arrived in Canada at the end of the summer of 1835 to find himself confronted with a discouraging state of affairs. A short session of the Assembly in the earlier part of the year had been marked by unprecedented violence. Papineau had attacked Lord Aylmer in language breathing passion; and had caused Lord Aylmer's reply to the address of the Assembly containing the Ninety-Two Resolutions to be expunged from the journals of the House as 'an insult cast at the whole nation.' Papineau had professed himself hopeless of any amendment of grievances by Great Britain. 'When Reform ministries, who called themselves our friends,' he said, 'have been deaf to our complaints, can we hope that a Tory ministry, the enemy of Reform, will give us a better hearing? We have nothing to expect from the Tories unless we can inspire them with fear or worry them by ceaseless importunity.' It

should be observed, however, that in 1835 Papineau explicitly disclaimed any intention of stirring up civil war. When Gugy, one of the English members of the Assembly,[1] accused him of such an intention, Papineau replied :

> Mr Gugy has talked to us again about an outbreak and civil war—a ridiculous bugbear which is regularly revived every time the House protests against these abuses, as it was under Craig, under Dalhousie, and still more persistently under the present governor. Doubtless the honourable gentleman, having studied military tactics as a lieutenant in the militia—I do not say as a major, for he has been a major only for the purposes of the parade-ground and the ball-room—is quite competent to judge of the results of a civil war and of the forces of the country, but he need not fancy that he can frighten us by hinting to us that he will fight in the ranks of the enemy. All his threats are futile, and his fears but the creatures of imagination.

Papineau did not yet contemplate an appeal

[1] He was really of Swiss extraction.

to arms; and of course he could not foresee that only two years later Conrad Gugy would be one of the first to enter the village of St Eustache after the defeat of the *Patriote* forces.

In spite of the inflamed state of public feeling, Lord Gosford tried to put into effect his policy of conciliation. He sought to win the confidence of the French Canadians by presiding at their entertainments, by attending the distribution of prizes at their seminaries, and by giving balls on their feast days. He entertained lavishly, and his manners toward his guests were decidedly convivial. '*Milord*,' exclaimed one of them on one occasion, tapping him on the back at a certain stage of the after-dinner conversation, '*milord, vous êtes bien aimable*.' '*Pardonnez*,' replied Gosford; '*c'est le vin*.' Even Papineau was induced to accept the governor's hospitality, though there were not wanting those who warned Gosford that Papineau was irreconcilable. 'By a wrong-headed and melancholy alchemy,' wrote an English officer in Quebec to Gosford, 'he will transmute every public concession into a demand for more, in a ratio equal to its extent; and his disordered moral palate, beneath the blandest smile and the

softest language, will turn your Burgundy into vinegar.'

The speech with which Lord Gosford opened the session of the legislature in the autumn of 1835 was in line with the rest of his policy. He announced his determination to effect the redress of every grievance. In some cases the action of the executive government would be sufficient to supply the remedy. In others the assistance of the legislature would be necessary. A third class of cases would call for the sanction of the British parliament. He promised that no discrimination against French Canadians should be made in appointments to office. He expressed the opinion that executive councillors should not sit in the legislature. He announced that the French would be guaranteed the use of their native tongue. He made an earnest plea for the settlement of the financial difficulty, and offered some concessions. The legislature should be given control of the hereditary revenues of the Crown, if provision were made for the support of the executive and the judiciary. Finally, he made a plea for the reconciliation of the French and English races in the country, whom he described as 'the offspring of the two foremost nations

of mankind.' Not even the most extreme of the *Patriotes* could fail to see that Lord Gosford was holding out to them an olive branch.

Great dissatisfaction, of course, arose among the English in the colony at Lord Gosford's policy. 'Constitutional associations,' which had been formed in Quebec and Montreal for the defence of the constitution and the rights and privileges of the English-speaking inhabitants of Canada, expressed gloomy forebodings as to the probable result of the policy. The British in Montreal organized among themselves a volunteer rifle corps, eight hundred strong, 'to protect their persons and property, and to assist in maintaining the rights and principles granted them by the constitution'; and there was much indignation when the rifle corps was forced to disband by order of the governor, who declared that the constitution was in no danger, and that, even if it were, the government would be competent to deal with the situation.

Nor did Gosford find it plain sailing with all the French Canadians. Papineau's followers in the House took up at first a distinctly independent attitude. Gosford was informed

that the appointment of the royal commission was an insult to the Assembly ; it threw doubt on the assertions which Papineau and his followers had made in petitions and resolutions. If the report of the commissioners turned out to be in accord with the views of the House, well and good ; but if not, that would not influence the attitude of the House. They would not alter their demands.

In spite, however, of the uneasiness of the English official element, and the obduracy of the extreme *Patriotes*, it is barely possible that Gosford, with his *bonhomie* and his Burgundy, might have effected a modus vivendi, had there not occurred, about six months after Gosford's arrival in Canada, one of those unfortunate and unforeseen events which upset the best-laid schemes of mice and men. This was the indiscreet action of Sir Francis Bond Head, the newly appointed lieutenant-governor of Upper Canada, in communicating to the legislature of Upper Canada the *ipsissima verba* of his instructions from the Colonial Office. It was immediately seen that a discrepancy existed between the tenor of Sir Francis Bond Head's instructions and the tenor of Lord Gosford's speech at the opening of the legislature of Lower Canada in 1835.

Sir Francis Bond Head's instructions showed beyond peradventure that the British government did not contemplate any real constitutional changes in the Canadas; above all, it did not propose to yield to the demand for an elective Legislative Council. This fact was called to the attention of Papineau and his friends by Marshall Spring Bidwell, the speaker of the Assembly of Upper Canada; and immediately the fat was in the fire. Papineau was confirmed in his belief that justice could not be hoped for; those who had been won over by Gosford's blandishments experienced a revulsion of feeling; and Gosford saw the fruit of his efforts vanishing into thin air.

A climax came over the question of supply. Lord Gosford had asked the Assembly to vote a permanent civil list, in view of the fact that the government offered to hand over to the control of the legislature the casual and territorial revenues of the Crown. But the publication of Sir Francis Bond Head's instructions effectually destroyed any hope of this compromise being accepted. In the session of the House which was held in the early part of 1836, Papineau and his friends not only refused to vote a permanent civil

list; they declined to grant more than six months' supply in any case; and with this they made the threat that if the demands of the *Patriotes* were not met at the end of the six months, no more supplies would be voted. This action was deemed so unsatisfactory that the Legislative Council threw out the bill of supply. The result was widespread distress among the public officials of the colony. This was the fourth year in which no provision had been made for the upkeep of government. In 1833 the bill of supply had been so cumbered with conditions that it had been rejected by the Legislative Council. In 1834, owing to disputes between the Executive and the Assembly, the legislature had separated without a vote on the estimates. In 1835 the Assembly had declined to make any vote of supply. In earlier years the Executive had been able, owing to its control of certain royal and imperial revenues, to carry on the government after a fashion under such circumstances; but since it had transferred a large part of these revenues to the control of the legislature, it was no longer able to meet the situation. Papineau and his friends doubtless recognized that they now had the 'Bureaucrats' at their mercy; and

they seem to have made up their minds to achieve the full measure of their demands, or make government impossible by withholding the supplies, no matter what suffering this course might inflict on the families of the public servants.

In the autumn of 1836 the royal commissioners brought their labours to a close. Lord Gosford, it is true, remained in the colony as governor until the beginning of 1838, and Sir George Gipps remained until the beginning of 1837, but Sir Charles Grey left for England in November 1836 with the last of the commissioners' reports. These reports, which were six in number, exercised little direct influence upon the course of events in Canada. The commissioners pronounced against the introduction of responsible government, in the modern sense of the term, on the ground that it would be incompatible with the status of a colony. They advised against the project of an elective Legislative Council. In the event of a crisis arising, they submitted the question whether the total suspension of the constitution would not be less objectionable than any partial interference with the particular clauses. It is evident from the reports that the commissioners had

bravely survived their earlier view that the discontented Canadians might be won over by unctuous blandishments alone. They could not avoid the conclusion that this policy had failed.

# CHAPTER VII

## THE RUSSELL RESOLUTIONS

When the legislature of Lower Canada met in the autumn of 1836, Lord Gosford earnestly called its attention to the estimates of the current year and the accounts showing the arrears unpaid. Six months, however, had passed by, and there was no sign of the redress of grievances. The royal commission, indeed, had not completed its investigations. The Assembly, therefore, refused once more to vote the necessary supplies. 'In reference to the demand for a supply,' they told the governor, 'relying on the salutary maxim, that the correction of abuses and the redress of grievances ought to precede the grant thereof, we have been of opinion that there is nothing to authorize us to alter our resolution of the last session.'

This answer marked the final and indubitable breakdown of the policy of conciliation without concession. This was recognized by

Gosford, who soon afterwards wrote home asking to be allowed to resign, and recommending the appointment of a governor whose hands were 'not pledged as mine are to a mild and conciliatory line of policy.'

Two alternatives were now open to the British ministers—either to make a complete capitulation to the demands of the *Patriotes*, or to deal with the situation in a high-handed way. They chose the latter course, though with some hesitation and perhaps with regret. On March 6, 1837, Lord John Russell, chancellor of the Exchequer in the Melbourne administration and one of the most liberal-minded statesmen in England, introduced into the House of Commons ten resolutions dealing with the affairs of Canada. These resolutions recited that since 1832 no provision had been made by the Assembly of Lower Canada for defraying the charges for the administration of justice or for the support of the civil government; that the attention of the Assembly had been called to the arrears due; and that the Assembly had declined to vote a supply until its demands for radical political changes were satisfied. The resolutions declared that though both the bodies in question might be improved in respect of their composition, it

was inadvisable to grant the demand to make the Legislative Council elective, or to subject the Executive Council to the responsibility demanded by the House of Assembly. In regard to the financial question, the resolutions repeated the offer made by Lord Aylmer and Lord Gosford—namely, to hand over to the Assembly the control of the hereditary, territorial, and casual revenues of the Crown, on condition that the Assembly would grant a permanent civil list. But the main feature of the resolutions was the clause empowering the governor to pay out of the public revenues, without authorization of the Assembly, the moneys necessary for defraying the cost of government in the province up to April 10, 1837. This, though not exactly a suspension of the constitution of Lower Canada and a measure quite legally within the competency of the House of Commons, was a flat negative to the claim of the Lower-Canadian Assembly to control over the executive government, through the power of the purse or otherwise.

A long and important debate in Parliament followed on these resolutions. Some of the chief political leaders of the day took part in the discussion. Daniel O'Connell, the great

tribune of the Irish people, took up the cudgels for the French Canadians. Doubtless it seemed to him that the French Canadians, like the Irish, were victims of Anglo-Saxon tyranny and bigotry. Sir George Grey, the colleague of Gosford, Lord Stanley, a former colonial secretary, and William Ewart Gladstone, then a vigorous young Tory, spoke in support of the resolutions. The chief opposition came from the Radical wing of the Whig party, headed by Hume and Roebuck; but these members were comparatively few in number, and the resolutions were passed by overwhelming majorities.

As soon as the passage of the resolutions became known in Canada, Papineau and his friends began to set the heather on fire. On May 7, 1837, the *Patriotes* held a huge open-air meeting at St Ours, eleven miles above Sorel on the river Richelieu. The chief organizer of the meeting was Dr Wolfred Nelson, a member of the Assembly living in the neighbouring village of St Denis, who was destined to be one of the leaders of the revolt at the end of the year. Papineau himself was present at the meeting and he spoke in his usual violent strain. He submitted a resolution declaring that 'we cannot but

WOLFRED NELSON

From a print in the Château de Ramezay

consider a government which has recourse to injustice, to force, and to a violation of the social contract, anything else than an oppressive government, a government by force, for which the measure of our submission should henceforth be simply the measure of our numerical strength, in combination with the sympathy we may find elsewhere.' At St Laurent a week later he used language no less dangerous. 'The Russell resolutions,' he cried, 'are a foul stain; the people should not, and will not, submit to them; the people must transmit their just rights to their posterity, even though it cost them their property and their lives to do so.'

These meetings were prototypes of many that followed. All over the province the *Patriotes* met together to protest against what they called 'coercion.' As a rule the meetings were held in the country parishes after church on Sunday, when the habitants were gathered together. Most inflammatory language was used, and flags and placards were displayed bearing such devices as '*Papineau et le système électif*,' '*Papineau et l'indépendence*,' and '*A bas le despotisme*.' Alarmed by such language, Lord Gosford issued on June 15 a proclamation calling on all loyal

subjects to discountenance writings of a seditious tendency, and to avoid meetings of a turbulent or political character. But the proclamation produced no abatement in the agitation; it merely offered one more subject for denunciation.

During this period Papineau and his friends continually drew their inspiration from the procedure of the Whigs in the American colonies before 1776. The resolutions of the *Patriotes* recalled the language of the Declaration of Independence. One of the first measures of the Americans had been to boycott English goods; one of the first measures of the *Patriotes* was a resolution passed at St Ours binding them to forswear the use of imported English goods and to use only the products of Canadian industry. At the short and abortive session of the legislature which took place at the end of the summer of 1837, nearly all the members of the Assembly appeared in clothes made of Canadian frieze. The shifts of some of the members to avoid wearing English imported articles were rather amusing. 'Mr Rodier's dress,' said the Quebec *Mercury*, 'excited the greatest attention, being unique with the exception of a pair of Berlin gloves, viz.: frock coat of

granite colored *étoffe du pays*; inexpressibles and vest of the same material, striped blue and white; straw hat, and beef shoes, with a pair of home-made socks, completed the *outré* attire. Mr Rodier, it was remarked, had no shirt on, having doubtless been unable to smuggle or manufacture one.' But Louis LaFontaine and 'Beau' Viger limited their patriotism, it appears, to the wearing of Canadian-made waistcoats. The imitation of the American revolutionists did not end here. If the New England colonies had their 'Sons of Liberty,' Lower Canada had its '*Fils de la Liberté*'—an association formed in Montreal in the autumn of 1837. And the Lower Canada *Patriotes* outstripped the New England patriots in the republican character of their utterances. 'Our only hope,' announced *La Minerve*, 'is to elect our governor ourselves, or, in other words, to cease to belong to the British Empire.' A manifesto of some of the younger spirits of the *Patriote* party, issued on October 1, 1837, spoke of 'proud designs, which in our day must emancipate our beloved country from all human authority except that of the bold democracy residing within its bosom.' To add point to these opinions, there sprang up all over the country

volunteer companies of armed *Patriotes*, led and organized by militia officers who had been dismissed for seditious utterances.

Naturally, this situation caused much concern among the loyal people of the country. Loyalist meetings were held in Quebec and Montreal, to offset the *Patriote* meetings; and an attempt was made to form a loyalist rifle corps in Montreal. The attempt failed owing to the opposition of the governor, who was afraid that such a step would merely aggravate the situation. Not even Gosford, however, was blind to the seriousness of the situation. He wrote to the colonial secretary on September 2, 1837, that all hope of conciliation had passed. Papineau's aims were now the separation of Canada from England and the establishment of a republican form of government. 'I am disposed to think,' he concluded, 'that you may be under the necessity of suspending the constitution.'

It was at this time that the Church first threw its weight openly against the revolutionary movement. The British government had accorded to Catholics in Canada a measure of liberty at once just and generous; and the bishops and clergy were not slow to see that under a republican form of government,

whether as a state in the American Union or as an independent *nation canadienne*, they might be much worse off, and would not be any better off, than under the dominion of Great Britain. In the summer of 1837 Mgr Lartigue, the bishop of Montreal, addressed a communication to the clergy of his diocese asking them to keep the people within the path of duty. In October he followed this up by a Pastoral Letter, to be read in all the churches, warning the people against the sin of rebellion. He held over those who contemplated rebellion the penalties of the Church: 'The present question amounts to nothing less than this—whether you will choose to maintain, or whether you will choose to abandon, the laws of your religion.'

The ecclesiastical authorities were roused to action by a great meeting held on October 23, at St Charles on the Richelieu, the largest and most imposing of all the meetings thus far. Five or six thousand people attended it, representing all the counties about the Richelieu. The proceedings were admirably staged. Dr Wolfred Nelson was in the chair, but Papineau was the central figure. A company of armed men, headed by two militia officers who had been dismissed for disloyalty, and

drawn up as a guard, saluted every resolution of the meeting with a volley. A wooden pillar, with a cap of liberty on top, was erected, and dedicated to Papineau. At the end of the proceedings Papineau was led up to the column to receive an address. After this all present marched past singing popular airs; and each man placed his hand on the column, swearing to be faithful to the cause of his country, and to conquer or die for her. All this, of course, was comparatively innocent. The resolutions, too, were not more violent than many others which had been passed elsewhere. Nor did Papineau use language more extreme than usual. Many of the *Patriotes*, indeed, considered his speech too moderate. He deprecated any recourse to arms and advised his hearers merely to boycott English goods, in order to bring the government to righteousness. But some of his lieutenants used language which seemed dangerous. Roused by the eloquence of their leader, they went further than he would venture, and advocated an appeal to the arbitrament of war. 'The time has come,' cried Wolfred Nelson, 'to melt our spoons into bullets.'

The exact attitude of Papineau during

these months of agitation is difficult to determine. He does not seem to have been quite clear as to what course he should pursue. He had completely lost faith in British justice. He earnestly desired the emancipation of Canada from British rule and the establishment of a republican system of government. But he could not make up his mind to commit himself to armed rebellion. 'I must say, however,' he had announced at St Laurent, 'and it is neither fear nor scruple that makes me do so, that the day has not yet come for us to respond to that appeal.' The same attitude is apparent, in spite of the haughty and defiant language, in the letter which he addressed to the governor's secretary in answer to an inquiry as to what he had said at St Laurent:

> SIR,—The pretension of the governor to interrogate me respecting my conduct at St Laurent on the 15th of May last is an impertinence which I repel with contempt and silence.
>
> I, however, take the pen merely to tell the governor that it is false that any of the resolutions adopted at the meeting of the county of Montreal, held at St Laurent

on the 15th May last, recommend a violation of the laws, as in his ignorance he may believe, or as he at least asserts.—Your obedient servant,

L. J. PAPINEAU.

At St Charles Papineau was even more precise in repudiating revolution; and there is no evidence that, when rebellion was decided upon, Papineau played any important part in laying the plans. In later years he was always emphatic in denying that the rebellion of 1837 had been primarily his handiwork. 'I was,' he said in 1847, 'neither more nor less guilty, nor more nor less deserving, than a great number of my colleagues.' The truth seems to be that Papineau always balked a little at the idea of armed rebellion, and that he was carried off his feet at the end of 1837 by his younger associates, whose enthusiasm he himself had inspired. He had raised the wind, but he could not ride the whirlwind.


SOUTH-WESTERN
LOWER CANADA
1837
Scale of Miles
0 5 10 20
74
73
Berthier
Sorel
Lanoraie
RICHELIEU
St Ours
Contrecoeur
R. St Lawrence
L'ASSOMPTION
TERREBONNE
St Denis
Repentigny
Vercheres
VERCHERES
St Charles
Varennes
ST HYACINTHE
St Hyacinthe
Yamaska River
St Rose
St Julie de Vercheres
Boucherville
Belœil Village
St Hilaire
Lachute
St Scholastique
TWO MOUNTAINS
Belle Riviere
St Hermas
St Andrews E.
St Eustache
St Benoite
Grand Greniere
Ottawa River
Carillon
Pt Fortunes
St Joseph du Lac
LAVAL
St Martin
Bord à Plouffe
CARTIER
HOCHELAGA
Montreal
St Lambert
CHAMBLY
Chambly Basin
Chambly Canton
ROUVILLE
St Marie de Monnoir
St Cesaire
St Genevieve
Lachine
Rigaud
JACQUES CARTIER
St Annes
Lake St Louis
Ste Claire
Laprairie
Caughnawaga
Vaudreuil
VAUDREUIL
Isle Perrot
Chateauguay Basin
Chateauguay
St Philippe
Mount Johnson
St Athanase
St Johns
Provincial Boundary
SOULANGES
Cedars
Beauharnois
LAPRAIRIE
L'Acadie
ST JOHNS
RICHELIEU
IBERVILLE
Farnham
Cotegu du Lac
Coteau Landing
Riviere Beauvette
BEAUHARNOIS
Chateauguay River
St Edouard de No.
Grande Ligne
Napierville
NAPIERVILLE
Lake St Francis
CHATEAUGUAY
St Valentin
Isle aux Noix
Henryville
Lacolle
Moores Corners
Missisquoi Bay
MISSISQUOI
Hemmingford
Odelltown
Little River
Montreal
HUNTINGDON
45
International Boundary
Rouses Pt
Chazy
Alburg
Swanton
UNITED STATES
Lake Champlain
VERMONT
Bartholomew, Edinr

## CHAPTER VIII

### THE DOGS OF WAR

As the autumn of 1837 wore on, the situation in Lower Canada began to assume an aspect more and more threatening. In spite of a proclamation from the governor forbidding such meetings, the *Patriotes* continued to gather for military drill and musketry exercises. Armed bands went about the countryside, in many places intimidating the loyalists and forcing loyal magistrates and militia officers to send in their resignations to the governor. As early as July some of the Scottish settlers at Côte St Joseph, near St Eustache, had fled from their homes, leaving their property to its fate. Several houses at Côte St Mary had been fired upon or broken into. A letter of Sir John Colborne, the commander of the forces in British North America, written on October 6, shows what the state of affairs was at that time:

> In my correspondence with Col. Eden I have had occasion to refer to the facts

and reports that establish the decided character which the agitators have lately assumed. The people have elected the dismissed officers of the militia to command them. At St Ours a pole has been erected in favour of a dismissed captain with this inscription on it, 'Elu par le peuple.' At St Hyacinthe the tri-coloured flag was displayed for several days. Two families have quitted the town in consequence of the annoyance they received from the patriots. Wolfred Nelson warned the patriots at a public meeting to be ready to arm. The tri-coloured flag is to be seen at two taverns between St Denis and St Charles. Many of the tavern-keepers have discontinued their signs and substituted for them an eagle. The bank notes or promissory notes issued at Yamaska have also the same emblem marked on them. Mr Papineau was escorted from Yamaska to St Denis by a numerous retinue, and it is said that 200 or 300 carriages accompanied him on his route. He has attended five public meetings lately; and at one of them La Valtrie, a priest, was insulted in his presence. The occurrence at St Denis was certainly

a political affair, a family at St Antoine opposed to the proceedings of W. Nelson, having been annoyed by the same mob that destroyed the house of Madame St Jacques a few hours before the shot was fired from her window.

Special animosity was shown toward the *Chouayens*, those French Canadians who had refused to follow Papineau's lead. P. D. Debartzch, a legislative councillor and a former supporter of Papineau, who had withdrawn his support after the passing of the Ninety-Two Resolutions, was obliged to flee from his home at St Charles ; and Dr Quesnel, one of the magistrates of L'Acadie, had his house broken into by a mob that demanded his resignation as magistrate.

On November 6 rioting broke out in Montreal. The Doric Club, an organization of the young men of English blood in the city, came into conflict with the French-Canadian *Fils de la Liberté*. Which side provoked the hostilities, it is now difficult to say. Certainly, both sides were to blame for their behaviour during the day. The sons of liberty broke the windows of prominent loyalists ; and the members of the Doric Club completely wrecked

the office of the *Vindicator* newspaper. It was only when the Riot Act was read, and the troops were called out, that the rioting ceased.

Up to this point the *Patriotes* had not indulged in any overt acts of armed rebellion. Some of their leaders, it is true, had been laying plans for a revolt. So much is known from the correspondence which passed between the leading *Patriotes* in Lower Canada and William Lyon Mackenzie, the leader of the rebellion in Upper Canada. Thomas Storrow Brown, one of Papineau's lieutenants, wrote to Mackenzie asking him to start the ball rolling in Upper Canada first, in order to draw off some of the troops which Sir John Colborne had massed in Lower Canada. But all calculations were now upset by events which rapidly precipitated the crisis in the lower province.

Soon after the fracas in the streets of Montreal between the Doric Club and the *Fils de la Liberté*, a priest named Quibilier waited on Papineau, and advised him, since his presence in Montreal had become a source of disturbance, to leave the city. Whether he came as an emissary from the ecclesiastical authorities or merely as a friend is not clear. At any rate, Papineau accepted his advice,

and immediately set out for St Hyacinthe. The result was most unfortunate. The government, thinking that Papineau had left the city for the purpose of stirring up trouble in the Richelieu district, promptly issued warrants for the arrest of Papineau and some of his chief lieutenants, Dr Wolfred Nelson, Thomas Storrow Brown, Edmund Bailey O'Callaghan, and several others.

Meanwhile, on the day that these warrants for arrest were being issued (November 16), a skirmish took place between a small party of British troopers and a band of *Patriotes* on the road between Chambly and Longueuil—a skirmish which may be described as the Lexington of the Lower Canada rebellion. The troopers, under Lieutenant Ermatinger, had been sent to St Johns to arrest two French Canadians, named Demaray and Davignon, who had been intimidating the magistrates. The arrest had been effected, and the party were on their way back to Montreal, when they were confronted by an armed company of *Patriotes*, under the command of Bonaventure Viger, who demanded the release of the prisoners. A brisk skirmish ensued, in which several on both sides were wounded. The troopers, outnumbered by at least five

to one, and having nothing but pistols with which to reply to the fire of muskets and fowling-pieces, were easily routed; and the two prisoners were liberated.

The news of this affair spread rapidly through the parishes, and greatly encouraged the *Patriotes* to resist the arrest of Papineau and his lieutenants. Papineau, Nelson, Brown, and O'Callaghan had all evaded the sheriff's officer, and had taken refuge in the country about the Richelieu, the heart of the revolutionary district. In a day or two word came to Montreal that considerable numbers of armed habitants had gathered at the villages of St Denis and St Charles, evidently with the intention of preventing the arrest of their leaders. The force at St Denis was under the command of Wolfred Nelson, and that at St Charles was under the command of Thomas Storrow Brown. How these self-styled 'generals' came to be appointed is somewhat of a mystery. Brown, at any rate, seems to have been chosen for the position on the spur of the moment. 'A mere accident took me to St Charles,' he wrote afterwards, 'and put me at the head of a revolting force.'

Sir John Colborne, who was in command of the British military forces, immediately de-

termined to disperse these gatherings by force and to arrest their leaders. His plan of campaign was as follows. A force consisting of one regiment of infantry, a troop of the Montreal Volunteer Cavalry, and two light field-guns, under the command of Lieutenant-Colonel Wetherall, had already been dispatched to Chambly by way of the road on which the rescue of Demaray and Davignon had taken place. This force would advance on St Charles. Another force, consisting of five companies of the 24th regiment, with a twelve-pounder, under Colonel Charles Gore, a Waterloo veteran, would proceed by boat to Sorel. There it was to be joined by one company of the 66th regiment, then in garrison at Sorel, and the combined force would march on St Denis. After having dispersed the rebels at St Denis, which was thought not to be strongly held, the little army was to proceed to St Charles, where it would be joined by the force under Wetherall.

At eight o'clock on the evening of November 22, Colonel Gore set out with his men from the barrack-square at Sorel for St Denis. The journey was one of eighteen miles; and in order to avoid St Ours, which was held by the *Patriotes*, Gore turned away from the main

road along the Richelieu to make a detour. This led his troops over very bad roads. The night was dark and rain poured down in torrents. 'I got a lantern,' wrote one of Gore's aides-de-camp afterwards, 'fastened it to the top of a pole, and had it carried in front of the column; but what with horses and men sinking in the mud, harness breaking, wading through water and winding through woods, the little force soon got separated, those in the rear lost sight of the light, and great delays and difficulties were experienced. Towards morning the rain changed to snow, it became very cold, and daybreak found the unfortunate column still floundering in the half-frozen mud four miles from St Denis.'

Meanwhile word had reached the rebels of the coming of the soldiers. At daybreak Dr Wolfred Nelson had ridden out to reconnoitre, and had succeeded in destroying several bridges. As the soldiers approached St Denis they heard the church bells ringing the alarm; and it was not long before they found that the village was strongly defended. After capturing some of the houses on the outskirts of the village, they were halted by a stockade built across the road covered by a large brick house, well fortified on all sides. The commander of

the troops brought reinforcements up to the firing line, and the twelve-pounder came into action. But the assailants made very little impression on the defence. Although the engagement lasted for more than five hours, the troops succeeded in capturing nothing more than one of the flanking houses. The ammunition of the British was running low, and the numbers of the insurgents seemed to be increasing. Colonel Gore therefore deemed it advisable to retire. By some strange oversight the British were without any ambulance or transport of any kind; and they were compelled to leave their dead and wounded behind them. Their casualties were six killed and eighteen wounded. The wounded, it is a pleasure to be able to say, were well looked after by the victorious *Patriotes*.

The British effected their retreat with great steadiness, despite the fact that the men had had no food since the previous day and had been marching all night. They were compelled to abandon their twelve-pounder in the mud; but they reached St Ours that night without further loss. The next day they were back at Sorel.

The number of the insurgents at St Denis has never been accurately ascertained; pro-

bably they were considerably in excess of the troops. Their position was one of great strength, and good judgment had been shown in fortifying it. On the other hand, with the exception of a few veterans of Major de Salaberry's Voltigeurs, they were untrained in war; and their muskets and fowling-pieces were much inferior to the rifles of the regulars. Their victory, it must be said, reflected great credit upon them; although their losses had been twice as great as those of the soldiers,[1] these peasants in homespun had stood their ground with a courage and steadiness which would have honoured old campaigners. The same, unfortunately, cannot be said about some of their leaders. Papineau and O'Callaghan were present in St Denis when the attack began; but before the morning was well advanced, they had departed for St Hyacinthe, whence they later fled to the United States. Papineau always declared that he had taken this action at the

[1] According to a report twelve *Patriotes* lost their lives during the engagement. Among them was Charles Ovide Perrault, member of the Assembly for Vaudreuil, a young barrister of considerable promise. He seems to have been Papineau's closest follower and confidant. During the last sessions of the Lower Canada legislature Perrault contributed many letters to *La Minerve.*

solicitation of Wolfred Nelson, who had said to him: 'Do not expose yourself uselessly: you will be of more service to us after the fight than here.' In later days, however, when political differences had arisen between the two men, Nelson denied having given Papineau any such advice. It is very difficult to know the truth. But even if Nelson did advise Papineau to leave, it cannot be said that Papineau consulted his own reputation in accepting the advice. He was not a person without military experience: he had been a major in the militia, and was probably superior in rank to any one in the village. His place was with the brave farmers who had taken up arms on his behalf.

An episode in connection with the attack on St Denis left a dark stain on the *Patriote* escutcheon and embittered greatly the relations between the two races in Canada. This was the murder, on the morning of the fight, of Lieutenant Weir, a subaltern in the 32nd regiment, who had been sent with dispatches to Sorel by land. He had reached Sorel half an hour after Colonel Gore and his men had departed for St Denis. In attempting to catch up with Gore's column he had taken the direct road to St Denis and had arrived there

in advance of the British troops. On approaching the village he was arrested, and by Wolfred Nelson's orders placed in detention. As the British attack developed, it was thought better by those who had him in charge to remove him to St Charles. They bound him tightly and placed him in a wagon. Hardly had they started when he made an attempt to escape. In this emergency his warders seem to have lost their heads. In spite of the fact that Weir was tightly bound and could do no harm, they fell upon him with swords and pistols, and in a short time dispatched him. Then, appalled at what they had done, they attempted to hide the body. When the British troops entered St Denis a week later, they found the body lying, weighted down with stones, in the Richelieu river under about two feet of water. The autopsy disclosed the brutality with which Weir had been murdered; and the sight of the body so infuriated the soldiers that they gave the greater part of the village of St Denis to the flames. In the later phases of the rebellion the slogan of the British soldiers was, 'Remember Jack Weir.'

Another atrocious murder even more unpardonable than that of Weir was perpetrated

a few days later. On November 28 some *Patriotes* near St Johns captured a man by the name of Chartrand, who was enlisted in a loyal volunteer corps of the district. After a mock trial Chartrand was tied to a tree and shot by his own countrymen.

# CHAPTER IX

## *FORCE MAJEURE*

THE check administered to Colonel Gore's column at St Denis, in the first engagement of the rebellion, was the only victory which fell to the rebel forces. In the meantime Lieutenant-Colonel Wetherall, with several companies of infantry, a troop of volunteer cavalry, and two field-guns, was marching on St Charles. On the evening of November 22 Major Gugy, the leader of the English party in the Assembly, had brought to Wetherall at Chambly instructions to advance down the Richelieu and attack the rebel position at St Charles in the morning. He set out accordingly at about the hour when Gore headed his forces up the river from Sorel. But, while Gore carried out his orders to the letter and reached St Denis on the morning of the 23rd, Wetherall allowed himself some latitude in interpreting his instructions. This was largely due to the advice of Gugy, if we are to believe

the account which Gugy has left us. 'In the first place,' it runs, 'not one of the force knew anything of the roads or people, nor do I believe that more than one spoke French. . . . The storm raged so fearfully, the rain poured in such torrents, and the frost set in afterwards so intensely, that . . . men and horses were equally fatigued . . . all so exhausted as to be unable to cope, on broken or woody ground, successfully with any resolute enemy. . . . I learned that we had marched without a dollar, without a loaf of bread, without a commissary, and without a spare cartridge—a pretty predicament in an enemy's country, surrounded by thousands of armed men.' It was apparent to Gugy that Sir John Colborne, in issuing his orders, had greatly underestimated the difficulty of the task he was setting for the troops. After crossing the river above the Chambly Basin, Gugy therefore induced Wetherall to halt until daylight; and, turning himself into a commissary, he billeted the men and horses in the neighbouring houses and stables.

The next day about noon the column reached St Hilaire, some seven miles from St Charles. Here Wetherall obtained information which led him to fear that Gore

had met with some kind of check; and he was persuaded to send back to Chambly for a reinforcement of one company which had been left in garrison there. His messenger reached Chambly at four o'clock on the morning of the 24th. Major Warde, the commandant at Chambly, at once embarked his company on a scow and dropped down the river to St Hilaire; but he arrived too late to allow of any further action that day, and it was not until the morning of the 25th that the column moved on St Charles.

Meanwhile, the rebels had been making preparations for defence. They had fortified the manor-house of Debartzch, who had fled to Montreal, and built round it a rampart of earth and tree-trunks—a rampart which, for some mysterious reason, was never completed. They appointed as commander Thomas Storrow Brown, a Montreal iron-merchant, for whose arrest a warrant had been issued and who had fled to St Charles with two or three other *Patriote* politicians. But Brown had no military experience, and was still suffering so severely from injuries received in the rioting in Montreal that his proper place was a home for convalescents rather than a field of battle. His appointment can only be ex-

plained by the non-appearance of the local *Patriote* leaders. 'The chief men,' Brown testified afterwards, 'were, with two or three exceptions, absent or hiding.' It is evident that the British authorities expected to meet with the strongest opposition at St Charles, since that place had been the scene of the great demonstration earlier in the year. But, as a matter of fact, the rebel forces at St Charles were much less formidable than those at St Denis. Not only were they lacking in proper military leadership; they were also fewer in number and were, moreover, very inadequately armed. If Brown's statements are to be relied upon, there were not in the rebel camp two hundred men. 'Of ammunition,' wrote Brown, 'we had some half dozen kegs of gunpowder and a little lead, which was cast into bullets; but as the fire-arms were of every calibre, the cartridges made were too large for many, which were consequently useless. We had two small rusty field-pieces, but with neither carriages nor appointments they were as useless as two logs. There was one old musket, but not a bayonet. The fire-arms were common flintlocks, in all conditions of dilapidation, some tied together with string, and very many with lock-

springs so worn out that they could not be discharged.'

On the 24th Brown made a reconnaissance in the direction of St Hilaire. He destroyed a bridge over a ravine some distance to the south of St Charles, and placed above it an outpost with orders to prevent a reconstruction of the bridge. But when the British troops appeared on the morning of the 25th, this and other outlying pickets fell back without making any resistance. They probably saw that they were so outnumbered that resistance would be hopeless. On the approach of the troops Brown at first assumed an attitude of confidence. A messenger came from Wetherall, 'a respectable old habitant,' to tell the rebels that if they dispersed quietly, they would not be molested. Brown treated the message as a confession of weakness. 'I at once supposed,' he said, 'that, followed in the rear by our friends from above, they were seeking a free passage to Sorel, and determined to send a message, that *if they would lay down their arms, they should pass unmolested.*' This message does not seem to have reached its destination. And hardly had the engagement opened when Brown quickly changed his tune. 'To go forward

was useless, as I could order nothing but a retreat—without it the people commenced retiring. I tried to rally the little squads, my only hope being in keeping together the fowling-pieces we had collected, but finding, after a long trial, my strength and authority insufficient, I considered my command gone, turned my horse, and rode to . . . St Denis (seven or eight miles), where . . . I arrived about nightfall.'

The engagement lasted less than an hour. The rebels, or at any rate those of them who were armed, seem to have been outnumbered by the soldiers, of whom there were between three and four hundred. But the fighting was apparently brisk while it lasted. The British lost three killed and eighteen wounded. The *Patriote* losses are not known. The local tradition is that forty-two were killed and many more wounded. We know that thirty were taken prisoners on the field.

The defeat of the rebels at St Charles really terminated the rebellion in the country about the Richelieu. When news of the defeat spread over the countryside, the *Patriote* forces immediately disbanded, and their leaders sought safety in flight. Papineau and O'Callaghan, who had been at St Hyacinthe,

succeeded in getting across the Vermont border; but Wolfred Nelson was not so fortunate. After suffering great privations he was captured by some loyalist militia not far from the frontier, taken to Montreal, and there lodged in prison.

For some reason which it is difficult to discern, Wetherall did not march on from St Charles to effect a pacification of St Denis. On December 1, however, Colonel Gore once more set out from Sorel, and entered St Denis the same day. He found everything quiet. He recovered the howitzer and five of the wounded men he had left behind. In spite of the absence of opposition, his men took advantage of the occasion to wreak an unfair and un-British vengeance on the helpless victors of yesterday. Goaded to fury by the sight of young Weir's mangled body, they set fire to a large part of the village. Colonel Gore afterwards repudiated the charge that he had ordered the burning of the houses of the insurgents; but that defence does not absolve him from blame. It is obvious, at any rate, that he did not take adequate measures to prevent such excesses; nor was any punishment ever administered to those who applied the torch.

But the end of rebellion was not yet in sight. Two more encounters remain to be described. The first of these occurred at a place known as Moore's Corners, near the Vermont border. After the collapse at St Charles a number of *Patriote* refugees had gathered at the small town of Swanton, a few miles south of Missisquoi Bay, on the American side of the boundary-line. Among them were Dr Cyrile Côté and Edouard Rodier, both members of the Lower Canada Assembly; Ludger Duvernay, a member of the Assembly and editor of *La Minerve*; Dr Kimber, one of the ringleaders in the rescue of Demaray and Davignon; and Robert Shore Milnes Bouchette, the descendant of a French-Canadian family long conspicuous for its loyalty and its services to the state. Bouchette's grandfather had been instrumental in effecting the escape of Sir Guy Carleton from Montreal in 1775, when that place was threatened by the forces of Montgomery. The grandson's social tastes and affiliations might have led one to expect that he would have been found in the ranks of the loyalists; but the arbitrary policy of the Russell Resolutions had driven him into the arms of the extreme *Patriotes*. Arrested for disloyalty at the outbreak of

the rebellion, he had been admitted to bail and had escaped. These men, under the belief that the habitants would rise and join them, determined upon an armed invasion of Canada. Possibly they believed also that Wolfred Nelson was still holding out. Papineau, it was said, had reported that 'the victor of St Denis' was entrenched with a considerable force at St Césaire on the Yamaska. They therefore collected arms and ammunition, sent emissaries through the parishes to the north to rouse the *Patriotes*, and on December 6, flying some colours which had been worked for them by the enthusiastic ladies of Swanton, they crossed the Canadian border, about two hundred strong. They had two field-pieces and a supply of muskets and ammunition for those whom they expected to join the party on Canadian soil.

Hardly had the invaders crossed the border when they encountered at Moore's Corners a body of the Missisquoi Volunteers, under the command of Captain Kemp, who were acting as escort to a convoy of arms and ammunition. Having received warning of the coming of the insurgents, Kemp had sent out messengers through the countryside to rouse the loyalist

population. To these as they arrived he served out the muskets in his wagons. And when the rebels appeared, about eight o'clock at night, he had a force at his disposal of at least three hundred men, all well armed.

There is reason for believing that Kemp might have succeeded in ambushing the advancing force, had not some of his men, untrained volunteers with muskets in their hands for the first time, opened fire prematurely. The rebels returned the fire, and a fusillade continued for ten or fifteen minutes. But the rebels, on perceiving that they had met a superior force, retired in great haste, leaving behind them one dead and two wounded. One of the wounded was Bouchette, who had been in command of the advance-guard. The rebels abandoned also their two field-pieces, about forty stand of arms, five kegs of gunpowder, and six boxes of ball-cartridge, as well as two standards. Among the loyalists there were no casualties whatever. Only three of the rebels were taken prisoner besides the two wounded, a fact which Kemp explained by several factors —the undisciplined state of the loyalists, the darkness of the night, the vicinity of woods, and the proximity of the boundary-line,

beyond which he did not allow the pursuit to go. The 'battle' of Moore's Corners was in truth an excellent farce; but there is no doubt that it prevented what might have been a more serious encounter had the rebel column reached the neighbourhood of St Johns, where many of the *Patriotes* were in readiness to join them.

A few days later, in a part of the province some distance removed from the Richelieu river and the Vermont border, there occurred another collision, perhaps the most formidable of the whole rebellion. This was at the village of St Eustache, in the county of Two Mountains, about eighteen miles north-west of Montreal. The county of Two Mountains had long been known as a stronghold of the extreme *Patriotes*. The local member, W. H. Scott, was a supporter of Papineau, and had a large and enthusiastic following. He was not, however, a leader in the troubles that ensued. The chief organizer of revolt in St Eustache and the surrounding country was a mysterious adventurer named Amury Girod, who arrived in St Eustache toward the end of November with credentials, it would seem from Papineau, assigning to him the task of superintending the *Patriote* cause

in the north. About Girod very little is known. He is variously described as having been a Swiss, an Alsatian, and a native of Louisiana. According to his own statement, he had been at one time a lieutenant-colonel of cavalry in Mexico. He was well educated, could speak fluently several languages, had a bold and plausible manner, and succeeded in imposing, not only upon the *Patriote* leaders, but upon the people of St Eustache. He found a capable and dauntless supporter in Dr J. O. Chénier, the young physician of the village. Chénier was one of the few leaders of the revolt whose courage challenges admiration; and it is fitting that to-day a monument, bearing the simple inscription CHÉNIER, should stand in the Place Viger in Montreal, among the people for whom, though misguidedly and recklessly, he laid down his life.

To St Eustache, on Sunday, November 26, came the news of Wolfred Nelson's victory at St Denis. On Monday and Tuesday bands of *Patriotes* went about the countryside, terrorizing and disarming the loyalists and compelling the faint-hearted to join in the rising. On Wednesday night the rebels gathered to the number of about four hundred

in St Eustache, and got noisily drunk (*s'y enivrèrent bruyamment*). They then proceeded, under the command of Girod and Chénier, to the Indian mission settlement at the Lake of Two Mountains. Here they broke into the government stores and possessed themselves of some guns and ammunition. They next made themselves unwelcome to the superior of the mission, the Abbé Dufresne, and, in spite of his protestations, carried off from the mission-house a three-pounder gun. On their return to St Eustache they forcibly entered the convent which had been lately completed, though it was not yet occupied, and camped there.

The loyalists who were forced to flee from the village carried the news of these proceedings to Montreal; but Sir John Colborne was unwilling to take any steps to subdue the *Patriotes* of St Eustache until the insurrection on the Richelieu had been thoroughly crushed. All he did was to send a detachment of volunteers to guard the Bord à Plouffe bridge at the northern end of the island of Montreal.

On Sunday, December 3, word reached St Eustache of the defeat of the insurgents at St Charles. This had a moderating influence on many of the *Patriotes*. All week the Abbé

Paquin, parish priest of St Eustache, had been urging the insurgents to go back quietly to their homes. He now renewed his exhortations. He begged Chénier to cease his revolutionary conduct. Chénier, however, was immovable. He refused to believe that the rebels at St Charles had been dispersed, and announced his determination to die with arms in his hands rather than surrender. 'You might as well try to seize the moon with your teeth,' he exclaimed, 'as to try to shake my resolve.'

The events of the days that followed cannot be chronicled in detail. When the Abbé Paquin and his vicar Desèves sought to leave the parish, Girod and Chénier virtually placed them under arrest. The abbé did not mince matters with Chénier. 'I accuse you before God and man,' he said, 'of being the author of these misfortunes.' When some of the habitants came to him complaining that they had been forced against their will to join the rebels, he reminded them of the English proverb: 'You may lead a horse to the water, but you cannot make him drink.' Unfortunately, the Abbé Paquin's good influence was counteracted by that of the Abbé Chartier, the curé of the neighbouring village of St

Benoit, a rare case of an ecclesiastic lending his support to the rebel movement, in direct contravention of the orders of his superiors. On several occasions the Abbé Chartier came over to St Eustache and delivered inflammatory addresses to the rebel levies.

The vicar Desèves has left us a vivid picture of the life which the rebels led. No attempt was made to drill them or to exercise discipline. Time hung heavy on their hands. He continually saw them, he says, passing through the village in knots of five or six, carrying rusty guns out of order, smoking short black pipes, and wearing blue *tuques* which hung half-way down their backs, clothes of *étoffe du pays*, and leather mittens. They helped themselves to all the strong drink they could lay their hands on, and their gait showed the influence of their potations. Their chief aim in life seemed to be to steal, to drink, to eat, to dance, and to quarrel. With regard to the morrow, they lived in a fool's paradise. They seem to have believed that the troops would not dare to come out to meet them, and that when their leaders should give the word they would advance on Montreal and take it without difficulty. Their numbers during this period showed a good deal of

fluctuation. Ultimately Girod succeeded in gathering about him nearly a thousand men. Not all these, however, were armed; according to Desèves a great many of them had no weapons but sticks and stones.

By December 13 Sir John Colborne was ready to move. He had provided himself with a force strong enough to crush an enemy several times more numerous than the insurgents led by Girod and Chénier. His column was composed of the 1st Royals, the 32nd regiment, the 83rd regiment, the Montreal Volunteer Rifles, Globensky and Leclerc's Volunteers, a strong force of cavalry—in all, over two thousand men, supported by eight pieces of field artillery and well supplied with provision and ammunition transport.

The troops bivouacked for the night at St Martin, and advanced on the morning of the 14th. The main body crossed the Mille Isles river on the ice about four miles to the east of St Eustache, and then moved westward along the St Rose road. A detachment of Globensky's Volunteers, however, followed the direct road to St Eustache, and came out on the south side of the river opposite the village, in full view of the rebels. Chénier, at the head of a hundred and fifty men, crossed the

ice, and was on the point of coming to close quarters with the volunteers when the main body of the loyalists appeared to the east. Thereupon Chénier and his men beat a hasty retreat, and made hurried preparations for defending the village. The church, the convent, the presbytery, and the house of the member of the Assembly, Scott, were all occupied and barricaded. It was about the church that the fiercest fighting took place. The artillery was brought to bear on the building; but the stout masonry resisted the battering of the cannon balls, and is still standing, dinted and scarred. Some of the Royals then got into the presbytery and set fire to it. Under cover of the smoke the rest of the regiment then doubled up the street to the church door. Gaining access through the sacristy, they lit a fire behind the altar. 'The firing from the church windows then ceased,' wrote one of the officers afterwards, 'and the rebels began running out from some low windows, apparently of a crypt or cellar. Our men formed up on one side of the church, and the 32nd and 83rd on the other. Some of the rebels ran out and fired at the troops, then threw down their arms and begged for quarter. Our officers tried to save the

Canadians, but the men shouted "Remember Jack Weir," and numbers of these poor deluded fellows were shot down.'

One of those shot down was Chénier. He had jumped from a window of the Blessed Virgin's chapel and was making for the cemetery. How many fell with him it is difficult to say. It was said that seventy rebels were killed, and a number of charred bodies were found afterwards in the ruins of the church. The casualties among the troops were slight, one killed and nine wounded. One of the wounded was Major Gugy, who here distinguished himself by his bravery and kind-heartedness, as he had done in the St Charles expedition. Many of the rebels escaped. A good many, indeed, had fled from the village on the first appearance of the troops. Among these were some who had played a conspicuous part in fomenting trouble. The Abbé Chartier of St Benoit, instead of waiting to administer the last rites to the dying, beat a feverish retreat and eventually escaped to the United States. The Church placed on him its interdict, and he never again set foot on Canadian soil. The behaviour of the adventurer Girod, the 'general' of the rebel force, was especially

reprehensible. When he had posted his men in the church and the surrounding buildings, he mounted a horse and fled toward St Benoit. At a tavern where he stopped to get a stiff draught of spirits he announced that the rebels had been victorious and that he was seeking reinforcements with which to crush the troops completely. For four days he evaded capture. Then, finding that the cordon was tightening around him, he blew out his brains with a revolver. Thus ended a life which was not without its share of romance and mystery.

On the night of the 14th the troops encamped near the desolate village of St Eustache, a large part of which had unfortunately been given over to the flames during the engagement. In the morning the column set out for St Benoit. Sir John Colborne had threatened that if a single shot were fired from St Benoit the village would be given over to fire and pillage. But when the troops arrived there they found awaiting them about two hundred and fifty men bearing white flags. All the villagers laid down their arms and made an unqualified submission. And it is a matter for profound regret that, notwithstanding this, the greater part of the village

was burned to the ground. Sir John Colborne has been severely censured for this occurrence, and not without reason. Nothing is more certain, of course, than that he did not order it. It seems to have been the work of the loyalist volunteers, who had without doubt suffered much at the hands of the rebels. 'The irregular troops employed,' wrote one of the British officers, 'were not to be controlled, and were in every case, I believe, the instrument of the infliction.' Far too much burning and pillaging went on, indeed, in the wake of the rebellion. 'You know,' wrote an inhabitant of St Benoit to a friend in Montreal, 'where the younger Arnoldi got his supply of butter, or where another got the guitar he carried back with him from the expedition about the neck.' And it is probable that the British officers, and perhaps Sir John Colborne himself, winked at some things which they could not officially recognize. At any rate, it is impossible to acquit Colborne of all responsibility for the unsoldierly conduct of the men under his command.

It is usual to regard the rebellion of 1837 in Lower Canada as no less a fiasco than its counterpart in Upper Canada. There is no doubt that it was hopeless from the outset.

It was an impromptu movement, based upon a sudden resolution rather than on a well-reasoned plan of action. Most of the leaders —Wolfred Nelson, Thomas Storrow Brown, Robert Bouchette, and Amury Girod—were strangers to the men under their command; and none of them, save Chénier, seemed disposed to fight to the last ditch. The movement at its inception fell under the official ban of the Church; and only two priests, the curés of St Charles and St Benoit, showed it any encouragement. The actual rebellion was confined to the county of Two Mountains and the valley of the Richelieu. The districts of Quebec and Three Rivers were quiet as the grave—with the exception, perhaps, of an occasional village like Montmagny, where Étienne P. Taché, afterwards a colleague of Sir John Macdonald and prime minister of Canada, was the centre of a local agitation. Yet it is easy to see that the rebellion might have been much more serious. But for the loyal attitude of the ecclesiastical authorities, and the efforts of many clear-headed parish priests like the Abbé Paquin of St Eustache, the revolutionary leaders might have been able to consummate their plans, and Sir John Colborne, with the small number of troops at

his disposal, might have found it difficult to keep the flag flying. The rebellion was easily snuffed out because the majority of the French-Canadian people, in obedience to the voice of their Church, set their faces against it.

# CHAPTER X

## THE LORD HIGH COMMISSIONER

The rebellions in Upper and Lower Canada profoundly affected public opinion in the mother country. That the first year of the reign of the young Queen Victoria should have been marred by an armed revolt in an important British colony shocked the sensibilities of Englishmen and forced the country and the government to realize that the grievances of the Canadian Reformers were more serious than they had imagined. It was clear that the old system of alternating concession and repression had broken down and that the situation demanded radical action. The Melbourne government suspended the constitution of Lower Canada for three years, and appointed the Earl of Durham as Lord High Commissioner, with very full powers, to go out to Canada to investigate the grievances and to report on a remedy.

John George Lambton, the first Earl of

Durham, was a wealthy and powerful Whig nobleman, of decided Liberal, if not Radical, leanings. He had taken no small part in the framing of the Reform Bill of 1832, and at one time he had been hailed by the English Radicals or Chartists as their coming leader. It was therefore expected that he would be decently sympathetic with the Reform movements in the Canadas. At the same time, Melbourne and his ministers were only too glad to ship him out of the country. There was no question of his great ability and statesmanlike outlook. But his advanced Radical views were distasteful to many of his former colleagues; and his arrogant manners, his lack of tact, and his love of pomp and circumstance made him unpopular even in his own party. The truth is that he was an excellent leader to work under, but a bad colleague to work with. The Melbourne government had first got rid of him by sending him to St Petersburg as ambassador extraordinary; and then, on his return from St Petersburg, they got him out of the way by sending him to Canada. He was at first loath to go, mainly on the ground of ill health; but at the personal intercession of the young queen he accepted the commission offered him. It was

an evil day for himself, but a good day for Canada, when he did so.

Durham arrived in Quebec, with an almost regal retinue, on May 28, 1838. Gosford, who had remained in Canada throughout the rebellion, had gone home at the end of February; and the administration had been taken over by Sir John Colborne, the commander-in-chief of the forces. As soon as the news of the suspension of the constitution reached Lower Canada, Sir John Colborne appointed a provisional special council of twenty-two members, half of them French and half of them English, to administer the affairs of the province until Lord Durham should arrive. The first official act of Lord Durham in the colony swept this council out of existence. 'His Excellency believes,' the members of the council were told, 'that it is as much the interest of you all, as for the advantage of his own mission, that his administrative conduct should be free from all suspicions of political influence or party feeling; that it should rest on his own undivided responsibility, and that when he quits the Province, he should leave none of its permanent residents in any way committed by the acts which his Government may have

found it necessary to perform, during the temporary suspension of the Constitution.' In its place he appointed a small council of five members, all but one from his own staff. The one Canadian called to this council was Dominick Daly, the provincial secretary, whom Colborne recommended as being unidentified with any political party.

The first great problem with which Lord Durham and his council had to deal was the question of the political prisoners, numbers of whom were still lying in the prisons of Montreal. Sir John Colborne had not attempted to decide what should be done with them, preferring to shift this responsibility upon Lord Durham. It would probably have been much better to have settled the matter before Lord Durham set foot in the colony, so that his mission might not have been handicapped at the outset with so thorny a problem; but it is easy to follow Colborne's reasoning. In the first place, he did not bring the prisoners to trial because no Lower-Canadian jury at that time could have been induced to convict them, a reasonable inference from the fact that the murder of Weir had gone unavenged, even as the murderers of Chartrand were to be acquitted

by a jury a few months later. In the second place, Colborne had not the power to deal with the prisoners summarily. Moreover, most of the rebel leaders had not been captured. The only three prisoners of much importance were Wolfred Nelson, Robert Bouchette, and Bonaventure Viger. The rest of the *Patriote* leaders were scattered far and wide. Chénier and Girod lay beneath the springing sod; Papineau, O'Callaghan, Storrow Brown, Robert Nelson, Côté, and Rodier were across the American border; Morin had just come out of his hiding-place in the Canadian backwoods; and LaFontaine, after vainly endeavouring, on the outbreak of rebellion, to get Gosford to call together the legislature of Lower Canada, had gone abroad. The future course of the rebels who had fled to the United States was still doubtful; there was a strong probability that they might create further disturbances. And, while the situation was still unsettled, Colborne thought it better to leave the fate of the prisoners to be decided by Durham.

Durham's instructions were to temper justice with mercy. His own instincts were apparently in favour of a complete amnesty; but he supposed it necessary to make an

example of some of the leaders. After earnest deliberation and consultation with his council, and especially with his chief secretary, Charles Buller, the friend and pupil of Thomas Carlyle, Durham determined to grant to the rebels a general amnesty, with only twenty-four exceptions. Eight of the men excepted were political prisoners who had been prominent in the revolt and who had confessed their guilt and had thrown themselves on the mercy of the Lord High Commissioner; the remaining sixteen were rebel leaders who had fled from the country. Durham gave orders that the eight prisoners should be transported to the Bermudas during the queen's pleasure. The sixteen refugees were forbidden to return to Canada under penalty of death without benefit of clergy.

No one can fail to see that this course was dictated by the humanest considerations. A criminal rebellion had terminated without the shedding judicially of a drop of blood. Lord Durham even took care that the eight prisoners should not be sent to a convict colony. The only criticism directed against his course in Canada was on the ground of its excessive lenity. Wolfred Nelson and Robert Bouchette had certainly suffered a milder fate

than that of Samuel Lount and Peter Matthews, who had been hanged in Upper Canada for rebellion. Yet when the news of Durham's action reached England, it was immediately attacked as arbitrary and unconstitutional. The assault was opened by Lord Brougham, a bitter personal enemy of Lord Durham. In the House of Lords Brougham contended that Durham had had no right to pass sentence on the rebel prisoners and refugees when they had not been brought to trial; and that he had no right to order them to be transported to, and held in, Bermuda, where his authority did not run. In this attitude he was supported by the Duke of Wellington, the leader of the Tory party. Wellington's name is one which is usually remembered with honour in the history of the British Empire; but on this occasion he did not think it beneath him to play fast and loose with the interests of Canada for the sake of a paltry party advantage. It would have been easy for him to recognize the humanity of Durham's policy, and to join with the government in legislating away any technical illegalities that may have existed in Durham's ordinance; but Wellington could not resist the temptation to embarrass the Whig ad-

ministration, regardless of the injury which he might be doing to the sorely tried people of Canada.

The Melbourne administration, which had sent Durham to Canada, might have been expected to stand behind him when he was attacked. Lord John Russell, indeed, rose in the House of Commons and made a thoroughgoing defence of Durham's policy as 'wise and statesmanlike.' But he alone of the ministers gave Durham loyal support. In the House of Lords Melbourne contented himself with a feeble defence of Durham and then capitulated to the Opposition. Nothing would have been easier for him than to introduce a bill making valid whatever may have been irregular in Durham's ordinance; but instead of that he disallowed the ordinance, and passed an Act of Indemnity for all those who had had a part in carrying it out. Without waiting to hear Durham's defence, or to consult with him as to the course which should be followed, the Cabinet weakly surrendered to an attack of his personal enemies. Durham was betrayed in the house of his friends.

The news of the disallowance of the ordinance first reached Durham through the columns of an American newspaper. Immedi-

ately his mind was made up. Without waiting for any official notification, he sent in his resignation to the colonial secretary. He was quite satisfied himself that he had not exceeded his powers. 'Until I learn,' he wrote, 'from some one better versed in the English language that despotism means anything but such an aggregation of the supreme executive and legislative authority in a single head, as was deliberately made by Parliament in the Act which constituted my powers, I shall not blush to hear that I have exercised a despotism; I shall feel anxious only to know how well and wisely I have used, or rather exhibited an intention of using, my great powers.' But he felt that if he could expect no firm support from the Melbourne government, his usefulness was gone, and resignation was the only course open to him. He wrote, however, that he intended to remain in Canada until he had completed the inquiries he had instituted. In view of the 'lamentable want of information' with regard to Canada which existed in the Imperial parliament, he confessed that he 'would take shame to himself if he left his inquiry incomplete.'

A few days before Durham left Canada he took the unusual and, under ordinary circum-

stances, unconstitutional course of issuing a proclamation, in which he explained the reasons for his resignation, and in effect appealed from the action of the home government to Canadian public opinion. It was this proclamation which drew down on him from *The Times* the nickname of 'Lord High Seditioner.' The wisdom of the proclamation was afterwards, however, vigorously defended by Charles Buller. The general unpopularity of the British government, Buller explained, was such in Canada that a little more or less could not affect it; whereas it was a matter of vital importance that the angry and suspicious colonists should find one British statesman with whom they could agree. The real justification of the proclamation lay in the magical effect which it had upon the public temper. The news that the ordinance had been disallowed, and that the whole question of the political prisoners had been once more thrown into the melting-pot, had greatly excited the public mind; and the proclamation fell like oil upon the troubled waters. 'No disorder, no increase of disaffection ensued; on the contrary, all parties in the Province expressed a revival of confidence.'

Lord Durham left Quebec on November 1,

1838. 'It was a sad day and a sad departure,' wrote Buller. 'The streets were crowded. The spectators filled every window and every house-top, and, though every hat was raised as we passed, a deep silence marked the general grief for Lord Durham's departure.' Durham had been in Canada only five short months. Yet in that time he had gained a knowledge of, and an insight into, the Canadian situation such as no other governor of Canada had possessed. The permanent monument of that insight is, of course, his famous *Report on the Affairs of British North America*, issued by the Colonial Office in 1839. This is no place to write at length about that greatest of all documents ever published with regard to colonial affairs. This much, however, may be said. In the *Report* Lord Durham rightly diagnosed the evils of the body politic in Canada. He traced the rebellion to two causes, in the main: first, racial feeling; and, secondly, that 'union of representative and irresponsible government' of which he said that it was difficult to understand how any English statesman ever imagined that such a system would work. And yet one of the two chief remedies which he recommended seemed like a death sentence passed on the French in Canada.

This was the proposal for the legislative union of Upper and Lower Canada with the avowed object of anglicizing by absorption the French population. This suggestion certainly did not promote racial peace. The other proposal, that of granting to the Canadian people responsible government in all matters not infringing 'strictly imperial interests,' blazed the trail leading out of the swamps of pre-rebellion politics.

In one respect only is Lord Durham's *Report* seriously faulty: it is not fair to French Canadians. 'They cling,' wrote Durham, 'to ancient prejudices, ancient customs, and ancient laws, not from any strong sense of their beneficial effects, but with the unreasoning tenacity of an uneducated and unprogressive people.' To their racial and nationalist ambitions he was far from favourable. 'The error,' he contended, 'to which the present contest is to be attributed is the vain endeavour to preserve a French-Canadian nationality in the midst of Anglo-American colonies and states'; and he quoted with seeming approval the statement of one of the Lower Canada 'Bureaucrats' that 'Lower Canada must be *English*, at the expense, if necessary, of not being *British*.' His primary

object in recommending the union of the two Canadas, to place the French in a minority in the united province, was surely a mistaken policy. Fortunately, it did not become operative. Lord Elgin, a far wiser statesman, who completed Durham's work by introducing the substance of responsible government which the *Report* recommended, decidedly opposed anything in the nature of a gradual crusade against French-Canadian nationalism. 'I for one,' he wrote, 'am deeply convinced of the impolicy of all such attempts to denationalize the French. Generally speaking, they produce the opposite effect, causing the flame of national prejudice and animosity to burn more fiercely. But suppose them to be successful, what would be the result? You may perhaps *Americanize*, but, depend upon it, by methods of this description you will never *Anglicize* the French inhabitants of the province. Let them feel, on the other hand, that their religion, their habits, their prepossessions, their prejudices if you will, are more considered and respected here than in other portions of this vast continent, and who will venture to say that the last hand which waves the British flag on American ground may not be that of a French Canadian?'

# CHAPTER XI

## THE SECOND REBELLION

THE frigate *Inconstant*, with Lord Durham on board, was not two days out from Quebec when rebellion broke out anew in Lower Canada. This second rebellion, however, was not caused by Lord Durham's departure, but was the result of a long course of agitation which had been carried on along the American border throughout the months of Lord Durham's régime.

As early as February 1838 numbers of Canadian refugees had gathered in the towns on the American side of the boundary-line in the neighbourhood of Lake Champlain. They were shown much sympathy and encouragement by the Americans, and seem to have laboured under the delusion that the American government would come to their assistance. A proclamation signed by Robert Nelson, a brother of Wolfred Nelson, declared the independence of Canada under a 'pro-

visional government' of which Robert Nelson was president and Dr Côté a member. The identity of the other members is a mystery. Papineau seems to have had some dealings with Nelson and Côté, and to have dallied with the idea of throwing in his lot with them; but he soon broke off negotiations. 'Papineau,' wrote Robert Nelson, 'has abandoned us, and this through selfish and family motives regarding the seigniories, and inveterate love of the old French bad laws.' There is reason to believe, however, that Papineau had been in communication with the authorities at Washington, and that his desertion of Robert Nelson and Côté was in reality due to his discovery that President Van Buren was not ready to depart from his attitude of neutrality.

On February 28, 1838, Robert Nelson and Côté had crossed the border with an armed force of French-Canadian refugees and three small field-pieces. Their plan had contemplated the capture of Montreal and a junction with another invading force at Three Rivers. But on finding their way barred by the Missisquoi militia, they had beat a hasty retreat to the border, without fighting; and had there been disarmed by the American

troops under General Wool, a brave and able officer who had fought with conspicuous gallantry at the battle of Queenston Heights in 1812.

During the summer months, however, the refugees had continued to lay plans for an insurrection in Lower Canada. Emissaries had been constantly moving among the parishes north of the New York and Vermont frontiers, promising the *Patriotes* arms and supplies and men from the United States. The rising was carefully planned. And when November came large bodies of disaffected habitants gathered at St Ours, St Charles, St Michel, L'Acadie, Châteauguay, and Beauharnois. They had apparently been led to expect that they would be met at some of these places by American sympathizers with arms and supplies. No such aid being found at the rendezvous, many returned to their homes. But some persevered in the movement, and made their way with packs on their backs to Napierville, a town fifteen miles north of the boundary-line, which had been designated as the rebel headquarters.

Meanwhile, Robert Nelson had moved northward to Napierville from the American side of the border with a small band of refugees.

Among these were two French officers, named Hindenlang and Touvrey, who had been inveigled into joining the expedition. Hindenlang, who afterwards paid for his folly with his life, has left an interesting account of what happened. He and Touvrey joined Nelson at St Albans, on the west side of Lake Champlain. With two hundred and fifty muskets, which had been placed in a boat by an American sympathizer, they dropped down the river to the Canadian border. There were five in the party—Nelson and the two French officers, the guide, and the boatman. Nelson had given Hindenlang to understand that the habitants had risen and that he would be greeted at the Canadian border by a large force of enthusiastic recruits. In this, however, he was disappointed. 'There was not a single man to receive the famous President of the *Provisional Government*; and it was only after a full hour's search, and much trouble, [that] the guide returned with five or six men to land the arms.' On the morning of November 4 the party arrived at Napierville. Here Hindenlang found Dr Côté already at the head of two or three hundred men. A crowd speedily gathered, and Robert Nelson was proclaimed 'President of the Republic of

Lower Canada.' Hindenlang and Touvrey were presented to the crowd; and to his great astonishment Hindenlang was informed that his rank in the rebel force was that of brigadier-general.

The first two or three days were spent in hastening the arrival of reinforcements and in gathering arms. By the 7th Nelson had collected a force of about twenty-five hundred men, whom Hindenlang told off in companies and divisions. Most of the rebels were armed with pitchforks and pikes. An attempt had been made two days earlier, on a Sunday, to obtain arms, ammunition, and stores from the houses of the Indians of Caughnawaga while they were at church; but a squaw in search of her cow had discovered the raiders and had given the alarm, with the result that the Indians, seizing muskets and tomahawks, had repelled the attack and taken seventy prisoners.

On November 5 Nelson sent Côté with a force of four or five hundred men south to Rouse's Point, on the boundary-line, to secure more arms and ammunition from the American sympathizers. On his way south Côté encountered a picket of a company of loyalist volunteers stationed at Lacolle, and drove it

in. On his return journey, however, he met with greater opposition. The company at Lacolle had been reinforced in the meantime by several companies of loyalist militia from Hemmingford. As the rebels appeared the loyalist militia attacked them; and after a brisk skirmish, which lasted from twenty to twenty-five minutes, drove them from the field. Without further ado the rebels fled across the border, leaving behind them eleven dead and a number of prisoners, as well as a six-pounder gun, a large number of muskets of the type used in the United States army, a keg of powder, a quantity of ball-cartridge, and a great many pikes. Of the provincial troops two were killed and one was severely wounded.

The defeat of Côté and his men at Lacolle meant that Nelson's line of communications with his base on the American frontier was cut. At the same time he received word that Sir John Colborne was advancing on Napierville from Laprairie with a strong force of regulars and volunteers. Under these circumstances he determined to fall back on Odelltown, just north of the border. He had with him about a thousand men, eight hundred of whom were armed with muskets.

He arrived at Odelltown on the morning of November 9, to find it occupied by about two hundred loyal militia, under the command of the inspecting field-officer of the district, Lieutenant-Colonel Taylor. He had no difficulty in driving in the loyalist outposts; but the village itself proved a harder nut to crack. Taylor had concentrated his little force at the Methodist church, and he controlled the road leading to it by means of the six-pounder which had been taken from the rebels three days before at Lacolle. The insurgents extended through the fields to the right and left, and opened a vigorous fire on the church from behind some barns; but many of the men seem to have kept out of range. 'The greater part of the Canadians kept out of shot,' wrote Hindenlang; 'threw themselves on their knees, with their faces buried in the snow, praying to God, and remaining as motionless as if they were so many saints, hewn in stone. Many remained in that posture as long as the fighting lasted.' The truth appears to be that many of Nelson's men had been intimidated into joining the rebel force. The engagement lasted in all about two hours and a half. The defenders of the church made several successful sallies; and just when the

rebels were beginning to lose heart, a company of loyalists from across the Richelieu fell on their flank and completed their discomfiture. The rebels then retreated to Napierville, under the command of Hindenlang. Robert Nelson, seeing that the day was lost, left his men in the lurch and rode for the American border. The losses of the rebels were serious; they left fifty dead on the field and carried off as many wounded. Of the loyalists, one officer and five men were killed and one officer and eight men wounded.

Later in the same day Sir John Colborne, at the head of a formidable force, entered Napierville. On his approach those rebels who were still in the village dispersed and fled to their homes. Detachments of troops were immediately sent out to disperse bands of rebels reported to be still under arms. The only encounter took place at Beauharnois, where a large body of insurgents had assembled. After a slight resistance they were driven out by two battalions of Glengarry volunteers, supported by two companies of the 71st and a detachment of Royal Engineers.

In these expeditions the British soldiers, especially the volunteers, did a good deal of burning and harrying. After the victory at

Beauharnois they gave to the flames a large part of the village, including the houses of some loyal citizens. In view of the intimidation and depredations to which the loyalists had been subjected by the rebels in the disaffected districts, the conduct of the men, in these regrettable acts, may be understood and partially excused. But no excuse can be offered for the attitude of the British authorities. There are well-authenticated cases of houses of 'notorious rebels' burned down by the orders of Sir James Macdonell, Colborne's second-in-command. Colborne himself acquired the nickname of 'the old Firebrand'; and, while he cannot be charged with such a mania for incendiarism as some writers have imputed to him, it does not appear that he took any effective measures to stop the arson or to punish the offenders.

The rebellion of 1838 lasted scarcely a week. It was a venture criminally hopeless. Failing important aid from the United States, the rebels had an even slighter chance of success than they had had a year before, for since that time the British regular troops in Canada had been considerably increased in number. The chief responsibility for the rebellion must be placed at the door of Robert Nelson, who at

the critical moment fled over the border, leaving his dupes to extricate themselves as best they could from the situation into which he had led them. As was the case in 1837, most of the leaders of the rebellion escaped from justice, leaving only the smaller fry in the hands of the authorities. Of the lesser ringleaders nearly one hundred were brought to trial. Two of the French-Canadian judges, one of them being Elzéar Bédard, attempted to force the government to try the prisoners in the civil courts, where they would have the benefit of trial by jury ; but Sir John Colborne suspended these judges from their functions, and brought the prisoners before a court-martial, specially convened for the purpose. Twelve of them, including the French officer Hindenlang, were condemned to death and duly executed. Most of the others were transported to the convict settlements of Australia. It is worthy of remark that none of those executed or deported had been persons of note in the political arena before 1837. On the whole, it must be confessed that these sentences showed a commendable moderation. It was thought necessary that a few examples should be made, as Lord Durham's amnesty of the previous year had evidently encouraged some

habitants to believe that rebellion was a venial offence. And the execution of twelve men, out of the thousands who had taken part in the revolt, cannot be said to have shown a bloodthirsty disposition on the part of the government.

# CHAPTER XII

## A POSTSCRIPT

THE rebellion of 1837 now belongs to the dead past. The *Patriotes* and the 'Bureaucrats' of those days have passed away; and the present generation has forgotten, or should have forgotten, the passions which inspired them. The time has come when Canadians should take an impartial view of the events of that time, and should be willing to recognize the good and the bad on either side. It is absurd to pretend that many of the English in Lower Canada were not arrogant and brutal in their attitude toward the French Canadians, and lawless in their methods of crushing the rebellion; or that many of the *Patriote* leaders were not hopelessly irreconcilable before the rebellion, and during it criminally careless of the interests of the poor habitants they had misled. On the other hand, no true Canadian can fail to be proud of the spirit of loyalty which in 1837

DENIS BENJAMIN VIGER

From a print in M'Gill University Library

actuated not only persons of British birth, but many faithful sons and daughters of the French-Canadian Church. Nor can one fail to admire the devotion to liberty, to 'the rights of the people,' which characterized rebels like Robert Bouchette. 'When I speak of the rights of the people,' wrote Bouchette, 'I do not mean those abstract or extravagant rights for which some contend, but which are not generally compatible with an organized state of society, but I mean those cardinal rights which are inherent to British subjects, and which, as such, ought not to be denied to the inhabitants of any section of the empire, however remote.' The people of Canada to-day are able to combine loyalty and liberty as the men of that day were not; and they should never forget that in some measure they owe to the one party the continuance of Canada in the Empire, and to the other party the freedom wherewith they have been made free.

The later history of the *Patriotes* falls outside the scope of this little book, but a few lines may be added to trace their varying fortunes. Some of them never returned to Canada. Robert Nelson took up his abode in New York, and there practised surgery until

his death in 1873. E. B. O'Callaghan went to Albany, and was there employed by the legislature of New York in preparing two series of volumes entitled *A Documentary History of New York* and *Documents relating to the Colonial History of the State of New York*, volumes which are edited in so scholarly a manner, and throw such light on Canadian history, that the Canadian historian would fain forgive him for his part in the unhappy rebellion of '37.

Most of the *Patriote* leaders took advantage, however, of the virtual amnesty offered them in 1842 by the first LaFontaine-Baldwin administration, and returned to Canada. Many of these, as well as many of the *Patriote* leaders who had not been implicated in the rebellion and who had not fled the country, rose to positions of trust and prominence in the public service of Canada. Louis Hippolyte LaFontaine, after having gone abroad during the winter of 1837-38, and after having been arrested on suspicion in November 1838, entered the parliament of Canada, formed, with Robert Baldwin as his colleague, the administration which ushered in full responsible government, and was knighted by Queen Victoria. Augustin Morin, the reputed author

of the Ninety-Two Resolutions, who had spent the winter of 1837-38 in hiding, became the colleague of Francis Hincks in the Hincks-Morin administration. George Étienne Cartier, who had shouldered a musket at St Denis, became the lifelong colleague of Sir John Macdonald and was made a baronet by his sovereign. Dr Wolfred Nelson returned to his practice in Montreal in 1842. In 1844 he was elected member of parliament for the county of Richelieu. In 1851 he was appointed an inspector of prisons. Thomas Storrow Brown, on his return to Montreal, took up again his business in hardware, and is remembered to-day by Canadian numismatists as having been one of the first to issue a halfpenny token, which bore his name and is still sought by collectors. Robert Bouchette recovered from the serious wound he had sustained at Moore's Corners, and later became Her Majesty's commissioner of customs at Ottawa.

Papineau returned to Canada in 1845. The greater part of his period of exile he spent in Paris, where he came in touch with the 'red republicans' who later supported the revolution of 1848. He entered the Canadian parliament in 1847 and sat in it until 1854.

But he proved to be completely out of harmony with the new order of things under responsible government. Even with his old lieutenant LaFontaine, who had made possible his return to Canada, he had an open breach. The truth is that Papineau was born to live in opposition. That he himself realized this is clear from a laughing remark which he made when explaining his late arrival at a meeting: 'I waited to take an opposition boat.' His real importance after his return to Canada lay not in the parliamentary sphere, but in the encouragement which he gave to those radical and anti-clerical ideas that found expression in the foundation of the *Institut Canadien* and the formation of the *Parti Rouge*. In many respects the *Parti Rouge* was the continuation of the *Patriote* party of 1837. Papineau's later days were quiet and dignified. He retired to his seigneury of La Petite Nation at Montebello and devoted himself to his books. With many of his old antagonists he effected a pleasant reconciliation. Only on rare occasions did he break his silence; but on one of these, when he came to Montreal, an old silver-haired man of eighty-one years, to deliver an address before the *Institut Canadien*, he uttered a sentence which may be taken as

the *apologia pro vita sua*: 'You will believe me, I trust, when I say to you, I love my country. . . . Opinions outside may differ; but looking into my heart and my mind in all sincerity, I feel I can say that I have loved her as she should be loved.' And charity covereth a multitude of sins.

# BIBLIOGRAPHICAL NOTE

THE story of the Lower Canada rebellion is told in detail in some of the general histories of Canada. William Kingsford, *History of Canada* (1887-94), is somewhat inaccurate and shows a strong bias against the *Patriotes,* but his narrative of the rebellion is full and interesting. F. X. Garneau, *Histoire du Canada* (1845-52), presents the history of the period, from the French-Canadian point of view, with sympathy and power. A work which holds the scales very evenly is Robert Christie, *A History of the Late Province of Lower Canada* (1848-55). Christie played a not inconspicuous part in the pre-rebellion politics, and his volumes contain a great deal of original material of first-rate importance.

Of special studies of the rebellion there are a number worthy of mention. L. O. David, *Les Patriotes de 1837-38*, is valuable for its complete biographies of the leaders in the movement. L. N. Carrier, *Les Événements de 1837-38* (1877), is a sketch of the rebellion written by the son of one of the *Patriotes.* Globensky, *La Rébellion de 1837 à Saint-Eustache* (1883), written by the son of an officer in the loyalist militia, contains some original materials of value. Lord Charles Beauclerk, *Lithographic Views of Military Operations in Canada under Sir John Colborne, G.C.B.,*

*etc.* (1840), apart from the value of the illustrations, is interesting on account of the introduction, in which the author, a British army officer who served in Canada throughout the rebellion, describes the course of the military operations. The political aspect of the rebellion, from the Tory point of view, is dealt with in T. C. Haliburton, *The Bubbles of Canada* (1839). For a penetrating analysis of the situation which led to the rebellion see Lord Durham's *Report on the Affairs of British North America.*

A few biographies may be consulted with advantage. N. E. Dionne, *Pierre Bédard et ses fils* (1909), throws light on the earlier period; as does also Ernest Cruikshank, *The Administration of Sir James Craig* (*Transactions of the Royal Society of Canada,* 3rd series, vol. ii). See also A. D. DeCelles, *Papineau* (1904), in the 'Makers of Canada' series; and Stuart J. Reid, *Life and Letters of the First Earl of Durham* (1906).

The parish histories, in which the province of Quebec abounds, will be found to yield much information of a local nature with regard to the rebellion; and the same may be said of the publications of local historical societies, such as that of Missisquoi county.

An original document of primary importance is the *Report of the state trials before a general court-martial held at Montreal in 1838-39; exhibiting a complete history of the late rebellion in Lower Canada* (1839).

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